LEGISLATIVE COUNCIL

Thursday, 20 October 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 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 Minister for Employment (Hon. K.J. Maher)—

Department of State Development Annual Report 2015-16

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

Annual Report 2015-16—
Adelaide Venue Management Annual Report 2015-16
Primary Industries and Regions SA Annual Report 2015-16

Question Time

WATER LICENCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding water licences.

Leave granted.

The Hon. D.W. RIDGWAY: As members probably know, there has been a quite a deal of media coverage about dairy loans and the drought loans, but in particular dairy loans, not being able to use water licences for security. The opposition has been advised that water licences issued pursuant to the Natural Resources Management Act 2004 are not personal property for the purposes of the Personal Property Securities Act 2009.

PIRSA has advised that it does not provide satisfactory acceptable security for PIRSA for those drought and dairy loans, but in Victoria the licences are deemed to be an asset for dairy farmers when applying for dairy concessional loans.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: My question to the minister is: will the minister commit to amending the local legislation to ensure that water licences are recognised as personal property, giving dairy farmers equitable access to concessional loans?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for his important but tricky question. I have given him advice in this place before about this. I have advised him, from memory, that it is the way the banks treat these licenses that makes all the difference; it is not, in fact, the licences themselves, if they are issued here. Certainly, if he wants me to, I can go back and talk to my agency about whether that is still the case, but I have had no advice to the contrary. As much as he might like to twist and turn on this, that is the advice I have had in the past and I have had no update, to my knowledge.

WATER LICENCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Supplementary: can the minister please explain why the Victorian government agency, and indeed maybe even the Victorian banks, recognise those water licences as personal property for the purposes of securing these dairy loans?

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 am not responsible in this chamber for the Victorian public service; nor am I responsible for those agencies in Victoria that the honourable member is referring to. They belong to another minister in this state. Nor am I responsible for the banks' policies across the country.

WATER LICENCES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): Supplementary: will the minister concede that there is a difference in the way this is treated between the two states, and that South Australian dairy farmers, in particular dairy farmers at the moment, are at a disadvantage compared to their Victorian counterparts by virtue of the fact of there being a broader and different set of rules applied either side of that border?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:24): From long experience in this place and particularly of the Hon. Mr Ridgway's questions, I don't concede anything on the basis of what he says. He usually comes in here ill informed. He usually comes in here with wrong information.

The Hon. J.M.A. Lensink: Just abuse him.

The Hon. I.K. HUNTER: I am not abusing anybody. I am just stating simple facts from my long experience in this place and dealing with questions from Mr Ridgway. It is not his fault that he doesn't have the right information, I'm sure. I am sure he is a very busy man and doesn't have the time to do the amount of research that is required and I don't blame him at all for being misinformed.

The Hon. G.E. Gago: He is lazy.

The Hon. I.K. HUNTER: It may well be. The Hon. Gail Gago has another view about that. I don't necessarily share it, but of course we are all entitled to our views and she has even longer experience of answering questions from the Hon. Mr Ridgway. She is not shy of sharing those views with any of us who like to take the time to talk to her about it. I am not being abusive; I am just stating the facts. The Hon. Mr Ridgway often comes in here with ill-informed commentary and wrong information and then proceeds to demand of government ministers that we make a decision or give him an answer on the basis of information that he provides. Again, it is information that he provides from agencies not under my control, so of course I am not going to give any such assurance to him. I will first go back and have his so-called facts checked.

WATER LICENCES

The Hon. R.L. BROKENSHIRE (14:25): I have a supplementary question on the minister's answer to a very good question from the Leader of the Opposition. Does the minister agree that water licences that he or his delegate issues are tradeable, are leaseable, are managed by water brokers and are an asset, just like land and livestock? Yes or no?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:26): Of course, we have another honourable member who likes to oversimplify matters. He comes in here asking for yes or no.

The Hon. D.W. Ridgway: You are a very simple minister.

The Hon. I.K. HUNTER: Well, he is a very simple gentleman, I suppose, the Hon. Mr Ridgway. We try to make it as easy for you as possible. Of course, water licences may be tradeable in some instances, but not in all instances. There are cases where licences may be traded within a licensed area but not outside of that area. That is a very important fact that the honourable

member failed to mention in his introductory remarks. It is not as simple as the honourable member likes to make out. Again, I point out that I am not responsible for the policy initiated and instituted by the banks of this country.

The Hon. D.W. Ridgway: It's government policy.

The PRESIDENT: Order!

SITTINGS AND BUSINESS

The Hon. J.M.A. LENSINK (14:27): My questions are to the Leader of the Government. Firstly, under what circumstances will this council sit in the mornings? Secondly, is he aware that all parliaments are supposed to be undertaking audits of their family friendly practices?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:27): I thank the honourable member very much for her questions. I will indicate that, as a general rule, if possible it is my preference to sit in the mornings. It is not always easy to ascertain how long private members' business will go, but I know that members here value the opportunity to use private members' business. It is a balancing act to make sure that all members have the right they have cherished so much to continue their private members' business on Wednesday between sitting mornings. I do indicate that it is my preference, certainly for government business, if it is possible to manage it, to sit in the mornings rather than evenings.

SITTINGS AND BUSINESS

The Hon. J.S.L. DAWKINS (14:28): Supplementary: has the Leader of the Government considered, as he promised to, the possibility of making Thursday mornings a regular sitting period, and has he also considered the possibility of overflowing private members' business into the period after government business on a Thursday?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:28): I thank the honourable member for his questions. I am prepared to consider it, but I would be very hesitant to have private members' business overflow outside Wednesdays.

SITTINGS AND BUSINESS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): I have a supplementary question. Did the Leader of the Government indicate on Tuesday that we would be likely to sit on Thursday morning? Some of us have cancelled very important appointments this morning to be available.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:29): I do apologise terribly to the honourable Leader of the Opposition that he cancelled appointments on the chance that he would have to do his job here in the chamber.

Members interjecting:

The PRESIDENT: Order!

SITTINGS AND BUSINESS

The Hon. T.A. FRANKS (14:29): I have a supplementary question. Will the Leader of the Government also take under consideration starting private members' business at 11 o'clock on a Wednesday?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:29): I am happy to entertain all suggestions.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas.

The Hon. G.E. Gago interjecting:

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

RUSSELL, DR D.

The Hon. R.I. LUCAS (14:29): I am just waiting for the Hon. Ms Gago to finish. Mr President, my question is directed to the Leader of the Government. Does the chief executive officer of the Department of State Development, Dr Don Russell, who is paid $470,000 per year, essentially operate as a fly-in, fly-out chief executive officer, in that virtually all weekends he flies out of Adelaide and back to his home in Sydney? And, if that's the case, and once again, given the state's appalling unemployment figures again recorded today, can the minister explain why he believes that is an acceptable position?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:30): In relation to the public servants' arrangements and travel, I am happy to see if there is an answer I can bring back. I don't know if he flies in and out every weekend. What I can say, however, is I think that the chief executive of the Department of State Development does an extraordinarily good job. He has a huge amount of experience at a commonwealth level, he is a former ambassador in Washington DC for Australia in US. The experience he brings to this state provides a great benefit to South Australia and the people of South Australia.

RUSSELL, DR D.

The Hon. R.I. LUCAS (14:31): Supplementary question: is the minister indicating, as one of the ministers responsible for the Department of State Development, that he is unaware of whether or not there is an existing arrangement for his CEO in relation to flying back to Sydney on most weekends, rather than operating out of Adelaide and South Australia, given that he has been here for two years in a five-year contract?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:31): I understand the chief executive does go to Sydney on some weekends. I think the original question was does he fly home all weekends—I don't know, but I am happy to find out.

RUSSELL, DR D.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Supplementary question: did the chief executive of the Department of State Development have any input and role in the campaign, I Choose SA?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:31): A personal role in the campaign I Choose SA?

The Hon. D.W. Ridgway: He clearly doesn't practise what he's preaching.

The Hon. K.J. MAHER: I thank the honourable member for his question. As to the individual role an individual public servant had in a particular campaign, I don't have information here. It is not in my portfolio, but, as I understand it, it is being run by Brand SA. But as to his involvement, if there is an answer, I will see if I can bring back an answer.

TONSLEY ENTREPRENEURS

The Hon. G.E. GAGO (14:32): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the chamber about how Tonsley is bringing innovators and entrepreneurs together?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:32): I thank the honourable member for her very, very sensible question on a matter that is of great importance to South Australia. We know that a resilient, diverse and globally-focused South Australian economy is going to increasingly rely on innovative business and start-ups. That's why we continue to develop our vibrant start-up and entrepreneurial ecosystem in Adelaide.

Currently, Adelaide has more than a hundred programs on offer to support entrepreneurs—some funded by the government and others funded by the private sector. The companies out at Tonsley represent a great array and a great example of such companies. I am pleased to be able to say that last night I had the privilege of attending the inaugural Icebreaker event, Icebreaker16, hosted out at Tonsley by Matt Salier, the director of Flinders University's New Venture Institute at Tonsley.

The event provided unique access to some of the most interesting innovative and entrepreneurial minds in this city and, indeed, internationally, all at the same place at the same time. Tonsley's main assembly building came to life with food trucks, entertainment and speaking sessions, coupled with more than 1,000 people participating in a Guinness world record attempt for speed networking: meeting at least 20 people for three minutes at a time over a 90-minute period. That works out to 20,000 networking meetings over 90 minutes. The mind boggles with the logistics needed to advance that feat. It will be some days before we know if the result constitutes a world record and will enter into the *Guinness Book of World Records*, but, by all accounts, it will be very, very close.

Whether or not it makes that world record, the Icebreaker was certainly the largest and most successful networking event Adelaide has ever hosted. The same could be said for Australia and, as I understand, the Southern Hemisphere. It is fair to say that nowhere else is this type of networking opportunity offered, other than in our state and at the unique innovation precinct at Tonsley.

It is a microcosm of the best of the South Australian innovation landscape. Last night's networking event was all about collaboration, featuring high profile entrepreneurs such as Kevin Koym from Tech Ranch in Austin, along with top researchers from Flinders, business leaders, those building their businesses and students. NVI's Icebreaker16 forms an integral part of South Australia's Open State events, 10 days of collaboration, innovation and ideas that address the complex challenges of the future.

The New Ventures Institute (NVI) at Flinders is helping to drive South Australian innovation and entrepreneurship, and represents a hub for established and aspiring entrepreneurs as well as the next generation of start-ups. It supports these ambitious minds to create new businesses and to challenge business models by a range of programs that offer expert assistance and mentorship.

South Australia is building itself an international reputation as a leader in research, knowledge creation, innovation and entrepreneurship. With world-class opportunities like Icebreaker, South Australia is setting the national benchmark for coordinated support of entrepreneurship and, although we do not have a monopoly on these types of events, we are certainly gaining an enviable reputation for hosting these sorts of things.

The government acknowledges that the transition to a modern and innovative economy takes bold actions to build these sorts of advanced technologies, globally competitive and high-value firms. That is why the recent state budget strengthens our commitment to supporting these types of innovation precincts. We had, in the state budget, a $4.7 million commitment to become Australia's first Gig City, that is, at least one gigabit capable speeds to our innovation precincts, taking ultra high-speed internet to key innovation sites across metropolitan Adelaide, including sites like Tonsley.

I congratulate all those who attended Icebreaker 2016 last night and who made a contribution to the innovation landscape of this state. In particular, I want to thank Matt Salier, the director of the New Ventures Institute, for his vision and commitment to establishing South Australia as an epicentre for innovation and entrepreneurship in our region.

POWER OUTAGES

The Hon. J.A. DARLEY (14:37): I seek leave to make a brief explanation before asking the Minister for Employment, representing the Minister for Mineral Resources and Energy, questions regarding the recent blackouts caused by the storm on Wednesday 28 September.

Leave granted.

The Hon. J.A. DARLEY: I have been contacted by a constituent who lives in Springton, who advises that since the storm they have experienced intermittent power outages for hours at a time. Each time there is a power outage my constituent immediately contacts the SA Power Networks' outages line and has been surprised on several occasions that there is already a recorded message indicating knowledge of the outage and an approximate time for restoration.

1. Can the minister advise if there were any planned outages between 28 September and 5 October 2016 and, if so, provide details of when and their duration?

2. Can the minister advise if any parts of South Australia, particularly the rural areas, have had their power supply sacrificed to ensure consistent power supply to Adelaide and the metropolitan area?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:38): I thank the honourable member for his questions. I will take those on notice and refer them to the Minister for Energy in another place and bring back a reply. Also, if there is a specific concern from one of the honourable member's constituents I would be happy to talk to the honourable member afterwards to see if we can address that specifically, without needing to bring back an answer that talks about a specific person.

UNEMPLOYMENT FIGURES

The Hon. J.S. LEE (14:39): I seek leave to make a brief explanation before asking the Minister for Employment a question regarding South Australia's unemployment rate.

Leave granted.

The Hon. R.L. Brokenshire interjecting:

The Hon. J.S. LEE: Job figures released today—and the Hon. Robert Brokenshire is correct—have once again shown that South Australia has not only the worst unemployment rate on the mainland but now the equal worst unemployment rate in Australia at a seasonally adjusted 6.7 per cent. Constituents every day have complained to me (and other members I am sure) that they are looking for jobs but they cannot find employment.

Given the 2016-17 budget paper of Treasurer Koutsantonis, which emphasised that it would—and I quote from the government's budget website—'create more jobs for South Australians', with today's disastrous unemployment figures, will the minister concede that his and the government's budget has failed to deliver the promised jobs for South Australians?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:40): I thank the honourable member for her question and her interest in this area. Today's release of the ABS unemployment figures had both the trend unemployment and the seasonally adjusted unemployment rate at 6.7 per cent. That is a decrease of the headlined unemployment rate of 0.1 per cent and the trend unemployment rate being steady—not changed.

We are facing challenges in South Australia, and we have spoken about them here before. One thing I will note from today's figures is that when you look at the last 12 months there is reason for optimism in South Australia. Our unemployment rate in South Australia, in both the seasonally-adjusted or headlined rate and the trend rate, has come down by almost 1 per cent over the last 12 months, 0.9 per cent for both of them over the last 12 months.

One figure that should be taken into account is that, compared to this month last year, there are 800,000 more hours being worked by South Australians than this time 12 months ago. That represents the highest growth rate in hours worked of any state in Australia, outside Victoria. While I agree with the honourable member that there are challenges to be faced, the trends are heading in the right direction. Certainly, as the honourable member noted, the government is doing what it can to address these concerns.

I think the honourable member alluded to the $109 million job creation grant scheme that was set down in this last budget and, no doubt, as those applications are made and those grants are rolled out, we will see more people in work in South Australia, as we have seen over the last 12 months.

UNEMPLOYMENT FIGURES

The Hon. J.S. LEE (14:42): I have a supplementary question: of those hours that have been created, in what areas are the jobs, in what sector, and how many FTE jobs really have been created?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): They are the total number of hours worked regardless of the categorisation of full-time, casual or part-time employment. That is the total number of extra hours worked right across the different categorisations of how people are employed. The ABS, unfortunately, does not do monthly breakdowns of figures in terms of sectors where people are employed. I can go back and have a look as there are snapshot figures of the different industries in which people are employed. I am happy to go away and bring back an answer but that is certainly not something that the ABS releases on the third Thursday of every month.

KANGAROO ISLAND WILDERNESS TRAIL

The Hon. T.T. NGO (14:43): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister tell the chamber about the recent opening of the Kangaroo Island Wilderness Trail and how the government is supporting nature-based tourism in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:43): I thank the honourable member for his very important question. He certainly has an interest not just in our environment but in growing opportunities for employment in our 'Nature like nowhere else' tourism sector.

Last Thursday, 13 October, I had the great pleasure of joining the Premier of South Australia at the official opening of the Kangaroo Island Wilderness Trail. Kangaroo Island is recognised as one of the 16 iconic Australian national landscapes and is an established nature-based tourism destination. The island's national parks, I am told, contribute 20 per cent of South Australia's nature-based tourism dollars to the state's economy. That is an outstanding figure: one island's national parks contribute 20 per cent of South Australia's nature-based tourism dollars to the state's economy.

Flinders Chase National Park is one of the world's most outstanding areas of breathtaking coastal and inland scenery. The park is an important part of the future of Kangaroo Island. The Kangaroo Island Walking Trail will lift the international profile of Kangaroo Island and South Australia as a nature and adventure destination.

The trail will provide an internationally competitive multiday walking experience, bringing economic benefits to the state. The trail will also provide opportunities for the private sector to invest in accommodation or new tour products on Kangaroo Island. Private investment will include luxury eco-accommodation, helping to recognise the trail as a world-class nature-based tourism experience.

The trail is a perfect way for people to explore the Flinders Chase National Park. There are six main viewing points, overlooking incredibly beautiful places like Rocky River Cascades and Cape Younghusband. The trail will take people to spectacular cliffs, remote and pristine beaches,

lagoons and caves, a lighthouse, the famous Remarkable Rocks and Admirals Arch. The trail affords a chance to spot rare animals and birds like seals, wallabies, possums, along with wrens, thrushes, the white-bellied sea eagle and the occasional snake.

The South Australian government committed over $5 million to the Kangaroo Island Walking Trail. This investment forms part of our 'Nature like nowhere else' strategy, the government's nature-based tourism strategy. We know that the South Australian tourism market adds about $5.9 billion to the state economy each year. The industry employs, I am advised, more than 32,000 South Australians.

We made clear our intention to build on this. One of the Premier's economic principles is to make South Australia a destination of choice for international and domestic travellers. Underpinning this principle is the goal to boost the industry to $8 billion a year and 41,000 jobs by 2020. With this 'Nature like nowhere else' strategy, we hope to inject $350 million per annum to the state's economy and create 1,000 new jobs by 2020.

The Kangaroo Island Walking Trail is predicted to directly contribute $1.8 million in total visitor expenditure by 2020, and related expenditure will contribute, I am advised, an additional $4.4 million. I have also been advised that since 1 June 2016, 350 bookings have been made, along with thousands of inquiries.

The Hon. D.W. Ridgway: 350?

The Hon. I.K. HUNTER: Bookings have been made, along with thousands of inquiries. Estimates show that the annual number of users of the trail will reach 2,000 by 2017 and climb to about 5,000 the following year, which is fantastic for KI's local tourism economy. I am particularly proud of the partnerships created between the Department of Environment, Water and Natural Resources and the South Australian Tourism Commission in making this trail a reality. I look forward to honourable members trialling for themselves parts of this trail. You don't have to do the five-day trail walk all in one go, you can do it in sections, for those who like an easier time.

The Hon. D.W. Ridgway: How far did you walk?

The Hon. I.K. HUNTER: I did the first section of the trail several months ago down to the platypus lookout.

The Hon. D.W. Ridgway: How many kilometres?

The Hon. I.K. HUNTER: I think it must have been something like four or five kilometres.

The Hon. D.W. Ridgway: Five?

The Hon. I.K. HUNTER: Well, they are done in daily sections. Even you, Mr Ridgway, could manage them. Even you could manage them, Mr Ridgway; you do not have to do the whole 70 in one day. If you are up for it, by all means give it a go, but I wouldn't advise it.

NUCLEAR WASTE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:47): Whilst I am on my feet, I would like to give a response to a supplementary question asked by the Hon. Mark Parnell yesterday in relation to the proposed commonwealth intermediate low-level nuclear waste facility at Barndioota in the Flinders Ranges. I told him I would make inquiries to his question which was: is the commonwealth now in discussion with the South Australian government over the siting of intermediate and low-level radioactive waste on crown land in South Australia?

I can advise the chamber that I have sought the advice of the Department of Environment, Water and Natural Resources and the answer to the honourable member's question is no. The National Radioactive Waste Management Act 2012 regulates the process for the nomination, short-listing a selection of nuclear storage sites. Section 7 of the act allows the holder of a lease granted by, or on behalf of, the Crown to nominate the land for a potential site.

While the lessee is eligible to nominate the site, there is no provision, I am advised, for myself as the responsible minister for crown lands to consider a nomination. The commonwealth has selected Barndioota to progress to the next phase for the establishment of a national radioactive

waste management facility for domestic low and intermediate-level waste for industry, research and medicine purposes.

I am advised that the nominated site, Barndioota, is currently held under a Perpetual Crown Lease for Agricultural Purposes (CL1215/28) and is approximately 30 kilometres from Hawker. In this case, I am advised the lessee put forward the nomination; however, no approach was made to myself or the Department of Environment, Water and Natural Resources to seek consent to nominate the site. It is not known to me whether, if selected as a storage site, the required land will be the whole or only part of the lease.

I am also advised that Barndioota's further progression does not amount to final site selection but the commencement of further assessments and further community consultation. I would expect the commonwealth to engage with the community in relation to this matter before making any further determinations.

I would reiterate that neither myself nor my agency, DEWNR, has had discussions with the federal government over a possible commonwealth radioactive waste management facility at Barndioota, that neither myself nor DEWNR has given any assurances to the federal government, and that to my knowledge no contracts, memoranda of understanding or other documents have been prepared in relation to this proposed site for a radioactive waste management facility.

KANGAROO ISLAND WILDERNESS TRAIL

The Hon. M.C. PARNELL (14:49): It is actually a supplementary question to the original answer the minister gave in relation to Kangaroo Island, but I do thank him for his additional information on nuclear waste. My supplementary question is: given the figures the minister provided, the difference between the number of inquiries and the number of bookings to walk the trail, has the government considered discounting the entry fee, which is $161 per person to do the walk, as an introductory offer or is it the case that the walk is so popular that it is already fully subscribed without discount?

The Hon. R.L. Brokenshire: No, it's not.

The Hon. M.C. PARNELL: My question is: has the government considered an introductory offer to enable people to experience the walk?

The Hon. I.K. Hunter: How would you know?

The Hon. R.L. Brokenshire: Because I've been over there.

The Hon. I.K. Hunter: Rubbish.

The Hon. R.L. Brokenshire: I have so.

The Hon. I.K. Hunter: Ignoramus.

The Hon. R.L. Brokenshire: I have so.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:50): I have so, Mr President, I have so. The Hon. Mr Brokenshire, how we are going to miss you. How we are going to miss you, Mr Brokenshire. Goodness gracious, it's like a Punch and Judy show in here. It won't be anymore. I thank the Hon. Mark Parnell for his supplementary question.

The Hon. D.W. Ridgway: We've got dumb and dumber in here for ministers at the moment.

The Hon. I.K. HUNTER: Mr Ridgway, don't be hard on yourself, really. Dumb and dumber, Mr Ridgway? I don't think you should be ascribing those descriptions to yourself. Goodness gracious, Mr Ridgway.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: We think more highly of you, clearly, than you do of yourself, but there you go. We will take you out and give you a hug afterwards. I stand to be corrected by those who are listening to me, but there was, in fact, a discounted rate brought into place particularly for locals on the island. We want them to become custodians, I suppose, of this fantastic—

The Hon. M.C. Parnell: Ambassadors is what you are thinking of.

The Hon. I.K. HUNTER: Ambassadors, indeed.

Members interjecting:

The Hon. I.K. HUNTER: Yes, we have dumb and dumber piping up again, according to the Hon. David Ridgway. The Hon. David Ridgway—maybe he is more accurate in his summation than I am. I wouldn't be quite as harsh as him.

I think I have put on the record previously—I will go back and check this too—that I have done a comparison between costs for walking trails in relation to Kangaroo Island and the other trails that we like to compare ourselves too and we come out remarkably well in that comparison. There are costs associated with managing and maintaining such an incredible trail, and they do need to pay for themselves, but my understanding is that these trails will be oversubscribed. As I have said, we have had a huge number of inquiries. The bookings have been going amazingly well, even before the official opening, and I expect that this will be a trail that will be on the bucket list of many seasoned walkers.

I do encourage honourable members, if they are interested; they should get in early because it will be very difficult, particularly in peak season, but there are wonderful sights and vistas in the off-peak season if you can bring yourself to walk in the cooler months. They are spectacular sights and you are more likely to see some of the rare wildlife, such as the white-bellied sea eagle, on display, as indeed I did when I was walking a section of that trail last week.

KANGAROO ISLAND WILDERNESS TRAIL

The Hon. A.L. McLACHLAN (14:53): Supplementary: if I understood what you told the chamber correctly, is the $160 set for total recovery of the maintenance costs of the trail?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:53): No.

KANGAROO ISLAND WILDERNESS TRAIL

The Hon. R.L. BROKENSHIRE (14:53): Supplementary: based on the minister's answer about the exorbitant cost of walking on the trail on Kangaroo Island, can the minister advise the house how much it costs, if anything, to do the Walk the Yorke on Yorke Peninsula?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:53): I would love to, but I don't have those figures presently before me.

The Hon. R.L. Brokenshire: Take them on notice.

The Hon. I.K. HUNTER: I might.

The Hon. D.W. Ridgway: It's free actually.

The PRESIDENT: Order!

BUSHFIRE PREVENTION

The Hon. R.L. BROKENSHIRE (14:53): My question is to the minister for everything, the Hon. Ian Hunter. Back when he wasn't the minister, I asked former minister, the Hon. John Hill, questions in the other house about bushfire prevention on road reserves and removal of dead timber. That former environment minister said, 'Well, we can't remove the dead timber because the spiders live in there.' Time has moved on and we are at high fire risk. We have received incredible winds this year that have taken a lot more trees and limbs down on the road verges.

My question, therefore, to the minister is: does the minister have a policy now that is different to that of the former minister, the Hon. John Hill, and, if not, will the minister agree to reconsider the opportunities for councils to issue permits to allow service clubs and individual members of the community the opportunity of going and removing the dead timber on the road verges in order to make it look more pristine, and also in order to—

Members interjecting:

The Hon. R.L. BROKENSHIRE: You come and clean up along our roads, for a start. Come and clean up along our roads—and also in order to reduce the bushfire risk that is getting higher and higher because no-one can clean up the road verges because the spiders can live under the bark and they can live under a few dead leaves.

The Hon. I.K. Hunter: You can tell the spiders where they want to live, then.

The PRESIDENT: Can I just make the comment that you don't debate questions. You ask a question and then the minister, hopefully, will answer it. Minister.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): It is so difficult to come up with an answer for South Australia's version of Donald Trump, isn't it? It is just incredible. Trying to have a rational argument with a person who doesn't—

The Hon. R.L. BROKENSHIRE: Point of order, sir: does the minister alluding to Donald Trump mean that he believes the Alexandrina Council is like Donald Trump? This is a question asked on behalf of a council trying to protect its community.

The Hon. I.K. HUNTER: As unlikely as it is, I think most people would understand who I was alluding to. The honourable member may not, but he often feigns these things for poetic devices in this place. He is, after all, a showman and, of course, going off to Canberra, as he intends to do, it will be the ideal place for him. The honourable member has asked these questions in this place previously, and I have given him answers before. He well knows that. I don't believe he has actually forgotten, and yet, somehow, he comes in here hoping we have all forgotten the history of his question and answer sessions so that he can get up here and prosecute an old question all over again with a totally new twist and think that we should actually—

The Hon. D.W. Ridgway: Get on with the answer.

The Hon. I.K. HUNTER: I will; it is quite a large one. I have to draw the chamber's attention to the theatrics that the Hon. Mr Brokenshire thinks he can get away with in here. It is Trump-like in its breathtaking width and breadth—no facts, no substance, allegations repeated ad nauseam, time after time, as if he then expects us to accept them as the truth. I have to say that I have great respect for facts, but I want my facts to come from reputable sources, not those trumped-up ones that come into this chamber out of the mouths of the Hon. David Ridgway and the Hon. Robert Brokenshire. They are two peas in a pod, these people. How did the Hon. David Ridgway describe themselves? Dumb and dumber. That's correct.

The Hon. D.W. RIDGWAY: Point of order: at no time did I ever describe the Hon. Robert Brokenshire or myself as dumb and dumber. I described the two ministers as dumb and dumber, and I would like the minister to keep his ears open and understand that I was referring to the two of them, not the Hon. Robert Brokenshire and myself.

The PRESIDENT: I would like the honourable Leader of the Opposition to keep his dumb and dumber quotes to himself. Minister.

The Hon. J.S.L. DAWKINS: Point of order: Mr President, would you direct the minister to also do the same.

Members interjecting:

The PRESIDENT: First of all, the first person to start talking about dumb and dumber, that I saw, was the Hon. Mr Ridgway. So, let's stop playing the theatrics.

Members interjecting:

The PRESIDENT: Order! Let's stop playing the theatrics, and let's be a little bit more serious about question time. Minister, can you finish your answer.

The Hon. I.K. HUNTER: I have not even started yet, sir. Native vegetation plays a vital role in the health and prosperity of South Australia's ecosystems and communities and in supporting natural resource-based industries. This includes the pollination of canola, lucerne, oils and fruit

industries; providing water purification and filtration for our catchments; and providing South Australians with an essential service of climate change regulation through the capture and storage of carbon dioxide.

To ensure the sustainable use of our native vegetation, the South Australian government has taken steps to ensure the ongoing preservation of what little remains of our native vegetation. The Native Vegetation Act 1991 provides for the clearance of native vegetation in certain circumstances, and permitted clearances are listed in the Native Vegetation Act Regulations 2003 which, I again remind the chamber, this chamber voted for in terms of the act.

Since 1997, significant amendments to the regulations have occurred resulting in their current form being complicated to administer, and we readily admit that. The Department of Environment, Water and Natural Resources is undertaking reform of its native vegetation policies and procedures, including a regulation review strategy to develop effective regulations. The aims of the review are to reduce regulatory burden for landholders and to establish stronger focus on the value of native vegetation in achieving biodiversity and conservation priorities.

I am advised that the intent of the new regulations will include just four approval pathways, and each of the existing 40 activities will be clearly aligned with one of these pathways. The first of the four pathways is the direct exemptions pathway, which allows for clearance without needing approval. This includes clearance for vehicle tracks and fences, clearance around a house or to maintain infrastructure. The fire management pathway allows for clearance for fire management activities with the approval of the Country Fire Service or undertaken in accordance with the bushfire management area plan. This allows for clearance for fuel breaks, fire access tracks and fuel reduction, and is currently the policy.

The third is the management plan pathway, which allows for the clearance of vegetation in accordance with a management plan that has been approved by the Native Vegetation Council. This allows for the management of regrowth vegetation, roadside vegetation and clearance needed to improve the environment. Finally, the risk assessment pathway allows for clearance for a range of activities with the approval of the Native Vegetation Council. The level of assessment required is determined from the likely level of impact and allows for a quick and simple assessment for the majority of clearances, which generally have low impact. This includes clearance for new houses, subdivisions, infrastructure, buildings and roads.

This will, we hope, improve clarity for the public and streamline administration of the Native Vegetation Act. There was public consultation on the Native Vegetation Draft Regulations and the Native Vegetation Guidelines. I am advised that 60 responses have been received through surveys and formal submissions and I am also advised that the majority of stakeholders are supportive of the new regulations.

As part of the reforms, the Native Vegetation Council has also developed a new customer interface through an online web portal to enable greater clarity for those wishing to undertake clearance. The portal is available at environment.sa.gov.au and has information on clearing and offsetting, heritage agreements, maps, the Native Vegetation Act, reforms and contacts at local natural resources centres across the state. I am also advised that the portal has enabled people to quickly navigate the requirements through a native vegetation checklist.

The government is trying to improve the system to make it even simpler for the likes of the Hon. Mr Brokenshire to understand, but it is already currently the practice that councils have the ability to clear up roadsides in two cases, essentially, both of them to do with safety—one in terms of road safety and the other in terms of fire safety. In terms of fire safety, they need to get appropriate approval from the local agency, which is usually the CFS.

BUSHFIRE PREVENTION

The Hon. R.L. BROKENSHIRE (15:02): Supplementary: well, we did finally get some reasonable response from the minister. Will the minister reconsider the government policy to allow people and organisations, under permit issued by local government inspectors, to remove the dead wood that is on the road verges? Are you looking at allowing that? You used to allow it.

The Hon. D.W. Ridgway: And if you get a mirror, you'll see some of it when you look into it—dead wood.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): The Hon. David Ridgway just said to the Hon. Mr Brokenshire, 'If you get out your mirror, you'll be able to look at some dead wood,' and that is exactly right. That is probably why he is looking at clearing out of this place—getting rid of the dead wood in this place and replacing it with some fresh young Family First wood, instead of this tired worn-out old warhorse who has been in more political parties than most of us ever have and more houses of parliament than most of us ever will be and who is cashing in on his third pension.

Members interjecting:

The PRESIDENT: Order!

MANUFACTURING SECTOR

The Hon. A.L. McLACHLAN (15:03): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation questions regarding the government's manufacturing works program.

Leave granted.

The Hon. A.L. McLACHLAN: It was reported in Frost & Sullivan's final assessment report into the government's manufacturing works program that 'direct marketing efforts of manufacturing works by the South Australian Government appear to have been relatively ineffective in raising awareness and stimulating participation'. The report therefore recommended that the branding and marketing of the program should be enhanced. Given that advanced manufacturing is one of the government's key priorities, can the minister advise the chamber what the government is doing to address the concerns set out in the report?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:04): I thank the honourable member for his important question and his interest in manufacturing programs and his constant reminders of the great work the government does in terms of its manufacturing programs. I do not have the figures in front of me, but the report he refers to highlighted the significant impact the program has had in South Australia, both in terms of economic stimulus and the amount of investment and jobs in South Australia, so I thank the honourable member for once again highlighting just how effective are many of our manufacturing programs, particularly the report to which he refers and which shows just how big a bang we are getting for our buck in terms of the manufacturing works program.

There are a number of ways we are advertising for people to become involved and become aware of these programs, through industry associations like the Australian Industry Group in South Australia, with whom I meet regularly, through regular meetings with people from the department and myself with the manufacturing industry in South Australia.

It is not just manufacturing works programs that are contributing to some of the innovation we are seeing in our advanced manufacturing sector. There are many university programs, collaborations between industry and the university, such as the recently announced Future Industries Institute at the University of South Australia, that are leading the way in industry collaboration with the university sector to bring about early commercialisations of technology in South Australia.

So, there are a whole range of ways that we continue to promote the programs we have on offer, and I will happily talk to the honourable member, maybe over dinner one night, about just how well we continue to do and the follow on from the Frost & Sullivan report.

The PRESIDENT: The Hon. Mr Gazzola.

Members interjecting:

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

ABORIGINAL REGIONAL AUTHORITIES

The Hon. J.M. GAZZOLA (15:06): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the chamber on the status of Aboriginal regional authorities?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:06): I thank the honourable member for his question and his ongoing interest in Aboriginal affairs in South Australia. Overcoming the disadvantages that many Aboriginal people face is not an easy task, and I know that many people in this chamber are very interested in these matters, having served on the Aboriginal Lands Parliamentary Standing Committee and in other forums and other ways. It is not an easy task, but we are steadfast in our resolve to make a difference in ways that we can, and doing that requires strong leadership.

I am proud that this government, led by Premier Jay Weatherill, is providing that leadership. Under the stewardship of Premier Weatherill, a former Aboriginal affairs minister, this parliament and this chamber, I remember, passed a bill inserting into our state constitution a recognition of Aboriginal people as the traditional owners and occupiers of these lands.

I am proud to be part of a government, led by Premier Weatherill, that has championed the creation of a reparations scheme for members of the stolen generations, the second only state or territory to do so. Perhaps less widely known is the Premier's role in the discussions about strengthening the level of engagement the government has with Aboriginal South Australians through our representative bodies.

Giving Aboriginal people a stronger voice in decisions that affect their lives, giving them a seat at the decision-making table, and engaging in a meaningful way is a priority about allowing Aboriginal people and communities to help identify priorities in their areas. After extensive consultation with Aboriginal communities a program was designed for Aboriginal regional authorities, a policy framework to support a network of regional government structures that will work with government. Under this policy Aboriginal representation, self-governance and self-determination will be strengthened, and Aboriginal people will have a greater say in the development and implementation of policies, programs and services.

In July this year, building on the work of people like the Premier and the Hon. Ian Hunter, who played a large role as the minister at the time, in developing this policy, I had the great pleasure to announce South Australia's first three Aboriginal regional authorities: the Far West Coast Aboriginal Corporation; the Adnyamathanha Traditional Lands Association; and, the Ngarrindjeri Regional Authority.

These new Aboriginal regional authorities have participated in Aboriginal Nation (Re)Building curriculum delivered by Flinders University. Through that process each Aboriginal regional authority has identified priorities that are important to them. This signifies the beginning of part of a new relationship with government and Aboriginal South Australians. We will soon be conducting leader-to-leader meetings with each Aboriginal regional authority, and I can inform the chamber that a few weeks ago I was on the Far West Coast, meeting with representatives from the Far West Coast Aboriginal Corporation.

Last week, I was at Camp Coorong, meeting with representatives from the Ngarrindjeri Regional Authority, and this weekend I will be in the Northern Flinders, talking with people from the Adnyamathanha Traditional Lands Association.

The Hon. J.S.L. Dawkins: I might see you up there. I am going off-road in the Flinders.

The Hon. K.J. MAHER: I may just run into the Hon. John Dawkins when I am spending Saturday and part of Sunday around Nepabunna and Iga Warta this weekend. We will soon be conducting formal leader-to-leader meetings with each regional authority, and we look forward to working with Aboriginal regional authorities to progress their priorities and to see how governments can work with regional authorities to improve decision-making in the future.

INDIGENOUS TOURISM STRATEGIES

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation on the topic of Indigenous tourism strategies for our state.

Leave granted.

The Hon. T.A. FRANKS: As the minister is probably aware, recently in the area of Ceduna chefs from across the country were getting together some culinary inspiration from Indigenous elders. Indeed, Sue Coleman-Hasseldine, who was taught to live off the land by her grandmother, was sharing that knowledge and noted on ABC TV that she hoped one day to turn it into a successful tourism venture. As Mrs Coleman-Hasseldine stated:

> I'd love to start one up, plus, you know, telling the stories properly. Take them out to places where there's significant stories.

That could be done as soon as possible with Regional Development Australia creating an Indigenous Tourism Strategy. My questions to the minister are: has the minister had any conversations with either Indigenous groups and/or the Minister for Tourism about a regional or state Indigenous tourism strategy and, if he hasn't, could he please endeavour to do so in the near future?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:12): I thank the honourable member for her question. It is a very good question. There is a great opportunity for Indigenous tourism in South Australia. I have had probably half a dozen discussions with my colleague the member for Mawson, Leon Bignell, the Minister for Tourism, who I think has seen some examples of Maori tourism in New Zealand and how well that is working and the dollars it brings into communities.

We see some very good highlights of Indigenous tourism and Indigenous cultural offerings throughout South Australia. Iga Warta, where I will be spending most of this weekend, is one such example. I visited earlier this year Scotdesco on the Far West Coast, where new facilities are providing, particularly for groups of schoolchildren, an opportunity for cultural awareness programs and a better understanding of Indigenous culture, which is an important part of the reconciliation process.

I know the Minister for Tourism is very keen to work closely with myself and our Indigenous tourism sector here to strengthen what is on offer. One thing we have talked a lot about is offering a much more connected up possibility for Indigenous tourism. Camp Coorong is another example that does very well. One thing we are keen to progress is making sure that there is a linked up tourism offering. There are lots of very bright spots, but to be able to have a complete package or a complete offering that would make someone who is an international visitor, looking to experience traditional Aboriginal culture, to have South Australia as the first point of call.

It is a very good question and the answer is: absolutely, we are having conversations about how we can do this. I recognise the immense value this could create for Aboriginal communities in South Australia.

INDIGENOUS TOURISM STRATEGIES

The Hon. T.A. FRANKS (15:14): Supplementary: given the minister is visiting Iga Warta—if he does not get a chance on this occasion or perhaps he may—when he visits Yappala next, would he discuss with Regina McKenzie the Songlines project that she has in mind?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:14): I thank the honourable member for her question. I have had a meeting with a range of different representatives and heard different viewpoints from Adnyamathanha people and people in the northern part of our state. Absolutely, I will continue to have those meetings and visit people on their country as much as I can.

ICE ADDICTION

The Hon. T.J. STEPHENS (15:15): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about drug use.

Leave granted.

The Hon. T.J. STEPHENS: Not by you, minister.

Members interjecting:

The PRESIDENT: Order! Just ask the question, the Hon. Mr Stephens.

The Hon. T.J. STEPHENS: Not at this stage, that we know of, but we are digging. As I am sure the minister is aware, the National Drug Strategy Household Survey released this month showed that the incidence of Aboriginal people using the drug ice was 1.6 times higher than that of non-Aboriginal people. Alarmingly, it also showed that ice use amongst young Aboriginal people between 16 and 29 was as high as 9 per cent. According to the director of South Australia's Aboriginal Drug and Alcohol Council, the use of the methamphetamine drug ice has become intergenerational in many Indigenous communities. My questions to the minister are:

1. Given the extent and severity of the problem, what strategies does the state government to have to address the issue?

2. What funding does the state government provide specifically to initiatives to combat ice use by Aboriginal people in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:16): I thank the honourable member for his question. It is a very good one and a very pertinent one. We know that the use of ice has a devastating effect, particularly in regional areas in South Australia, and indeed right around Australia. The devastating effect it could have, particularly in remote Aboriginal communities in Australia, is something that is of great concern. I know, as the honourable member probably does too, that it is a question that I ask regularly when I am visiting Indigenous communities, particularly remote communities like the APY lands, with the police.

Fortunately, there is very little evidence in some of those very remote communities of the use of ice at this stage, but it is something that could have pretty drastic impacts. In terms of specific programs, I think there are a couple of regional Aboriginal health services which are running programs. I will take it on notice and go away to get details of any of the programs that are running now in terms of specific things to address the use of ice particularly amongst younger Aboriginal communities.

SA WATER INFRASTRUCTURE

The Hon. G.E. GAGO (15:17): My question is to the Minister for Water and the River Murray. Will the minister update the chamber on how this government is investing in upgrading dam infrastructure in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): I thank the Hon. Ms Gago for her most important question. She never resiles from asking the hard questions in this place. She keeps us on our toes. The Kangaroo Creek dam is a critical part of SA Water's infrastructure. The dam is located in the Adelaide Hills on the River Torrens and stores water that is then supplied through the Hope Valley reservoir and the water treatment plant. The dam was constructed in the late 1960s to the standards of the day, but it is necessary to assess the dam's condition on a regular basis, especially in the light of updated regulations.

The dam safety review of the Kangaroo Creek dam determined that the dam and its related structures are in a safe and serviceable condition under normal operating conditions. However, the spillway capacity and earthquake resistance do not meet the updated Australian National Committee on Large Dams Guidelines on Dam Safety Management 2003. In 2014, the dam was assessed as part of SA Water's large dam portfolio risk assessment. The assessment found that in the unlikely

event of a dam failure caused by flooding, a large section of the population below the dam would be at risk and the community could incur a significant economic loss.

In order to manage the dam safety risks, SA Water made a commitment in 1998 to meet the Australian National Committee on Large Dams guidelines for managing the safety of all of its dams. As a result, SA Water has been implementing a long-term program of works to ensure all dams under its control meet these ANCOLD guidelines. This approach is consistent with other water utilities across the country and represents best practice in dam safety and management.

After a lengthy investigation process, approval was gained to commence a dam safety upgrade project. The project approval budget is $94.655 million, and the total project spend as at the end of June 2016 was $13.445 million. The scope of works includes the widening of the spillway, extending the outlet works, raising of the embankment and strengthening of the concrete walls. These works are expected to take around three years to complete.

The contract was awarded to a South Australian contractor and construction commenced in January 2016. The main focus of the first year of construction will be excavating the spillway and extending the outlet works. In the second year construction work will primarily involve concrete work on the spillway and an extension of the concrete face slab, and demobilisation is scheduled for the third year.

I understand that a stakeholder engagement strategy is active to ensure that key stakeholder groups are aware of the project and that any community issues are managed during construction. Local residents are regularly updated as construction develops. I am told that the contractor commenced blasting in August, and this has progressed without issue to date.

SA Water, through its construction partner Bardavcol, has directly employed over 50 people on the construction site already in various roles. Besides providing local employment, it has been a boon for the local community and economy, for local businesses and service providers within the area. As expected, the project benefits have also rippled into the South Australian economy, seeing over 50 contracts being awarded to businesses directly associated with projects involved in construction.

Further to this, the project has directly been responsible for providing an opportunity to develop young people, with one graduate and two trainees to date employed to gain experience directly from the project. I am pleased to report the project is tracking well, on time and on budget.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:21): My questions are to the Minister for Aboriginal Affairs and Reconciliation. Given that it is well recognised internationally that suicide prevention strategies should be culturally appropriate, what measures does the government have within the draft Suicide Prevention Strategy to prevent suicide within Indigenous communities? Also, has the minister, or his agency, had input into the development of the strategy, which is now scheduled to cover the years 2017-21?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:22): I thank the honourable member for his questions, and recognise his longstanding interest and advocacy in the area of suicide prevention. In relation to specifics of the Suicide Prevention Strategy, I am happy to take parts of that on notice to bring back a more complete reply from the minister responsible for suicide prevention.

However, I do know that earlier this week I had a meeting with an organisation that runs programs throughout Australia for Aboriginal suicide prevention, and there is a trial program out of Pangula Mannamurna Aboriginal Health Service in Mount Gambier. I am happy to get further information about that and about other programs and bring back a much more complete answer for the honourable member.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:23): Supplementary: I thank the minister for that. In relation to the program running in Mount Gambier, perhaps the minister can come back at some stage and let me know whether that is being done in consultation with the Treasuring Life South-East group, which is the only Indigenous-based suicide prevention network in South Australia.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:23): I am happy to bring back an answer. I know it is a program that runs in a number of locations; from memory, in Queensland, Western Australia and in other places. In relation to the particular one in Mount Gambier, I am sure I can reasonably quickly find out, and I might even come back to the honourable member without having to bring an answer back to this chamber. I will probably be castigated for not knowing off the top of my head, given that my mum helped with that program as a social worker at Pangula Mannamurna in Mount Gambier.

An honourable member interjecting:

The Hon. K.J. MAHER: I am sure that with a very quick phone call I can probably find out these answers for the honourable member.

Bills

RETIREMENT VILLAGES BILL

Committee Stage

In committee.

(Continued from 18 October 2016.)

Clause 26.

The Hon. S.G. WADE: It is somewhat surprising that the government should seek to bring this matter back to the chamber so soon after the house indicated its desire for more information. It does, though, give me a chance to update the council on what developments have occurred since Tuesday, so I suppose there is that benefit.

The minister kindly wrote to members of the Legislative Council yesterday in relation to a letter which I read onto the record on Tuesday. I think it would be fair to say that the government's version was a letter (single) signed by Mr Karidis; the letter that I had, as I understand it in identical terms, was signed by 12 people. I appreciate that the minister did not have access to my letter and assumed that it was a Property Council cluster. I can indicate to the council that it certainly went beyond Property Council members and included the not-for-profit sector.

Be that as it may, the minister has kindly given members of the Legislative Council a response to the issues raised in that letter. I think it is only fair that considering I read, shall we call it, the Karidis letter onto the record, that I also read the Bettison letter onto the record. The letter is dated 19 October (yesterday) and it states:

Dear Member

I am writing to you about a letter which I understand you all recently received, from a number of signatories on Karidis Corporation letterhead, in relation to the Retirement Villages Bill 2016...

The letter makes a number of claims about the level of consultation and recommends that the Bill be deferred. The consultation process over the last three years has been significant and has provided a compelling case for a statutory repayment period to protect the rights of residents, and also to address long-standing contract settlement issues, where estates have been tied up for prolonged periods due to delays in units being re-licenced.

The development of the Bill has been the subject of significant consultation over the past three years, in which all parties, including residents and operators, have been able to provide input. The process commenced with the Select Committee on the Review of the Retirement Villages Act 1987 in 2013, that offered all interested parties the opportunity to provide both written and verbal submissions. Based on the recommendations of the Select Committee, and further targeted consultation undertaken by the Office for the Ageing with retirement village operators and peak bodies, the Retirement Villages Bill 2015 was released for public consultation in early 2015. At this time, 13 forums were held and over 300 submissions were received.

In the development of the Bill, consideration was given to all submissions from residents, operators and peak bodies. The Government paid particular attention to feedback received from smaller and regional operators and banks on the then proposed 12 month statutory repayment period. As a result of this, the time frame was extended to 18 months. The Bill also includes provision for operators who face legitimate difficulties in repaying a resident their exit entitlement at 18 months to seek an extension of this period through the Tribunal.

I believe that 18 months is a reasonable timeframe for operators to be able to relicense a unit using reasonable remarketing efforts. This is supported by the data provided by the Property Council, which states on average the time taken to relicense a unit is 315 days.

The majority of the 92 regional and remote villages have advised that an 18 month repayment period will not affect their day to day business, as 60 already repay within 12 months or less.

The retirement village sector is extremely active and the prospect of new legislation has not slowed or deterred operators:

- five new villages were registered in 2015/16; and
- two new villages have been registered since July this year.

The correspondents assert 'that no new villages have been foreshadowed since the intent of the Bill became known'. This is incorrect—the Bill was released in February 2015, with significant media announcements made by operators since this time, including:

The minister then details five developments. It continues:

Cumulatively, the correspondents operate 76 villages out of 530 in the state. It is significant that only one of the signatories is a not for profit operator. The concerns raised by this group are a repeat of comments made by the Property Council, who represent a small number of for-profit operators in the state.

The retirement village industry in South Australia is heavily weighted towards the not for profit sector, who operate 74% of all villages (394) with the remaining 26% being for profit (136). The majority of not-for-profit organisations have more generous repayment schedules than the 18 month period being proposed.

We are looking to build this market now and into the future. The expectations of people for how they age are changing and the sector must be prepared for this. Consumers will choose accommodation options that meet their needs, and many who are reaching 55 years have parents still alive, some of who will be living in retirement villages. Their experiences will colour the choices they make. Will waiting over five years for repayment be a motivator to take up village living?

Any further delays in the progression of the Bill will be of ongoing concern for the 25,000 retirement village residents and to the operators of the other 454 villages following its progress. This Bill strikes a balance between the needs of all stakeholders, and will meet its aim of achieving ongoing confidence and growth of the retirement village industry and equity between operators and residents.

Yours sincerely

Hon. Zoe Bettison MP

MINISTER FOR AGEING

I thank the minister for the letter. It is a respectful communication with the council as we consider this bill. I would like to make a number of points in relation to it in the council's consideration of this bill. I should foreshadow that I will, again, be seeking the concurrence of the house to report progress, but let me show due respect to the minister by saying why I believe we need to report progress, in spite of the letter from the minister.

First of all, the minister takes us as far back as the select committee, which occurred in the previous parliament. But, I would make the very strong point to the council that the issues that are in this bill, that come from a select committee, are not in contention. The select committee did not recommend a statutory buyback, so this proposal has not had the benefit of the detailed consideration that the select committee was able to offer. The Liberal Party supports statutory buyback.

What we are concerned about is making sure that we manage the scope of the buyback in a way that does not cripple the industry and its capacity to grow into the future. In that context, I completely agree with the comments the minister made at the bottom of the second page of her letter, which is that we need to build this market now, into the future, and that the industry needs to be flexible.

How can the industry be flexible, managing growth into the future and also be flexible in terms of housing options if their financing capacity is severely constrained by a poorly targeted statutory buyback? What I implore this council to consider is in the context of making sure that we have enough retirement village units to cope with the 42 per cent increase. My calculations, which I offered to the house on Tuesday, was that in the next 20 years we will need 43 per cent more units in this sector. So, we need to be very careful that anything we do does not unnecessarily constrain the growth of supply.

I completely agree with the minister that what people of the previous generation might have seen as an appropriate housing option may not be considered to be an appropriate housing option in the next generation. That is all the more reason to keep them liquid. With all due respect to my parents who have just moved out of a little box on a campus, if a little box on a campus is no longer going to be acceptable to the next generation, why would we inhibit the capacity of an industry to redevelop its assets to better suit the needs of the next generation?

I would like to pause to stress that retirement villages are not just expensive serviced apartments on lush campuses. Many of these facilities are for people who will go into retirement with a very limited cash flow. This week, you might recall, is Anti-Poverty Week. In recognition of Anti-Poverty Week, SACOSS and COTA convened a working lunch, which I went to, in order to discuss the issues of older women and their housing needs.

The Hon. K.L. Vincent interjecting:

The Hon. S.G. WADE: Sorry, passed?

The Hon. K.L. Vincent interjecting:

The Hon. S.G. WADE: Yes, we want it passed, too. I am sorry, I did not realise that I was suggesting that I did not want this passed. We want it passed—we have already committed to passing it—but what we are debating is the scope of the statutory buyback. If the honourable member might do me the courtesy of hearing my argument on this, I think it is reprehensible if people in this house think that this is about serviced apartments and expensive units.

We have thousands of women particularly, going into retirement with a pitiful retirement income, and they will need to rely not so much on the licence to occupy model that is more popular at the moment, but I predict that in the next decades the rental model within retirement villages will be a very important model for older women without retirement income.

It is all well and good to say that we want to put this bill through without due consideration, we do not want to give regard to the possible impact on future supply. Our amendment that we put forward was primarily focusing on the needs of current and past residents, limiting the statutory buyback so that it excluded deceased estates, and in that way protected the ongoing supply of units, and I would put to those who are concerned about social justice values that that is extremely relevant when we are faced with the challenge of finding housing options for tens of thousands of women who will go into retirement without a significant nest egg.

If the minister was truly concerned about maintaining sufficient supply going forward for the 43 per cent increase, if she was truly concerned about maintaining the flexibility of the asset to be relevant to future generations, I believe she would be much more careful in legislating in this area. In relation to the focus in the minister's statements about consultation, it is a matter for debate as to whether the consultation was adequate, but to me that is not the crucial issue. The crucial issue is the lack of analysis.

The government's own policies require that a bill needs to have a regulatory impact statement, so if you wanted to think about the impact on older women going into retirement, if you wanted to think about the impact on future supply, if you wanted to think about the impact on deceased estates, middle-aged people waiting for the asset to become free, why not do a regulatory impact statement? It is a government policy. Why not test it? My main contention is not about consultation. From my party's point of view, the main concern is that we have not had an adequate assessment of the impact of this legislation. In terms of the minister's assertion in the letter that the concerns are the concerns of the for-profit sector, she said, 'It is significant that only one of the signatories is a not-for-profit operator.'

I will turn now to a letter that was dated yesterday, but I received today. This is a letter which is to the South Australian Retirement Villages Residents Association. It is signed by a representative of the Property Council, in other words, the for-profit sector, and it is signed by a representative of Aged and Community Services, which is the peak body for not-for-profits.

The minister quite rightly said that this is a not-for-profit sector. Seventy-four per cent of the operators in this space are not-for-profit. These are the people who will have particular, shall we say, mandate responsibility to provide housing options for older people of less means and, going on from my previous comments, that will tend to be women. So both the for-profit sector and the not-for-profit sector have signed this letter. What does it say? It is a letter to SARVRA and it says:

> I write in relation to the current Parliamentary debate around the Retirement Villages Bill (2016). As you are aware, the Property Council of Australia, Aged & Community Services (SA & NT) and Southern Cross Care (SA & NT) welcome some of the reforms presented in the Bill. However, we have serious concerns with a number of key clauses, in particular, clause 26 of the Bill, which mandates a statutory buyback for a retirement village unit if it fails to sell within 18 months.

So, in spite of the minister's assertions, this is not the rantings of the big for-profits in the Property Council. You have the peak body for not-for-profits representing 74 percent of the industry. One of those in particular, Southern Cross Care, one of the largest operators in this field, has also put their name to this letter and also the Property Council. The letter goes on:

> It is with these concerns in mind that we seek your agreement, as a representative of the South Australian Retirement Villages Association, to participate in a steering committee to facilitate an analysis of the impact of the proposed legislation. It is disappointing that the Government has either not completed a regulatory impact on the Bill, nor shared it publicly, or does not agree with its results if one exists.

It goes on to talk about the signatories in terms of the fact they represent the for-profit and not-for-profit sectors. Clearly, the industry is saying, 'Well, if the government is not going to do what its own policies say, if the government is going to show such disregard for the viability of our industry and, for that matter, the ongoing services to the people that we care about, then we will have to do it.'

What we asked this council to do on Tuesday was to pause and reflect, to not blunder in without the information that we need. The minister could have written a letter yesterday saying, 'Okay, fair cop. I will provide you a copy of the regulatory impact statement.' She did not do that; instead, she sent us an informative letter. It makes no reference to regulatory impact and no reassurance that the due diligence has been done and that they can assure us that we are not going to cripple supply going forward and leave thousands of people without a housing option that they might otherwise have. No, we are just given some useful information. There is no evidence of a regulatory impact statement and no indication that the government has any interest in testing the presumptions behind this legislation.

In the face of a government that is not willing to do what its own policies require, in the context of a letter from close enough to 100 per cent of the industry, I would hazard a guess that the people who are not members of either ACSA or the Property Council are probably in single figures in terms of operators. But let us be clear, these are the people who speak for an industry. They are saying, 'Well, if the government won't do the analysis, we are going to step forward and do it.'

In the face of the government's intransigence to properly assess its own legislation, I believe that the Legislative Council should continue to maintain its position that this bill should not progress until that information is available. I would just like to indicate, too, that whilst I still have quite a few remarks to make, be assured that I am not going to be moving to report progress until as many members who want to speak have spoken. The courtesy was given on Tuesday, and I think that is good practice, so let us continue that.

That letter has only gone to SARVRA today, as I understand it. I have had the opportunity to meet today with the president of SARVRA, and my understanding is that that letter is being actively considered. It has not been rejected out of hand. One thing I want to stress about this opportunity to pause is that, in the government's rush to get this legislation through, I have had to say to residents, 'That's a good idea, but I can't in all conscience put that proposal before the parliament because it hasn't gone through due diligence.' What a hypocrite I would be if I said, 'Yes, that's a good idea. I

want to whack that in as an amendment, and, by the way, I am going to try to constrain the statutory buyback because I don't think the government has done due diligence.'

I indicated on clause 24 that, at the review stage, I was going to put down a reform opportunity which, I believe, should be considered by the review. Actually, if we are going to have a regulatory impact statement—even though it is going to be, shall we say, a non-government one—I think that is an option that should be considered by that process. I think the Hon. John Darley's aged-care transition proposals should also be considered in the context of a regulatory impact statement, and there may well be other ones.

This is an opportunity, I believe, to get the balance right, but also to get the balance right with opportunities for better outcomes for residents. Let me go to the issue that I refer to. Let us be clear, and I will be up front: the Liberal Party is, in principle, committed to this concept. It is a practice which has emerged in the Eastern States and we do not think it should be welcomed here. It is common practice for capital items in retirement villages to be repaired or replaced by the village operators. In recent years, a few operators are starting to make residents responsible for the maintenance, repair and replacement of these items, in addition to receiving ongoing resident contributions in their capital replacement funds for this very purpose.

To affirm the current norm, the Liberal team believes that there would be value in an amendment to be made to the act, similar to section 92 of the New South Wales act, which makes it clear that the obligation for capital maintenance and replacement of an asset not owned by a resident of the retirement village rests with the operator. The amendments would prohibit operators selling items of capital to residents for which the operator is responsible, thereby passing responsibility for any such items of capital to a resident under a resident's contract or any other agreement or arrangement.

Consistent with our concern that the government had not given due diligence and a cost-benefit analysis on the statutory buyback, we did not move this as an amendment at this stage. However, with the leave of the house I would want to table the amendments that we would have otherwise moved. I would hope that this, together with other items—opportunities for real improvements to residents' rights—is one opportunity to improve residents' rights. The Hon. John Darley's amendments in relation to transition to aged care are, I think, another opportunity. There may well be other issues that residents would want to put on the agenda for the steering committee and the regulatory impact statement.

If the government will not do it, somebody has to do it. In my view, it is not just an opportunity for operators to put potential improvements to the bill on the table to be assessed, it is also an opportunity for residents to put potential opportunities for improvement on the table to be addressed. Mr Acting Chair, I table the amendments. I am not moving the amendments; I am tabling them as indicative amendments that I believe should be considered as part of any regulatory impact statement. If anybody needed any convincing that we need more information before we progress this, they need only look at the government's own survey that it sent out this week. This document states:

> The Office for the Ageing, [in partnership] with the University of Adelaide, has issued a retirement villages survey to gain a better understanding of retirement villages and their residents across South Australia. This survey will provide valuable insight and baseline information about South Australia's retirement villages, an increasingly important part of the housing landscape.

I agree completely. It is a very important part of the housing landscape, but what does this document say? It says that the government is looking for baseline data. In other words, it says, 'Here we are and we've put forward a piece of legislation, we've failed to do the regulatory impact statement that our own government processes require, but now that the bill, according to the government schedule, would have been passed a month ago, we're going to go out and seek baseline data.'

Is that responsible legislation? It is appalling. Let us look at the questions they are asking. Are they relevant to this bill? My word, they are. No. 14 asks: in the past four months, how many residents have moved to residential aged care, moved within the village, moved to a different village within your organisation, moved to a different village operated by another organisation, moved elsewhere, or died?

That data would be invaluable for this house. I have been relying on anecdotes. The best anecdote I have is that 3 per cent of people leave retirement villages through death. I would love to know what the responses are to this survey. Did the government do this before the legislation was brought forward? No, it did not. Let us look at some of the other questions. No. 17 asks: how many units at your village are you currently trying to relicense? That would be useful information for this house. Question 18 asks: how long on average does it take to relicense a unit in this village? The options are: less than three months, three to six, six to 12, 12 to 18, more than 18.

This is very relevant data for the consideration of this bill. Of course it is relevant because the government itself says that this is baseline data. Why would you not do a regulatory impact statement, bully the opposition when we ask that information to be provided—and apparently it does not exist—and then after the bill is meant to go through, you tell us that you are going to go out and get the baseline data. If it exists, I invite the minister to table it. I would like to ask the minister—

The Hon. I.K. Hunter: You're a fraud.

The Hon. S.G. WADE: I put this question to the minister—

The Hon. I.K. Hunter: You are a fraud.

The ACTING CHAIR (Hon. A.L. McLachlan): Order, minister! Mr Wade has the floor.

The Hon. S.G. WADE: I put this question to the minister: how many people in the last 12 months on average in South Australian retirement villages have moved to residential aged care, moved within the village, moved to a different village—

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: You do not—

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: Chair, do we want to have a debating match or do we want to have committee stage consideration? I am in your hands, Chair, but I have the call and I will put on notice—if the minister thinks he has the answers, then he can provide them.

The Hon. I.K. Hunter: Your friends won't give them.

The Hon. S.G. WADE: Excuse me!

The Hon. I.K. Hunter interjecting:

The ACTING CHAIR (Hon. A.L. McLachlan): Minister—

The Hon. S.G. WADE: Point of order: I have the call.

The ACTING CHAIR (Hon. A.L. McLachlan): Yes, you have the call.

The Hon. J.M. Gazzola: You're taking a point of order on yourself.

The Hon. S.G. WADE: I am taking a point of order because he is defying the Chair.

The Hon. I.K. Hunter interjecting:

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, restrain yourself.

The Hon. S.G. WADE: I know it is disorderly to respond to interjections but what the minister is saying is, 'Don't blame us, we asked the operators'—and I am taking on trust that he actually did ask the operators, 'Please give us your data.' In that context, if they are refusing to give it, why not do a survey? 'Oh! That's a good idea, let's do a survey but let's do a survey after the bill is meant to already be through the parliament.' What a joke you are—what a joke!

The Hon. I.K. Hunter: You're a fraud—an absolute fraud.

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, the Hon. Mr Wade has the call.

The Hon. S.G. WADE: This document says that this is baseline data. The minister says, 'Don't blame me, we couldn't get it from the operators.' You can do a survey.

The Hon. I.K. Hunter: And they'll fill that in, will they? They'll fill that in?

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, restrain yourself.

The Hon. S.G. WADE: Let us continue. The government says that it needs baseline data. It is going to ask for it after it has put through a piece of legislation that may well severely damage the industry. We have the word of the not-for-profit sector, which is 75 per cent of the industry. The representatives of the for-profit sector, the Property Council, and a significant range of independent operators are all raising concerns.

Now, they could be wrong, and it may well be that the regulatory impact statement shows that the industry can cope with it. Okay, why don't we do one? The industry has offered to fund one with a steering committee involving residents. If the government wants to do a regulatory impact statement, if the government wants to follow its own policy, I would be more than happy to get a copy of that. I am not insisting on a non-government regulatory impact statement: I would love a government impact statement, I would love the government to do its job. It has not done so.

The fact of the matter is that I believe that nothing has changed since Tuesday. The fact of the matter is that the government has, through the minister's letter, indicated yet again that there is no regulatory impact statement. Through their survey they have indicated that we really should have done one, because we do not have baseline data, and we have an offer from the not-for-profit sector, together with the profit sector, to work with residents to do what the government should have done. I believe that there is every reason, every reason—

The Hon. I.K. Hunter: These for-profit operators, you trust them, do you?

The ACTING CHAIR (Hon. A.L. McLachlan): Minister!

The Hon. I.K. Hunter interjecting:

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, the Hon. Mr Wade has the call. Mr Wade is going to give you an opportunity to speak.

The Hon. S.G. WADE: Let us put it this way: the operators could have done a regulatory impact statement, a cost-benefit analysis—whatever you want to call it—and posted it to us. They did it with local government reform this week. The Property Council does actually know how to do these things.

What they have done in writing to SARVRA is offer a steering committee that will oversee the regulatory impact statement. If the government thinks that the Property Council, ACSA and independent operators cannot be trusted to do a regulatory impact statement, then do one themselves. Otherwise, I believe it is incumbent on this council to continue with its position and to say that we need more information. I am suggesting we update that position from Tuesday. If the government is not willing to provide that information, then we look forward to information being provided by people beyond government.

I would like to reiterate that the Liberal Party has a party room position to support this legislation. The only amendment we have—we have been up front about it since day one—is that we believe that a way to protect the stability of the industry going forward is to limit the statutory buyback.

The Hon. I.K. Hunter: Let's vote on it. Let's vote on it today. Come on, let's vote!

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, please restrain yourself.

The Hon. S.G. WADE: There is a risk on our part by being willing to pause and wait for the regulatory impact statement. The risk is that the cost-benefit analysis, the regulatory impact statement—whatever you want to call it—actually finds that the industry representatives, both profit and not-for-profit, have been drama queens and the impact will not be great, and that therefore the need to protect the future supply, the rights of operators, by limiting the scope of the buyback to current and future residents, rather than to deceased estates, is not necessary.

It is completely conceivable that with more information on the table the Liberal Party may even withdraw its amendment, which means even more opportunity for benefit for residents and their families. As I said, there are opportunities to pick up ideas that have been put forward by Mr Darley

and by other residents' advocates directly to me. I presume they did not only come to the Liberal Party; I presume that a number of members have good ideas that have been brought to them, but are not being progressed because of the way this government is choosing to go ahead with this legislation.

I reiterate that the Liberal Party believes that we need to have a statutory buyback to make sure that current and past residents of retirement villages have their exit entitlement repaid within a reasonable time. Currently, the bill says 18 months—we accept the government's time frame on that. In relation to other elements of the bill, we believe that we need to make sure that we protect the future supply of housing options for South Australians, and in particular the operators who actually need, for their viability, to continue to provide services to their current residents.

For those reasons, we say nothing has changed since Tuesday, except we have more information to say the government has not done its job and we have an offer on the table for the non-government sector to step in and provide this council with information it needs to protect the rights of South Australians.

The Hon. I.K. HUNTER: What an astonishing performance. You have the honourable member in this place arguing that because data is not available we should halt the process and go off and get the data from the people who will not give us the data in the first place. They will not give us the data because they do not want this legislation to pass this chamber. They do not want the legislation passed and they now have the Hon. Mr Wade in their pocket doing their bidding. It is just astonishing.

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Mr Acting Chairman, I am very grateful for the latitude that you have extended to the Hon. Mr Wade and, hopefully, now myself. We are supposed to be arguing the merits of an amendment in the name of the Hon. Mr Wade and, of course, you have allowed the Hon. Mr Wade to carry on to a proposed foreshadowed procedural motion. I thank you for extending that latitude. However, the issue is about excluding deceased estates.

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

The Hon. I.K. HUNTER: We have already had that debate. I say to the Hon. Mr Wade, we can cut through all of this nonsense, all of this idiocy that he has been raving on about, although there are rebuttal points that we can come into the record on, by having a vote on his amendment. Put it to the chamber. Win or lose, I do not mind if the government's position gets up or down. Let us put the vote to the chamber and see who supports your position.

The Hon. S.G. Wade: We don't have the information.

The Hon. I.K. HUNTER: You have moved an amendment with no information? Is that what you are telling the chamber? You have moved an amendment to the government legislation with no information before you. Oh my goodness. The backflip by the Liberal team is astonishing. They have been in here since the bill was introduced in April of last year in the other place, and the following month in this place, saying yes, we support it, yes we support it, we have got some amendments we want to move, but we need to move this on, there are 25,000 residents who are waiting on this.

I could go to the issue about deceased estates and the difference that is being created by this amendment. We all know, I would imagine, people who are in this situation of making decisions about their eventual retirement and their inheritance, through their estate, and for them to know that if they are alive they will get a repayment if they move out, but if they die their estates will not collect. Do you know the level of anxiety that causes to people around planning their estate? What you are going to do with your amendment is discourage people from going into retirement villages because they will not be sure, should they die, that their estates will get a timely payback.

This backflip is just beyond me, moving away from supporting the residents of retirement villages, which I would suggest to the chamber is what we should be doing, by supporting the government's position. The Hon. Mr Wade will have us now representing the for-profit village providers. That is what he is trying to do, to slow this down and eventually stop it altogether, because that is what the for-profit village providers want to do, stop this legislation going forward. Each of you

is responsible to that sector, they have all been contacting you. All of the residents' associations, COTA I heard of earlier, and there are others, want this bill passed. They have been lobbying us for months and months. I ask you not to fall into the trap set by the Hon. Mr Wade to wait further, to get more information, which will not be forthcoming because the providers will not give it to us.

The Hon. M.C. PARNELL: At the outset I thank my colleague the Hon. Tammy Franks. She has been looking after this bill during the period that I have been away. I have now reinherited the bill at an interesting time in its progress. I am eternally grateful to my colleague for allowing me to resume my responsibilities on this bill.

When the motion was put that the debate be adjourned and progress reported last time, we were a little taken by surprise. We were not aware that that was going to be on the table and we opposed the motion then. I am grateful now that the Hon. Stephen Wade has put more fully on the record the reasons why he believes a pause in the legislative process is necessary. The questions for us, if we were to delay this bill, are: what would happen in the meantime, who would do it, how long would it take and who might be affected by the delay? The Hon. Stephen Wade has said that, in the absence of a regulatory impact statement by government, industry has suggested that a steering committee might be established and that they could come up with something akin to a regulatory impact statement and perhaps further amendments might result from that.

At first blush, that does seem relatively attractive, but I am also cognisant of the fact that, as the minister said, this bill was introduced over six months ago into parliament, on 14 April this year. It has been on the *Notice Paper* of this chamber since 25 May, so there has been that period of six months. Most of us have thick files. Different people have written to us, and apart from perhaps a few in the industry, overwhelmingly people are generally supportive of the bill.

That says to me that we do need to progress it. There are 25,000 residents, as the minister says, who are waiting. Whilst I am not a fan of rushing headlong into legislation with too many unanswered questions, I do note that the Hon. John Darley has as one of his amendments a review clause. The honourable member very often improves legislation in this state by adding review clauses, for which I am grateful, and we are certainly going to be supporting that.

The Greens' position at this stage is that, given the length of time that this bill has been on the table, the length of time members have had to prepare amendments and the fact that I am confident that the bill as passed will have a review clause, it seems to me that the advantages of proceeding outweigh the disadvantages, so if a motion to adjourn and to report progress is moved, the Greens will not be supporting that today.

The Hon. K.L. VINCENT: Firstly, can I start by apologising to my colleague the Hon. Mr Wade, as earlier I made an interjection during his contribution to the effect of, 'But COTA wants this bill passed.' I will get to that in a moment, but I certainly at the time was talking more to myself than anyone and did not mean to get him off track. I consequently apologise to the rest of the chamber for any fuel that I might have added to the Hon. Mr Wade's fire. I certainly respect his right to make a contribution on this issue. It is one that we can all clearly see he feels very passionate about.

Members will recall that on Tuesday afternoon, I think it was, Dignity for Disability did support the council reporting progress on this bill. We did so so that members could have more of a chance to get further information, particularly in light of what is now known as the Karidis letter. However, we were already reasonably comfortable with the bill as it stands. Certainly, we would usually support reporting progress if a member or several members were not comfortable, because frankly, if I was feeling unsure or needed more information about a bill, I would hope that most members would support me to do the same if the issue warranted it.

I guess we saw reporting progress as a way to get the best of both worlds in terms of supporting members' rights to more information, but then also hoping that they would come back well informed and ready to pass the bill. For those reasons, we do not feel inclined to support further reporting of progress at this stage. As has been said, consultation on the intent of this bill has been in the pipeline for some three years, I think, minister, I am correct in saying? The actual bill has been not just before the parliament but in this place since late May, so I think that everyone has had ample opportunity to be involved in the consultation process.

While I do not want to be too much of an apologist for the government—that is certainly not my job—I also do not think it is particularly fair to be too critical of the government for not putting a perfect bill to the parliament in the first instance, because amending legislation and improving legislation is a vital part of what this parliament, and in particular this chamber, does, not just in government bills either, but in bills from all sides of the chamber.

Just going back to my somewhat unintentional interjection, in which I said to the Hon. Mr Wade that COTA wants this passed, I would like to read out an email I received yesterday from COTA, the Council on the Ageing, South Australian Branch. I assume all members have received this as well, but it is only brief so I would like to read it out for the record:

Hon. Kelly Vincent MLC

I understand that the Retirement Villages Bill 2016 has again been deferred, this time by the Legislative Council. COTA SA, as the peak body representing the rights and interests of older South Australians, urges the passage of this Bill. It is a much needed step to modernise the protections available for retirement village residents, while balancing the interests of proprietors through hardship provisions. The current act dates back to 1987. We continue to get strong representation from RV—

I assume that stands for retirement village—

residents completely frustrated by the delays in enacting a thoroughly good, well thought out piece of legislation that has already included important compromises on all sides. I am happy to provide any further information that you might require but urge you to support the immediate passage of this Bill.

Yours sincerely, Jane Mussared, Chief Executive COTA SA

Given that I think there has been ample time for a thorough and holistic consultation of all sides of for-profit and not-for-profit retirement village managers or developers, and also that the peak body representing the interests of older South Australians is now calling for the immediate passage of this bill, describing it using words such as 'good' and 'well thought out', it is incumbent on us now to pass this bill as soon as possible.

As I said, we did hope to strike a bit of a balance in terms of giving members some extra time to consider this debate by supporting the reporting of progress earlier this week; however, given other representations that have been made from bodies such as COTA I do not feel we could comfortably do that any further.

The Hon. S.G. WADE: I appreciate that other members may wish to make further comment, but as this discussion progresses I think I should correct a couple of statements that have been made. Whilst I do respect COTA as the peak body speaking for older South Australians, it is not the body representing retirement village residents in particular.

As I said, I had discussions earlier today with representatives of SARVRA, who were not ruling this out as the next step. To progress the bill and settle it today actually closes the door on the possibilities of enhancements that can be made in this round. The Hon. Mark Parnell said, 'Well, we can always see if there is an industry left in three or five years time.' I would have thought that—

The Hon. M.C. Parnell: I don't think I quite said it like that.

The Hon. S.G. WADE: Okay, a bit of dramatisation. I suggest that considering we have a 43 per cent increase needed in 20 years, and I think we had 14 per cent in the last seven years, we have a big ask in the next few years. Even the years that we are, if you like, going to stall the industry will put a significant challenge on the supply to South Australians.

Let us be clear about what the people said in the Karidis letter, and they were not speaking for anybody else, they were speaking only for themselves, and they have every right to speak for themselves. As 12 people signing the letter they said, 'We in this room, if this legislation was passed, would not build 1,000 units.' The average number of residents in a unit is 1.4 per unit, so that is 1,400 South Australians who would not have access to houses while we wait for the review to come around.

In terms of the elder abuse issues that the minister raised, I completely agree with the minister that there is a risk of elder abuse as a result of this legislation. The risk in this legislation is that families of older South Australians will be encouraged to prematurely have their parents move

into a retirement village because the government is not going to buy their family home if their parents die in it, but the government is going to force the operator to buy back their unit if they die there.

I accept the minister's point about incentives. There are incentives in any statutory framework but let us not presume that the Liberal amendment creates incentives. There are incentives there that all have to be managed and watched. In terms of time frame—and I completely agree with the point the Hon. Mark Parnell made that we do not want unnecessary delay—let us be clear: what residents and advocates have said to me is, 'We're really keen to get this legislation through before Christmas.' We have five weeks before the last sitting week of parliament. I would hope that the steering committee would be able to give us an indication of the time frame—

The Hon. I.K. Hunter: Rubbish! It is going to take three months.

The Hon. S.G. WADE: I would like an opportunity to be heard. I hope Hansard can hear me because the members might have trouble. The fact of the matter is that I believe it is worth a wait of weeks rather than to stymie the growth of the industry for, potentially, years to come. I strongly disagree with the assertion—I cannot remember who said this but somebody said that this was overwhelmingly supported by the industry, if that was the case I cannot see why ACSA and the Property Council have both asked for this pause to review.

The Hon. J.A. DARLEY: I rise to indicate my support for the Hon. Stephen Wade's motion to report progress, and I do so on the basis of most of the comments he has made already. However, I suggest that this report that we would be looking for would not take months but would take weeks. If the industry is not prepared to provide the information that is necessary, and correct information at that, they do that at their peril.

The Hon. R.L. BROKENSHIRE: This is a difficult deliberation because it has been a very long time in the making to get to this point. As I said, I think in my second reading contribution, I do not blame the current minister for that because he was not the minister when all of this work was being done. However, it has been delayed and delayed and delayed and it is way overdue; it is a couple of years overdue at least, in my opinion.

Whilst I accept what my colleague the Hon. Mark Parnell said about doing a review down the track—and it is better to have review clauses than not have them, generally speaking; I am becoming more and more of the opinion of review clauses being in this sort of legislation—the reality is that whether you have a review in three years or five years, it is pretty clear and evident, just from this debate now, that it is going to be a two to three-year period after that before you get back to the stage of correcting what might be wrong in the legislation previously and the intent of the review to look at that.

This is a very important industry. It is economically important and it is incredibly important socially, particularly when we have a growing ageing population and we are going to have more demand for these particular enterprises. I have two concerns. I put my second reading contribution out before the winter recess. I was hoping this bill would have gone through before the winter recess—and I thought it was going to be—but be that as it may it did not and here we are now having to decide whether to proceed today or not.

Less than two weeks ago I had an urgent request for representation from a sector of the industry. I understand that all members, on the crossbench and opposition at least, received that signed letter. At about the same time we saw some amendments from the Hon. John Darley, after representation to him from SARVRA I understand. At about the same time as those amendments were being drafted, Family First received an email from SARVRA. SARVRA is the peak body I work with on retirement villages, and I have done so for 20 years in the parliament, because whilst I work with COTA on the general issues of the ageing, I do not believe they are the peak organisation for retirement villages.

I am advised as recently as today that the SARVRA president has spoken to the shadow minister on this and indicated that they also have some concerns but that they would see some benefit, as I understand, and I am happy to be corrected, by having a round table to try to thrash out one or two impasses that are here at the moment. We are talking about only one or two impasses. I received an email from the minister, and I would like to put this on the record, because the key debate

we are trying to get around at the moment is the buyback provision. I received from the minister an email following discussions I had with the minister and the minister's adviser. The email states:

> Following on from our discussions, you requested information about where in the Bill it provides that the resident can opt out of receiving payment at 18 months if they want to hold out for a higher price.
>
> The section of the Bill is 26(5)(d)—
>
> (d) the person to whom the exit entitlement is payable may, by written notice given to the operator of the retirement village, elect not to receive the payment at that time but to wait until the exit entitlement becomes payable in accordance with subsection (2)(a);
>
> So in effect, if the property has not been relicensed at 18 months the resident can elect not to receive payment and await the actual relicensing of the unit, rather than be paid out based on valuation. It could be that the market is improving or there has been significant interest in the unit and the ex-resident prefers not to be paid out on valuation (18 mths) and awaits the actual sale.
>
> We have a govt amendment to this clause (#1)—amending it to insert a timeframe within which the resident must make that election. This is to improve the clarity and reduce uncertainty for operators. The timeframe will be specified in the Regulations, allowing for consultation with stakeholders, and to ensure that it is workable for both operators and residents.

I cannot see why that cannot be in the legislation if there is some urgent work done. The Hon. John Darley said that it will not take months to do the work that the Hon. Stephen Wade was raising. If that work was expediently done, why couldn't that time frame be in the legislation? That may actually then cover some of the concerns on the lack of flexibility to both the licensee and the licensor.

The final point that I would make on this signed letter is that we have a duty to all who utilise the retirement villages to ensure that we have a growing industry sector. It rings some alarm bells that they are saying 1,000 units may not be built. In the urgent meeting that I had, I said to them that they need to go to meet with the minister as a matter of urgency and also possibly to talk to the Premier about this and see how the Premier feels about it if they cannot resolve it with the minister. The Premier is away on government business this week, so that makes that difficult. I would have liked to have known what the Premier actually thought about the concerns of the developers.

The final two points that I will make at this stage is that the Hon. Stephen Wade is saying that we could definitely look at doing this by the last sitting week. There are some inherent dangers in trying to deal with something like this in that last week because it is fairly easy for something to go wrong at that point and it slips out into next year, and that would not be satisfactory. The other point is that I have always personally supported, as has our party, a right for reporting progress. At this point in time, we believe that progress should be reported, as the Hon. Stephen Wade has said.

Having said that, I would like to say on the record that we can only assure this house that we will stick with that convention. It is terrible when we break conventions because there have been too many conventions broken in this house, and once you break a convention, it starts to undermine the parliament.

If I indicate, which I am going to, that we will support the call for reporting progress, I also say that work will have to be done very diligently, expediently and cooperatively with the agency, the minister and the sectors because SARVRA are also saying they want to put something else on the table. I think it has been appalling that all sectors of the industry that work with some dedicated officers from the department, who I personally have had confidence in, for three years, have come to this parliament at the 11th hour, the 59th minute and almost the 59th second. They are probably fortunate, frankly, that there are enough members of parliament concerned about the overall situation to now be debating this, rather than the amendments.

With those words, we will support the Hon. Stephen Wade if he does call a division on reporting progress, but we are flagging that we may have to reconsider a commitment on convention after the next sitting week if things are not resolved.

The Hon. S.G. WADE: I am not proposing to move that motion yet, but I did just want to correct the record on one point. I would not want there to be any suggestion that I am misrepresenting the position of SARVRA. I will state as clearly as I can what I believe the current position of SARVRA is. SARVRA does not believe that the government's legislation, unamended, would cause significant

damage to the industry, so it is not fair to say they have concerns with the legislation. For example, they are not saying they support our deceased estates amendment.

They are aware of the proposed regulatory impact statement process, the one they have written to. My understanding is that they see that that would provide an opportunity for improvements to the bill to the benefit of residents and they have not rejected the regulatory impact statement process out of hand. In other words, as I understand it, it is still under consideration. I would not want to think anything I have said was suggesting that SARVRA had concerns with the legislation. Having made those comments, I do not know if any other members want to make any further contributions. If not—

The Hon. R.L. BROKENSHIRE: I have two points of clarification. The first is that SARVRA have requested one of our colleagues to put amendments to a bill very, very late in the piece which are now before this house sitting here to be debated and considered. The second point for clarification is that I understand from discussions with the shadow minister today that the president of SARVRA has indicated that he sees some benefit for SARVRA in having an urgent cooperative inclusive round table because they do have one other issue at least that they would like to discuss.

The Hon. S.G. WADE: I thank the honourable member for the clarification because you are right. As I understand it, the Hon. John Darley's amendment is, in fact, a SARVRA proposal. The Liberal Party is not supporting it because of a lack of a regulatory impact statement. We believe it would be reckless without the relevant data. If we had a regulatory impact statement, a SARVRA proposal would be significantly enlivened. In terms of other options, yes, there are issues that SARVRA has raised that may well be able to come back into play if a regulatory impact statement was made. I think we have clarified that almost to minuscule detail, but I would not want to have misled the house.

The Hon. T.A. FRANKS: Is the Hon. Mr Wade saying that he may well support the Hon. John Darley's amendment and at what clause is that amendment?

The Hon. S.G. WADE: To be honest with you, I do not know. I am quite used to recommitting things, so I am not really that fussed about where we are in a bill. I am more than happy to indicate that the Liberal Party would support recommittal of the bill if proposals come forward that are pre-clause 26. If the government wants to indicate that they are not willing to recommit a bill, we will remember that next time they need to do that with another government bill. I move:

That progress be reported.

The council divided on the motion:

Ayes 9
Noes..... 8
Majority..... 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
McLachlan, A.L.	Stephens, T.J.	Wade, S.G. (teller)

NOES

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

PAIRS

Kandelaars, G.A.	Ridgway, D.W.	Malinauskas, P.
Lucas, R.I.		

Motion thus carried.

Progress reported; committee to sit again.

CHILD SAFETY (PROHIBITED PERSONS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2016.)

The Hon. T.A. FRANKS (16:34): I rise on behalf of the Greens to speak to the government's Child Safety (Prohibited Persons) Bill, introduced by the Attorney-General in the other place on 20 September 2016, and barely on the *Notice Paper* in this place. The Greens welcome the long overdue reform in this area.

We are especially pleased with regard to the objects and principles of this bill which state, in no uncertain terms, that the primary object of this act is to minimise the risk to children posed by persons who work with them and that the paramount consideration in respect of the administration, operation and enforcement of this act must always be the best interests of children, having regard to their safety and protection.

While the Greens support this law reform, we must see it come to a successful fruition. If this system is to work, it will require a great level of resourcing and the continued prioritisation of this matter that we have seen in recent weeks to extend to future years and, indeed, decades. The centralised assessment unit will be the sole agency responsible for conducting checks on individuals. This is certainly a great responsibility. We hope that much support and expertise goes into the creation of this unit and that their difficult job is recognised.

As the Attorney-General noted in his report, it is important not to be lulled into a false sense of security. These screens focus on defining the people who are prohibited rather than labelling people as safe.

Members interjecting:

The Hon. T.A. FRANKS: Gentlemen, would you like to take it outside?

The PRESIDENT: Order! Please show a certain amount of respect for the Hon. Ms Franks while she is giving a speech.

The Hon. T.A. FRANKS: It is crucial to acknowledge that none of this would have stopped Shannon McCoole or a great number of other offenders. People do and will offend for the first time. Indeed, we must ask if these reforms really can protect children in the way that is hoped. However, it does seem reasonable and fair for people and organisations who undertake child-related work to ensure that all employees have up-to-date, accurate, easily accessible and successful working with children checks.

It makes sense for this check to be portable across multiple workplaces. I know that members of the crossbenches, including myself and other members of this place, have long called for such a portable screening process to be in place, noting the current issues that we have with a system that is far more ad hoc. Likewise, it seems reasonable, if we are to herald these checks as vital for the protection of children, that a person not commence working with children until the check has been undertaken and they have not been prohibited. However, I note that—

Members interjecting:

The PRESIDENT: Can members please desist from talking while the honourable member is on her feet? Thank you.

The Hon. T.A. FRANKS: They were not doing it right next to me where I actually could not hear myself think, Mr President, but I thank you for the reinstatement of order in this place. While it is a worthy ideal, which the Greens support, that these checks must be ensured before commencing work with children, in practice, where the state fails to ensure that these checks are done in a timely

manner, this has led in the past to taxidrivers in particular and many other workers actually losing their jobs.

This is particularly so where the systems, as they currently stand, take an inordinate amount of time to process. While this seems reasonable, it underlines the importance of the efficient operation of the central assessment unit. We do not want people waiting weeks or months on end to be able to commence employment or continue employment in our state.

I refer to the submissions made by the Law Society of South Australia. While it appears that the bill tries to assist the theoretical parent who wants to help at the canteen or the bake sale or the school excursion, the bill specifies an arbitrary number of days—in this instance, seven days—and proposes that it is fair and lawful to sift the people who present a danger to children from those who do not by this seven-day marker. While it is a hard task to balance the protection of children with the practicality of parents wanting to volunteer, as just one example, if the government wants to navigate these waters, it must do so with clear and unambiguous language.

As it stands, if a parent were to volunteer at their child's school as part of an overnight trip or be in close contact with children with disabilities, they would require a check. This seems fair, and there have even been calls to extend this to any parent who has close contact with any child. Apart from those parents who volunteer for no more than seven days, every other instance will require a check. If this is not complied with, both the parent and the school will be liable to prosecution. While the line needs to be drawn somewhere, we fail to see why that seven-day period has been chosen.

Finally, the Greens raise two concerns with this particular bill. Firstly, the power of the central assessment unit to screen all applications, even those that are withdrawn, is quite wide reaching. While it may be an important step in making sure that prohibited people are placed on the system, we ask the government to explain why this provision has been included and to give some information to members of this council as to whether that will put a strain on a system which should rightly be prioritising what are termed here as 'live threats' as opposed to potential threats.

Secondly, the Greens have found particularly fascinating the exemption of any member of the South Australia Police or the Australian Federal Police from all responsibility to be screened. We know from past experiences that police officers in this state and elsewhere are just as capable as any other member of the public of being child sex offenders. Why have they been explicitly excluded? We certainly look forward to answers to that question. Indeed, there are historical cases in this state and some ongoing cases that involve members of the police force being charged with child sex offences. Given the government's own words in relation to the children's commissioner bill just two days ago (with reference to the ability of the commissioner to investigate the Office of the Guardian) that no group should be exempt, we query why in this case SAPOL and the AFP have been exempted from this legislation.

The Greens have filed an amendment today to exclude those two groups from the excluded persons to ensure that this new law, when it comes into operation, does indeed apply to police officers as it would apply to any other person seeking to work with children. Overall, of course, this bill is a welcome step forward in prioritising the protection and welfare of children. However, due to the penalties it imposes on those who contravene it, it requires this important clarification on those who will be required to comply because they are deemed to be providing a service to children and on what services will be considered incidental in terms of contact with children.

With those few words, I look forward to the debate on this bill. The Greens will be supporting the second reading, and we do look forward to answers to those questions, particularly with regard to the role and the reasons for the exclusion of police from the definition of those who will be covered by this bill and why the figure of seven days has been chosen. Is it an arbitrary line? Is it based on something on which we have not been provided information prior to this? If the government will bring back a second reading response that illuminates those two issues, the Greens will certainly appreciate that.

We do appreciate that this government has taken seriously the Nyland royal commission recommendations. We are willing to work cooperatively, but we want to get these bills right, not just get these bills rushed through. We cannot afford to make further mistakes in the areas of child

protection in this state. With those words, I indicate that we will be scrutinising each and every bill, including this one, as they come through.

The Hon. J.A. DARLEY (16:44): This bill aims to overhaul the method by which people who work or volunteer with children are screened before commencing their employment in a voluntary position. It will establish a new central assessment unit which will screen all applicants and determine whether or not they are prohibited from working with children. I understand this is in response to recommendations made by Justice Nyland, and the bill incorporates a number of recommendations she made in her royal commission report. This bill allows for screenings to be conducted every five years, rather than having a three-year expiry, which is currently the case for DCSI screenings. The system will also be dynamic, which will allow for prohibition notices to be issued as information about a person's ineligibility to work with children becomes available.

Given that the system will be dynamic, I would like to know from the minister why it is necessary to conduct another screening after five years. Surely a person's suitability to work with children would only change if they were accused or convicted of a prescribed offence. If this is the case, my understanding of the bill is that it would mandate for this information to be passed on and a notice of prohibition would be issued immediately.

With regard to who will be required to undertake a screening, I have a number of questions and would be grateful if the minister could clarify. I understand that, if a person does not intend to work with children for more than seven days in a calendar year, they are exempt from requiring a screening. Can the minister clarify that this would mean that businesses or individuals who host a work experience student would not have to be screened as long as the work experience period does not exceed seven days? Similarly, if a high school student elects to undertake work experience at a primary school, will they be required to have screening undertaken? Will the screening be required, even if the work experience is only five days?

Will a person working in Pumpkin Patch, a clothing retailer that sells exclusively kids' clothes, require screening? Would a person working in the toy section at Target be required to undertake a screening? Will employees of bowling alleys and gaming arcades require screenings? Further to this, the bill excludes people from requiring a screening if they work in child-related work in the same capacity as the child to whom the work relates, and for persons who employ or supervise a child where the work undertaken is not child-related work. Can the minister clarify whether a supervisor working at Hungry Jack's, McDonald's, etc., would need to be screened?

I have been contacted by a number of constituents who had been refused DCSI clearances but, however, had not been provided with a reason. This seems unfair as many felt that they had been branded for a matter of which they had no knowledge. I have been advised that a new framework for the act will include provision for the applicant to receive reasons why a prohibition notice was issued.

I also have concerns regarding clause 44(1), which allows a person who is responsible for a child, in respect of whom child-related work is or is to be performed by that person, and which requires the person to provide their full name, date of birth and unique identifier. This is so they are able to check via the online system whether the person has undertaken a screening. I understand that currently the act allows a similar request in that a parent or similar is able to request to see a person's clearance.

However, I believe there is a significant difference between showing someone a clearance which contains the details that can be requested in the bill, as opposed to requesting that information from someone in order to take it away. For example, a person who is volunteering at the zoo is required to undertake a screening. Currently, a parent can approach a volunteer in the children's zoo and ask to sight a copy of the person's clearance, which will have the volunteer's name, date of birth and unique identifier on it.

In contrast, the bill will enable parents to approach a volunteer and ask them to provide their name, date of birth and unique identifier. The parent will then have to take down these details, take them away with them and input them into the system to verify that the volunteer has undertaken a screening. In the first instance, a person is merely sighting the information and does not take it away

with them. It could be argued that a parent could copy the information from the screening they sight. However, I would respond by saying that this behaviour would be questioned and escalated.

In the second instance, a person is provided the information to take away with them. I believe being required to hand over your full name and date of birth to a virtual stranger is a gross invasion of privacy, especially in this day and age of identity theft. I have raised this matter with the government and hope to come to a resolution before the committee stage.

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

PUBLIC SECTOR (DATA SHARING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. A.L. McLACHLAN (16:50): I rise to speak to the Public Sector (Data Sharing) Bill 2016. The Liberal Party is supporting the second reading of the bill. This bill provides explicit authority for agencies to share their data. It also includes a framework for how it is envisaged that the sharing of data will occur.

When I first laid eyes on this bill, my mind recalled the novel *The Circle* by Dave Eggers about a young woman who joins a global internet company, which operates like a cult. She fails to meet the company's expectations when she does not share her experiences with everybody online. The company believes and reinforces the mantra, 'Privacy is theft, secrets are lies and sharing is caring.' I am surprised the Attorney-General did not adopt this catchy line when advancing this bill through the other place.

Probably a better metaphor was identified by the law academic Daniel Solove. He suggested that a better metaphor was Franz Kafka's *The Trial*, which depicts a bureaucracy that uses an individual's data to make important decisions about them, and at the same time does not allow them to participate in how the information is used. He identified this metaphor in an article discussing the sharing of data.

As Solove argues, data collection, processing and analysis has the potential to affect the power relationship between the citizen and the government. Personal information held by the bureaucracy and able to be shared is out of the individual's control. At the same time there may not be sufficient controls and discipline within the bureaucracy in handling and using the information. The individual becomes helpless and the state more powerful. The relationship between citizen and the state is irreparably altered.

When introducing the bill, the Attorney-General advised that the two key objectives of this bill were to promote the management and use of public sector data as a public resource to support good government policymaking, program management and service planning and delivery and as well, to remove the barriers that impede the sharing of data between agencies. The Attorney-General indicated at the committee stage, in the other place, that many government agencies are currently reluctant to share information. The ultimate aim, therefore, is to enable agencies to make the best use of their data assets and collaborate to improve the evidence base for developing policy and services. These are, on their face, noble aims.

There are many evangelists for data sharing, both within the government and without. It is argued that public services can then be more closely aligned with community need. It is understandable that the government wants to make more efficient use of the data they have collected in order to improve public services, but data sharing also has inherent and serious risks. Data may be misused or wrongfully disclosed. Sufficient safeguards must exist to ensure the protection of privacy. The threat to an individual's privacy has the potential to cause real harm, distress and damage to that person and their family.

We must not forget the horrible impact the operations of the Stasi had on the lives of East Germans. The scale of the manual record-keeping is a confronting reminder of what an unchecked government and its bureaucracy can eventually do to learn everything about everybody. I do not believe that any efficiency dividend (as the management consultants like to call it) would be

worth such an intrusion of a person's privacy, so there must be a balance between the competing values of social benefit, for example efficiencies and improved services, and on the other scale, the invasion of privacy of the individual. The benefit must be proportional to the cost.

These risks are particularly poignant in South Australia, as we have no privacy regime in this state where these competing values are clearly articulated and balanced. In many ways, it is comforting to hear from the Attorney-General that government departments are reluctant to share information. This demonstrates an inherent respect by the bureaucracy for the privacy of the individual. The data collected for a particular person is not passed on to others without the individual's consent.

I feel when reading the clauses of this bill that the government bureaucracy has been placed at the centre of all the justifications for this legislation. The right of the individual appears to come a poor second. For those of us who have some experience in business, this is unusual. Business success comes from being customer-centric, not internally focused. Governments do need to work smarter and better and data is important to enable this, but we also need to ensure that there is accountability for sharing data, appropriate security and respect for individual privacy.

This bill has been based on similar legislation that currently operates in New South Wales. What I find particularly disappointing is that the Attorney-General has attempted to sell this legislative initiative as part of the government's response to the Nyland royal commission's findings and recommendations. The Attorney-General introduced this bill under the guise of child protection reform, stating that this bill is critical in supporting the new child protection department.

Whilst provisions contained in the bill will hopefully fulfil that objective, it is clear that the bill was contemplated well before the royal commissioner Margaret Nyland handed down her final report and the recommendations to which the Attorney refers. In a letter from the Attorney-General to the member for Bragg in the other place, dated 19 September, the Attorney stated:

> The bill is part of a broader 'Data for Public Value' reform that progressed a number of initiatives to overcome the barriers that agencies experience in sharing data with each other.
>
> A subgroup of the 'Data for Change Working group' established by the Premier in late 2015 initiated this work.

The Attorney-General went on to write:

> In preparing the original Data for Public Value reform proposal, including the proposal to draft data sharing legislation, discussions were had at ministerial level and with the Premier's Data for Change working group and officers across key departments to canvass support for reform of government data sharing and identify any initial concerns.
>
> Agencies feedback confirmed that the current environment is difficult to navigate and that they are keen to see a consistent, transparent, whole of government framework that facilitates appropriate data sharing.

The letter then went on to set out the policy basis for the bill and the consultation that occurred, as well as major differences between the bill and the New South Wales legislation.

The failure to protect our children over the past 14 years is a stain on this government and its ministers. While this bill does support the implementation of various recommendations of commissioner Nyland, both in terms of sharing data between agencies and enabling such data to be analysed, to dress up this bill as a cogent response to the government's failure on child protection is pure arrogance and gives us cause to suspect that the government's responses to the royal commission are more to do with political survival.

The need to share data to protect children cannot be questioned. The balance between an individual's privacy and the safety of the child is clear: the safety of the child comes first. This bill goes further and has a broader effect. The government clearly contemplated legislation of this nature well before commissioner Nyland's recommendations were handed down.

I turn now to the provisions of the bill before the chamber. The bill provides the authority and safeguards for the exchange of information by two methods. It enables voluntary data sharing between public sector agencies and provides that the Minister for the Public Sector may direct a public sector agency to provide data that it controls to another public sector agency. This can be on the minister's own initiative or where the agency is unsuccessful in pursuing the voluntary arrangement directly with another agency.

The bill sets out the objects of the act to be the following: to promote, in accordance with the trusted access principles and the data sharing safeguards, the management and use of public sector data as a public resource that supports good government policymaking, program management and service planning and delivery; to remove barriers that impede the sharing of public sector data between public sector agencies; to facilitate the expeditious sharing of public sector data between public sector agencies; and to provide protections in connection with public sector data sharing. It then lists a range of methods, albeit in very vague terms, as to how it is envisaged that these protections will be achieved.

I note that the bill also allows entities other than a government agency to be added or removed by regulation. The bill establishes an office for data analytics (ODA). It also grants the minister a power to enter data sharing agreements with other agencies, including councils or persons whom he prescribes. This is necessary in order to capture non-government organisations that are involved in child protection.

The legislation will override the legislative or policy barriers that would currently prevent data sharing within government. The bill bestows on the minister an extremely broad delegation power to delegate any of the powers under the act. It also allows certain information to be excluded by regulation. The bill also lists a set of data sharing safeguards and trusted access principles, with the ability to add to these by regulation. These include safe projects, safe people, safe data, safe settings and safe outputs.

Safe projects sets out the factors that must be considered when determining whether it is appropriate to share data in the first place; safe people sets out the requirements when assessing whether a proposed data recipient is an appropriate public sector agency with whom data is to be shared; safe data sets out what to consider when assessing whether the type of data is appropriate to be shared; safe settings sets out the factors to consider when assessing whether the environment in which data will be stored is appropriate; and safe output sets out the considerations for assessing whether publication or other disclosure of the results of data analysis is appropriate.

The bill then provides a range of data sharing safeguards. They lack detail and clarity, and are not as one might expect to see in a bill of this nature. They include the following:

- that the recipient of data must ensure that confidential or commercially sensitive information is dealt with in a way that complies with any contractual or equitable obligations of the data provider;
- data providers and recipients must ensure public sector data is maintained and managed in compliance with any legal requirements concerning its custody and control;
- if a data recipient arranges for data analysis to be conducted on public sector data, they must ensure appropriate contractual arrangements are in place to ensure the data is dealt with in compliance with the requirements of the act and the State Records Act;
- I note that the bill also provides that the legal requirements under the Freedom of Information Act continue to apply. This means that agencies or persons cannot make freedom of information applications to the agency that receives the data; they would have to apply to the agency that initially held the data; and
- the bill states that any breaches may be dealt with by way of disciplinary action. I question whether this is a sufficient sanction, and therefore an incentive for the Public Service to ensure compliance.

The traditional view of privacy is that it is an individual right based on the premise of individualism. The right of privacy recognises the sovereignty of the individual. The law academic Daniel Solove argues that the value of protecting the individual should be seen as a social one. In other words, privacy is protected to ensure a healthy society that is civil, with appropriate norms of behaviour. Allowing individuals to be free from intrusiveness is a positive force in the community. If society ends up not supporting privacy it risks losing the development of individual identity, as forewarned by Eggers' in *The Circle*.

The provisions of this bill, once enacted, have the potential to empower government and its bureaucracy to deprive individuals of their privacy and, in doing so, diminish their lives and undermine their communities. The government must make the case that there will be respect for the privacy of the individual, and that sufficient safeguards will be in place.

Given the repeated stories of hacking of government information, I do not believe we should be confident that our citizens' data will be safe. This bill will allow the spread of our people's data to a wider audience, and heighten the risk of unauthorised disclosure and abuse. This bill, in the name of seeking to improve government services, may, when enacted, be the first step in irrevocably changing the dynamic between the state and the citizens it purports to serve.

The Liberal Party will support the second reading. I anticipate that I will have questions for the government at the committee stage.

The Hon. T.A. FRANKS (17:04): I rise on behalf of the Greens to speak to the Public Sector (Data Sharing) Bill 2016, as introduced by the Attorney-General in the other place on 4 August 2016. The Greens support data-led decision-making and evidence-based policy. We believe that statistics and data analysis provide a sound platform to improve policy outcomes for our state.

As the ABS website explains, statistics aid the decision-making processes by enabling policymakers to establish numerical benchmarks, and monitor and evaluate the progress of policies. This is critical in ensuring that policies meet initial aims and identify areas which require improvement. Statistics and data analysis are necessary and can improve policy outcomes.

This bill seeks to enable the sharing of government data between government agencies in two ways: the first is the voluntary data sharing method where an agency can approach another agency with their data request or an agency can proactively identify the value in sharing data that it controls with another agency; the second is data sharing via the minister's input where the Minister for the Public Sector can direct a public sector agency to provide data that it controls to another public sector agency. This can be done on the minister's own initiative or perhaps where an agency is unsuccessful in pursuing a voluntary arrangement directly with another agency and therefore seeks the minister's input.

There are a number of provisions in this bill that seek to protect data held within government agencies. For example, the trusted access principles that have been embedded within the bill that reflect international best practice and are employed by the ABS for accessing safe and appropriate sharing of data. At first glance, this seems like a simple piece of legislation enabling data sharing between government agencies and possibly other partners such as the local government sector, the NGO sector or, indeed, the commonwealth.

Essentially, the bill seeks to share data for the purpose of policy improvement outcomes and possibly child protection. Exactly how this relates directly to the child protection aim is unclear from the debate in the other place. I note that the recommendation of the Nyland royal commission No.242 states that the Children's Protection Act be amended:

> (a) to permit and, in appropriate cases, require the sharing of information between prescribed government and non-government agencies that have responsibility for the health, safety or wellbeing of children where it would promote those issues…

This bill however is based on the New South Wales Data Sharing (Government Sector) Act 2015. The Data Analytic Centre which resides in the Department of Finance, Services and Innovation is a centre for the collection of data and expertise and the analysis of that data. My office has been informed by the New South Wales Data Analytic Centre that it operates on a budget of some $17 million over four years with $6 million allocated to its 2015-16 budget and $2 million allocated for staff salaries.

The centre employs roughly 12 full-time employees and the centre hopes to employ 20 full-time employees in the future with student placements being made available also. The head of that centre is Dr Ian Oppermann, Chief Data Scientist. Dr Oppermann was the founding director of the CSIRO's digital productivity and services flagship, director of the CSIRO's ICT Centre, the unit which is responsible for addressing major scientific challenges in wireless communications, robotics,

information theory, environmental sensing and e-health. The responsibilities of that Data Analytic Centre involve the following:

- deliver priority analytics projects using whole-of-government data in a secure environment;
- advise on New South Wales government challenges and potential solutions using data analytics;
- manage a secure environment for data sharing;
- establish and maintain a register of data assets;
- coordinate consistent data management definitions and standards;
- advise on making de-identified data open to the public; and
- advise on best practice data analytic cyber security and privacy measures.

They also publish quarterly reports to the New South Wales parliament, and the Greens are supportive of this form of data analytics and encourage, as I have said, evidence-based government policies.

We must look across the border to see how public data sharing is done properly. It requires resources. As we know, this bill has zero resources. It seems to be putting the cart before the horse. In New South Wales the priority is data and its security rather than claiming that the simple act of sharing data is somehow a tool in protecting the children of our state. I understand that the minister has claimed that this bill is a direct result of recommendation No. 242 that I read before, and I read again now. Again, I say it would amend the Children's Protection Act 1993:

(a) to permit and, in appropriate cases, require the sharing of information between prescribed government and non-government agencies that have responsibilities for the health, safety or wellbeing of children where it would promote those issues;

(b) to require prescribed government and non-government agencies to take reasonable steps to coordinate decision-making and the delivery of services for children.

I seek clarification from the government on the following points. Firstly, could the government confirm that the data storage, sharing and analysis will be related to child protection data? If so, what exactly is the sort of data that the government envisages will be shared under the proposed legislation? The minister in the other place during the debate made some seemingly contradictory statements. The minister stated that the bill is a result of the commissioner's recommendations, but he also stated that it is based on the New South Wales Data Sharing (Government Sector) Act 2015. Of course, as we know, that New South Wales bill has nothing to do with child protection.

It is perplexing to read the minister's second reading contribution where he mentions the use of different database management systems across the South Australian government departments. It is our advice, and it certainly seems to carry weight, that it does not matter what sort of database management systems are used by an agency. What matters is how that data is extracted and provided to a data analytics specialist. In today's day and age, we have modern data analytic tools able to decrypt, decode and provide data for analysis and reporting regardless of that database management system's origin.

The minister was also unable to explain in the other place what the budget estimation will be to set up an office of data analytics for South Australia, and indeed which department that office would reside within. For example, will the office of data analytics reside within the Department of the Premier and Cabinet or the Department of State Development or Treasury and Finance or within DCSI, or is it another department altogether? This is worrying because we are being asked here to support a bill without any estimated costs or details about which department will be responsible. It is important to know which department the office of data analytics will reside in so that its priorities will be made clearer, not just to this parliament but to the people of South Australia.

I and my office have been informed in requests for information that the cabinet will make these decisions. The Greens are not comfortable with the cabinet making a decision about a department allocation and a budget after the bill has passed rather than prior to the bill passing. The

minister indicated that the commonwealth may provide some financial assistance for setting up an office of data analytics in our state.

I would like to know if the government can provide further information on whether conversations and agreements have been reached on this area and update this council on what matters have been discussed with any ministers of the commonwealth, including social services minister Porter, who was referred to as perhaps being interested in information about young carers or carers in general while there is a specific question there as to whether that conversation about data analytics on carers has been progressed.

What have been the conversations with the commonwealth about this piece of legislation? Has the commonwealth indicated that there is any interest in particular areas of information being made available to it in exchange for funding this office? I also seek to be illuminated and educated in this place about what data has been sought from the Department of Social Services in relation to child protection specifically in our state.

I ask further what is the estimated budget allocation in terms of an amount that perhaps is the minimum? Is there a base amount that the state government believes it could enact this piece of legislation for? Is there an amount that is the optimum amount? If the commonwealth does not stump up the money, will the state government be finding those moneys by the Mid-Year Budget Review? What source and what department will those moneys be drawn from and reside in?

If the government could provide the priorities of the data proposed to be shared between government agencies and also, given there have been incidents at Adelaide hospitals where administrative staff have accessed unauthorised files, what guarantee is there, by this government, that a similar breach will not occur under this bill? If unauthorised files are accessed by staff, what consequences will they be likely to face if they are a casual or permanent employee and are those consequences different?

What kind of disciplinary action does the government believe would be an adequate response to set a deterrence for breaching the Public Sector Act 2009 and the professional conduct standards in the Code of Ethics for the South Australian Public Sector? If the government has had any conversations with the commonwealth about those priorities, which perhaps are on the table in order to secure commonwealth funding for this project, it is time to put that information into the public realm.

This is certainly a milestone piece of legislation. This state does not have the same privacy protections that New South Wales does. This bill does not provide the appropriate financial resourcing, let alone the legislative protections, to make this happen. It is being done on a hope and a prayer that the commonwealth will come to the party to fund it, so is the commonwealth asking for something in exchange? We would like to have that question answered. If that is not the case, and if the commonwealth is, in fact, uninterested regardless of any trade of information, will the state be stumping up the money to ensure that this legislation is able to be put into effect?

With those few questions, I think there will be a robust committee stage of this debate. We will be supporting the second reading, but look forward to a very thorough committee debate.

The Hon. K.L. VINCENT (17:17): Firstly, can I start by thanking the Attorney-General for providing a briefing to my staff. Dignity for Disability continue to have a number of concerns with this bill, all of which I think have already been outlined by my parliamentary colleagues, the Hon. Mr McLachlan and the Hon. Ms Franks. They have outlined the purpose and some of the issues around this bill to a significant extent.

I do not want to reiterate those in any great detail, but I would like to echo that Dignity for Disability certainly share those same concerns about the Public Sector (Data Sharing) Bill 2016. Personally, as an MP who has been working with literally thousands of NDIS (National Disability Insurance Scheme) participants and families, particularly in the last three months, who have seen the NDIS rollout essentially come to a screaming halt due to the issues with data and IT, particularly around the Myplace portal when that portal collapsed, I certainly get very worried about government management of computer systems and data.

We have seen NDIS participant data, through the Siebel to Myplace portal migration, lost, scrambled, corrupted and transferred into other people's files. In other words, people were getting data that was in fact related to other participants completely other than themselves. So, people could certainly be forgiven for having a certain level of cynicism around government management of data.

No-one really knows why these particular issues did arise, but we do know, following a review that was done, that once those issues came to light the rollout of the data migration was pushed ahead with, despite the fact that this report shows there were multiple amber and then red flags that were showing. So, I think people could be forgiven for having a high level of cynicism around data at the moment, not to mention the census.

We certainly echo those concerns that have already been eloquently outlined by other colleagues, so I do not intend to go into those, but if there are answers that the government could provide to those questions that have been raised, we would deeply appreciate that, as that will assist us in knowing whether we should give support to this bill as it stands.

The Hon. J.A. DARLEY (17:19): This bill has two main objectives: to establish the office of data analytics and to facilitate the sharing of data between government agencies and other non-government agencies. I am wholeheartedly supportive of data sharing between government agencies for the purpose of improving service provision. The Premier has often spoken of the importance of the Public Service adopting a whole-of-government approach, and I believe that data sharing forms part of this. I have raised issues with both the Premier and ministers when I have been frustrated that a whole-of-government approach is not being taken. In fact, I have experienced cases where there is not even a whole-of-department approach, let alone a whole-of-government approach. I am supportive of anything that will improve and facilitate this.

However, I am not supportive of establishing an agency which, from what I can understand, is merely there to gather and analyse data for cabinet. The bill does not provide any details on who instructs the office for data analytics, what their objective is or the purpose of their information gathering. During a briefing on this bill, my office requested clarification on the role of the office for data analytics and was advised that the ODA was not there to facilitate data sharing between agencies, as agencies would be able to enter into data sharing agreements themselves.

We were advised that the ODA would receive instructions from cabinet to gather information based on the government of the day's priorities to assist with policy development. I would be very happy to hear from the minister on this, particularly if the minister could provide greater details on the mandate of the office for data analytics. I understand there are scant details on the ODA too. When questioned about the size of the ODA and its estimated budget, my office was advised that these issues remained undecided and would be determined once the bill was passed.

This sounds like pure and simple empire building to me and would not satisfy any cost-benefit analysis. We have a bill before us that wants us to legislate for a new office, but we do not know what it is there to do, where it will be placed, which agency or minister will host it, how big it will be and how much it will cost. Of late, the government has had a disturbing trend of asking the parliament to pass bills with little information on consequential operational matters. When questioned, the response is always, 'We will figure it out later and sort it out through regulation.' This is not good enough.

By categorising this bill as part of the child protection reforms, the government may play politics and accuse us of not taking child protection seriously. However, it has not been adequately explained how this bill, particularly the establishment of the office for data analytics, will assist in child protection. If the government provides further information on the matters I have raised, then my stance on this may change, but until that time I reserve my position on this bill.

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

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 September 2016.)

The Hon. R.I. LUCAS (17:23): I rise on behalf of Liberal members to speak to the Statutes Amendment (Budget 2016) Bill. As outlined in the earlier debate on the companion bill, the Appropriation Bill, the budget each year generally has two pieces of legislation. This particular budget bill or 'budget measures bill', as it has been referred to in the past, in essence, has the details of the budget changes. The appropriation allocates the overall expenditure that the government of the state requires to deliver the public services for the coming 12-month period.

The Liberal Party's position in relation to the budget in general has been put by myself and my colleagues in the Appropriation Bill debate, and I will not repeat that general premise, other than to summarise briefly and say that this is not a budget that a Liberal government would have brought down, this is not a good budget in the view of the Liberal Party, and certainly this is not a budget that we believe addresses the major problems that confront the state, as again evidenced by today's very sad unemployment figures.

No matter how you wish to polish or spin the figures, it is quite clear that when we remain in South Australia the state with the equal highest unemployment rate in the nation, a sad leading of the poll which we regain with Tasmania and which we have held for many months, it is sad and disappointing for the many tens of thousands of South Australians, their families and their friends who are unemployed currently, sadly under a government that has run out of steam and lost interest over a 14 or 15-year period.

Those many tens of thousands of South Australians frankly have no hope. The only hope on the horizon for them is that there might be a change in March 2018 and, at least, a leader and a government prepared to tackle the fundamental economic problems and issues that confront the state, rather than being distracted as this Premier, this government and these ministers have been for most of the last 15 years in tackling—irrelevant is too strong a word—issues that are not part of trying to resolve the economic problems that confront the state.

The time and energy the Premier and other ministers are devoting at the moment to issues such as voluntary euthanasia and others in another place are testament to that fact. A crisis confronts us, and this budget will not assist us in tackling that economic and financial crisis that confronts the state.

The Liberal Party's general position in relation to budget and budget measures has been that, even though we might oppose some of the provisions in the budget bills, by and large the Liberal Party has allowed those measures to pass. The most prominent exception to that rule was when the Liberal Party campaigned on the issue of the car park tax in the period leading up to 2014.

In my time I think that is the most prominent example where the Liberal Party has not observed the convention and did so on the basis that it had been a clear policy difference between the major parties leading into 2014. I will not repeat the arguments for and against that, other than to say that, with that most prominent exception, the Liberal Party has generally observed the convention that, even though we might not like particular provisions in the budget, by and large we have allowed the government of the day to be judged on those decisions they have included in the budget.

I note that the Hon. Mr Brokenshire this afternoon did indicate his very strong support for the conventions of the parliament, in particular the Legislative Council, in an earlier debate, and I can only indicate that I agree with the comments that the Hon. Mr Brokenshire made in relation to those conventions.

With that position, whilst we will ask a significant number of questions, we will seek to highlight some concerns with various provisions in the budget bill but, ultimately, the Liberal Party's position will be that we will not be either opposing or seeking to amend the provisions in the Statutes Amendment (Budget 2016) Bill.

This particular bill includes a significant number of revenue measures, but the biggest ones that have attracted the most publicity have been the wagering tax, the waste levy, the taxi levy and the increase in school fees. Over the forward estimates period, they raise approximately $135 million a year extra from long-suffering South Australian families and businesses.

The first area I will address is the issue of school fees. The government has introduced school fees for dependents of Temporary Work (Skilled) visa 457 holders. The government's

argument is that this will bring South Australia into line with other jurisdictions. There has been concern expressed about this proposal from some regional communities in particular, which have large numbers of families with 457 visas—for example, Murray Bridge and Bordertown.

In the briefing I had with government officers, I asked a series of questions, and I will put those same questions on the record here and seek a commitment from the government to provide the answers that they previously provided to me as part of the government's official response to those questions on the public record. The questions I put in relation to the school fees proposal were whether the government can provide further details on the fee structure that is to be proposed as part of the record, and whether the government would respond to the concerns that have been expressed from some of those regional communities, in particular, Bordertown and Murray Bridge.

The government has provided some detail on the concerns that the Bordertown community expressed in relation to this proposal and the detail of the government's response and also the government's view that, by and large, since they provided that response, there have been no further concerns expressed from representatives of the Bordertown community. I asked a similar question in relation to Murray Bridge where there is a very large abattoir with significant use of 457 visas, and whether or not there has been concern expressed by that community about this proposal and what the response has been.

I also asked the government to provide some detail on the breakdown of 457 visas between the public and private sectors and, in particular, in relation to the government's use of 457 visas, and which government departments and agencies. The government has provided some information in relation to state government generally, but I am wondering whether the government has any more detailed information in particular in relation to SA Health or health bodies' use of 457 visas, and whether the government was prepared to put that response on the public record as well.

The second revenue issue is in relation to the waste levy. The metropolitan solid waste levy is going to be increased progressively from $62 to $103 in 2019-20. I put a series of questions to the government officers and asked for their responses to be put on the record. Those questions were: what is the potential for disallowing the EPA regulation to increase the waste levy, and what would be the impact on the organisation if that was to occur? Will GISA (Green Industries South Australia) be subject to the same transparency of reporting as Zero Waste SA? Will GISA be subject to the Public Finance and Audit Act, the FOI Act and the Public Sector Management Act? Will GISA be covered by the Public Corporations Act, and how does that compare with Zero Waste SA? Will the government respond to the question as to who will have the final say over the climate change funding, which the funding is in part to be used for?

I also asked the question: if the board has a different opinion as to whether the disaster, climate change or other funding should be allocated, can the minister override or direct the board as to what the government's answer is to that question? Finally, what is covered in the disaster waste management criterion? For example, would expenditure on the Pinery fire qualify? I asked for the government's response to that. This has occurred since my briefing with government officers. Would flooding, for example, that has been experienced recently, come within the purview of disaster waste management, and can expenditure be incurred out of the waste levy as will be constructed under the proposed government changes?

The third area is the taxi levy. From October, there was meant to have been a $1 levy on all metropolitan trips for taxis, chauffeur vehicles and new entrants, such as UberX. There was also to be an extra $2 fee for peak periods on weekends. The revenue, in part, was to be used to fund the $30,000 compensation payment per taxi licence, and a $50 per week compensation payment to licence lessees for up to 11 months, and there was also to have been a freeze on the release of taxi licences for at least five years.

My questions there are: firstly, had the revenue from possible new taxi licences been included in the forward estimates previously and have they had to be taken out of the forward estimates as a result of this policy decision? What are the total estimated collections from these levies over the 10-year period?

The reason I use the 10-year period rather than the forward estimates is that Uber has made a claim publicly, which they say is based on advice from the government, that this is an $80 million

tax over 10 years, which averages out to $8 million a year. So, I asked for the government's indication on whether it is correct that government officers provided that information to Uber, and if not, what is the government's estimate of the levy collections over the 10-year time frame to which Uber has referred?

In the briefing I had with government officers, the advice I received for the forward estimates period was that the taxi levy would collect $0.1 million in 2016-17, $2.2 million in 2017-18, $4.7 million in 2018-19 and $4.8 million in 2019-20. It looked to be stabilising at a level of just under $5 million a year. It is hard to contemplate, unless there is a ratcheting up in the subsequent six-year period, how this $80 million figure over 10 years is being constructed. I certainly seek detail from the government as to, firstly, the accuracy of the figures given to me for the forward estimates period, but then secondly, the forward estimates over the 10-year period, and the accuracy of the $80 million claim that Uber has been making.

On the basis of the $80 million claim, I seek advice as to the level of expenditure in terms of compensation that is to be paid; that is, there is a $30,000 compensation payment per taxi licence. So, my first question is: how many taxi licences are there? The government did indicate that there were 1,035 taxi plates eligible for the $30,000 compensation. On that basis, the total compensation there would be of the order of $30 million, I would assume, which is a long way short of the $80 million.

The second issue of the compensation is: how many $50 per week payments might be made? The government's response to that to me was there are 934 leases eligible for the $50 per week payment compensation. When you add those two together, it is certainly significantly less than total collections of $80 million over the 10-year period for example.

When I asked the question at the briefing: what is the additional money to be spent on? I got a non-specific response, at that stage, and that is that the minister would consider a range of options. So, I put a specific question to the government: firstly, if there are additional moneys—and this is a levy which is to continue, at this stage anyway, for an ongoing period although I think there is one member in this house who might be looking to time limit or put a sunset clause on the collections—but assuming it is unlimited, that is, it continues, then once the total compensation level of just over $30 million has been paid out, what are the guidelines for the expenditure of the taxi levy funds? During the committee stage, if we do not get a detailed response to the second reading, we will be seeking some detail about how that is to be expended.

To that end, I did ask the question: how much will the $1 levy raise? The answer I got was that, in a full year, the $1 levy is estimated to raise $8 million per annum. That is why I am not clear as to why the number I was given for the full year of 2018-19 was $4.7 million. Sorry, Mr Acting President; I stand corrected on that. The table to which I have been referring has superimposed the two figures, taxi levies and school fees.

If I can correct the record, when I referred earlier to the collections for the taxi levy being $0.1 million in 2016-17; in 2017-18, $2.2 million; in 2018-19, $4.7 million; and in 2019-20, $4.8 million, I stand corrected. The table has been superimposed. That refers actually to the collections for school fees. The taxi levy collections the government officers gave me were $6 million in 2016-17, $8 million in 2017-18, $8 million in 2018-19 and 2019-20 is $8 million. That, in essence, answers the questions that I was just putting as to where the $80 million comes from, so I stand corrected on that. When I was referring to the school fees earlier, the collections for those were those numbers ratcheting up to an estimated $4.8 million in 2019-20.

Nevertheless, the question then remains, if it is to be $80 million over 10 years, and if the total compensation is $30 million or a bit above that, as to where the remaining funds are to be spent and what the guidelines will be for that. I also asked in relation to that particular area of the budget whether the government could put a justification for the maximum non-cash surcharge of 5 per cent. The government has provided a detailed response to me on that, and I ask for that to be placed on the public record as well.

The fourth new revenue area is the issue of the wagering tax. A new wagering tax from 1 July 2017 will be introduced at 15 per cent of net wagering revenue from persons located in South Australia by all Australian-based operators. The tax will apply to bets on racing, sports and

other events, such as the Academy Awards. South Australia will be the first jurisdiction to introduce a wagering tax based on the place of consumption.

We have been advised that, last year, South Australia prepared a report for all treasurers on such a tax for the national meeting of all state premiers and treasurers, as I understand it. We have been advised from interstate sources that, while South Australia prepared the report, there was little or no appetite for proceeding with this new wagering tax from most other jurisdictions, and it was not pursued by the other jurisdictions.

There is certainly an argument, and one that I have some sympathy for, that this is a very complicated area and that if the nation was intent on imposing a new wagering tax on online corporate bookmakers, it would be sensible to try to do that as a nationally agreed initiative. I think there are many others in other jurisdictions who agree with that particular view. SACOSS has disagreed with that. They support the South Australian government's view that we should proceed independently of other jurisdictions if required to do so.

The government's argument has been that betting companies such as Sportsbet, CrownBet and Bet365 are licensed in the Northern Territory and do not currently pay wagering taxes in South Australia. The betting companies are obviously strongly opposed to the new tax, and have indicated that they will continue a campaign against it. They are clearly concerned that if the tax is established in South Australia then there is a possibility that it might be introduced in other states as well.

The betting companies indicate that there are more than 50 illegal offshore betting companies operating in Australia—some of those, such as Pinnacle, might be well known to those familiar with sports betting companies—and the estimates are that those illegal offshore betting companies take more than $500 million per year from Australian punters. Of course, part of the sports betting companies' argument is that legislation such as the South Australian legislation will have no impact on illegal offshore betting companies and, in fact, might drive more punters to use illegal offshore betting companies if they are seen to offer better odds for the same bet because of not having to pay South Australian or Australian-based tax arrangements.

I must admit that I was surprised when Sportsbet indicated to me that they had 130,000 customers in South Australia. However since that time, when I had some discussion with my colleagues, I guess I have become aware that there are many more people in and around these environs who either have Sportsbet accounts themselves or know that members of their family or immediate friends have Sportsbet accounts, not that they all necessarily use them to any great extent.

However the 130,000 figure, a significant figure for a state with a population the size of South Australia's, is an indication of something I mentioned yesterday: that, sadly, I think many people do not understand that the make-up of gambling challenges now and in the future is going to be increasingly in this area of online sports betting. Some of these you can seek to control because they are stationed in your state or your nation, but many you cannot control because they are stationed illegally offshore, and it is beyond your capacity to control customers' access to those services.

Sportsbet indicates that it pays $75 million each year in product fees to racing and sporting bodies for the rights to offer wagering services. They argue that there is no other jurisdiction in the world which requires betting companies to pay both significant product fees and a point of consumption wagering tax. CrownBet has claimed that all interstate wagering operators pay $27 million annually in product fees to the South Australian racing industry.

When I sought a response from Thoroughbred Racing SA (TRSA) regarding their position on the tax, they indicated they were not in a position to advise the opposition what their position was, that they were still to consider their position as a board. I have still not heard from Thoroughbred Racing as to whether they eventually made up their minds regarding supporting or not supporting the wagering tax provisions.

I think it is a fair indication, as there has been no contact from them to members, no public statement, that they are certainly not taking a public profile at all in relation to the wagering tax. The relationship of that position, and the fact that there is a negotiation going on with Thoroughbred Racing and the South Australian government with the UBET monopoly agreement is an interesting question, which perhaps I and others might explore on another occasion.

The sports betting companies have campaigned against it. There was paid advertising and an email campaign to their existing customer base. Sportsbet indicated that, sadly, it is not going to proceed with its proposal for a $20 million data management centre to be located in Adelaide as a result of the government's legislation. There clearly would have been a number of jobs potentially as a result of that data management centre being located in South Australia, but that is not going to proceed.

The bottom line is that the sports betting companies have said, 'Look, there might be a number of responses. We may well reduce the odds that we offer South Australian customers or we might not offer betting options to South Australian customers.' None of that, of course, has occurred yet because the legislation has not been introduced. However, ultimately, there may well be that sort of response from the sports betting companies and I think it will only be at that stage that punters might become aware of the true impact of what the government has done in the legislation.

What I seek from the government is whether there is any more detail in relation to the negotiations the government has had with other jurisdictions. Are any other jurisdictions now actively considering the introduction of similar legislation or a wagering tax in their jurisdictions? What, if any, has been the result of any negotiation or discussion with the sports betting companies in relation to the detail of this?

Certainly some of the companies raised the question that, if the government was proceeding with this, there were questions about some of the details that they felt ought to be changed. We said to them, 'You need to have that negotiation or discussion with the government and with Treasury.' My question is: have there been requests for changes in the detail and, if there have, what has been the government's response to requests in the change of detail for the implementation of the wagering tax, if it proceeds?

The next area concerned amendments to the Land Tax Act. I asked the government to provide examples of a sporting club exemption, and I ask whether their response could be placed on the record. I asked for a breakdown of eligible sporting associations and, again, I ask whether the government will place on the record the government's response to the questions. Also I asked for an example of charity exemption and how that might operate. The government provided me with a hypothetical response and I ask whether that answer could be placed on the public record as well.

I also asked some questions in relation to the amendments to the Mining Act, the Petroleum and Geothermal Energy Act and whether the government could outline in some detail the new administrative process. Again I ask whether the government will place on the public record its response to those particular questions.

Finally, as I did last year, I sent a copy of the government's budget bill to one of the most prominent tax lawyers in South Australia and asked for his detailed response and comments. He did so last year in a 20-page response which I read onto the public record. I have a nine-page response this year, so it is only half as long, which I intend to again read into the record. I indicate that, as a result of the 20-page submission made by this tax lawyer through the opposition last year, credit goes to RevenueSA and the government as they did take on board some of the suggestions, and the government introduced some amendments as a result of the considered views of this particular tax lawyer.

I think the government is well aware of the identity of the tax lawyer and is prepared to place some weight on his and his colleagues' legal opinion about some of these issues. As I said, credit to the government for taking this on board and amending some of the provisions. I therefore read into the record now this nine-page submission, and seek the government's response to the particular concerns, claims and comments made by this tax lawyer. For the benefit of *Hansard*, I have a copy of the nine-page submission and it is done sequentially. The first topic is land tax amendments. In relation to clause 65(1), he states:

> 1. The amendment to add to some of the exemptions in section 4(1) of the Land Tax Act 1936 (SA) (LTA) 'on behalf of a trust' appears to arise out of a recent technical view that the exemption in section 4(1)(j) was not available to a trustee that was a proprietary limited company which had not adopted a constitution that specifically limited the purpose to non profit activities. This view was taken notwithstanding that the company was acting as trustee of a charitable trust. On this occasion the interpretation adopted appears to be a form over substance approach was taken.

2. The amendment is required to correct that view and is to be commended. Notwithstanding that it appears to be too narrow from a number of perspectives. They are described in the succeeding paragraphs.

Association

3. The expression association is used extensively throughout the exemptions in section 4 of the LTA. There is no definition of association in the LTA. The Butterworths Australian Legal Dictionary includes the following definition:

> Any group of persons who have agreed to join together in pursuit of one or more common objects or purposes: Smith v Anderson (1880) 15 Ch D 247. 'Association' traditionally refers to voluntary non-profit organisations promoting religious, educational, literary, scientific, artistic and other similar purposes, involving benefits to the general community as well as to association members: (SA) Associations Incorporation Act 1985 s 18(1). The term also includes companies, partnerships, and business associations, but excludes building societies, cooperatives, credit unions, and friendly societies.

4. As that definition emphasises, the word is traditionally associated with voluntary non-profit organisations. So whilst the term does include a company it may not include all forms of bodies corporate. It will not include a sole trustee holding property on behalf of an unincorporated association, if a form over substance approach is again adopted.

5. A simple example of that is where an unincorporated association is established for one of the purposes or objects covered by an exemption in section 4 of the LTA. Initially three trustees hold property of the association. Over time two die and are not immediately replaced. On one or more 30 Junes that remains the situation. On a technical view the land is not then owned by the association, the sole trustee owns it. The exemption is therefore not available.

6. It is therefore suggested that the concept of an association, at law, even if acting as a trustee, it is still too narrow, particularly if a form over substance view is adopted again.

Limited Scope of Amendments

7. When the Bill was first introduced in the House of Assembly it was only proposed to add the trust qualification to section 4(1)(j) of the LTA. Namely, the exemption for an association that is established for a charitable, educational, benevolent, religious or philanthropic purpose.

8. By amendments made in the committee stages in the House of Assembly the trust qualification was also added to the exemptions for associations established for the purposes of playing cricket, football, tennis, golf or bowling or other athletic sports or exercises or for horse racing, trotting, dog racing, motor racing or other similar contests. However, it was not added to a number of other exemptions in section 4 where an association has that has a single person or a proprietary company as trustee.

9. Further the insertion of the qualification in some exemptions and not in others is likely to provide further support for a technical interpretation as the principle of construction known as expression unius est exclusio alterius is likely to apply. Accordingly, in attempting to remedy the situation for some bodies, there is a real risk of making it much more difficult for bodies to benefit from the other exemptions in the future. This should be avoided.

10. On this view, land of an association that is held by a trustee for the purpose of supplying to necessitous or helpless persons living accommodation, food, clothing, medical treatment, nursing, pre-maternity or maternity care, or other help within the scope of section 4(1)(d) is unlikely to be exempt. This could be a very harsh outcome for some bodies when the original purpose was simply to ameliorate the problem a more limited class of bodies had encountered.

Suggested Change

11. It is therefore suggested to address these concerns, rather than inserting in the three provisions (sections 4(1)(j), 4(1)(k)(i) and 4(1)(k)(ii)) the words 'on behalf of a trust', that a definition of association be inserted in the LTA along the following lines:

> Association includes:
>
> (i) any two or more persons whether corporate or unincorporate; and
>
> (ii) any person or persons whether corporate or unincorporated holding property on trust.

12. The result is that the relief will be uniformly available to land held by an association as trustee for the following purposes:

> 12.1 supplying to necessitous or helpless persons of living accommodation, food, clothing, medical treatment, nursing, pre-maternity or maternity care, or other help;

12.2 one that receives an annual grant or subsidy from money voted by Parliament;

12.3 the conservation of native fauna and flora;

12.4 conducting an educational institution otherwise than for pecuniary profit;

12.5 a charitable, educational, benevolent, religious or philanthropic purpose;

12.6 playing cricket, football, tennis, golf or bowling or other athletic sports or exercises;

12.7 horse racing, trotting, dog racing, motor racing or other similar contests;

12.8 for former members of the armed forces or of dependants of former members of the armed forces that holds the land for the social or recreational purposes of its members;

12.9 employers or employees, registered under a law of the Commonwealth or of the State relating to industrial conciliation and arbitration that occupies the land for the purposes of the association;

12.10 the recreation of the local community;

12.11 agricultural shows, and exhibitions of a similar nature;

12.12 preserving buildings or objects of historical value on the land; and

12.13 of a prescribed kind.

Clause 65(2)

13. The new provisions to replace 4(1)(k)(i) and 4(1)(k)(ii) appear to have two substantive effects:

13.1 They limit the exemption to bodies wholly or mainly established for the specified purposes; and

13.2 Exclude the relief from land tax if the land is vacant land or land used for residential purposes.

14. In respect of the first, if the local football club or bowls club in a country town is as much a social club as a football club, it will fail the new test. Its activities will cease to be mainly a bowls club, even if there is no other social facility in the town.

15. The exclusion for vacant land may also impact adversely on the poorest or simplest of cricket and other sporting clubs that have the most basic of facilities. A cricket club with nothing more than vacant land where the pitch is prepared for the summer season will cease to be exempt. The same will apply to other sports that require minimal improvements on the land to be used for the sporting activity. It does raise the question as to whether a set of goal posts at either of an oval end causes the land to be other than vacant land. The need for this exclusion is not particularly obvious.

16. The exclusion for vacant land may also overturn aspects of the decision in RSAYS Ltd v Commissioner of State Taxation in which the land in question was underwater but was a marina. If the marina is solely a floating marina moored to adjoining land, then the land below it may constitute vacant land and the exemption lost.

17. The proposed amendment will also deny relief to an association or newly formed associations holding land for development and use of their association but as yet undeveloped. This appears to be harsh and creates a particular impediment for new clubs establishing themselves.

Clause 66

Proposed section 5(10)(ac)

18. The proposed section 5(10)(ac) is to provide relief where a building on the land is being renovated or rebuilt. Should it also provide relief where the buildings on the land are being wholly demolished and wholly new buildings are being constructed on the land? The concept of rebuilding can bring with it a connotation of a continuity of the existing buildings rather than something altogether new or different or significantly enlarged or changed.

19. Should the word 'repairs' also be included?

Proposed section 5(10)(ad)

20. Should the word 'repairs' also be included?

Proposed section 5(10a)

21. Please see the comments above in paragraphs 18 to 20.

Stamp Duties Act

Clause 90

22. This may still not limit the application of section 67 where the land is conveyed to one person but by different persons if the reason for the conveyances to that same person arises from, say, a series of assignments of contracts. They may then, on one possible interpretation, not be regard as a series of separate conveyances because they are tied together by a series of assignments.

23. A simple example is a proposed developer who uses a number of different agents to approach adjoining or nearby landowners to buy their properties in the name of the agent. The various agents then assign the benefit of the contracts to the developer. Notice is given to the vendors and the conveyances are all then in favour of the developer. There appear to be two issues; one is whether they are still separate conveyances if effected in unison and for a common purpose and reason. Further, once there are a series of assignments will the Commissioner be satisfied that the persons conveying the land are still acting separately and independently?

I might interpose. On that particular issue, I have been contacted by one or two other persons interested in this particular provision of the Stamp Duties Act who, as with this tax lawyer, are seeking clarification of the commissioner's intentions. I return to the submission:

Clauses 95 to 104

24. These clauses remove goods from the tax base.

25. Unfortunately, whilst simplifying the situation and removing red tape they leave a number of practical issues that should be addressed as part of this program. These are discussed below.

Clause 107

26. Whilst this amendment removes a similar anomaly to that being removed from the land tax provisions in respect of charities etc (as discussed above) and ensures that it applies in all situations (whether voluntary conveyances or conveyances on sale) the scope of the relief is now much narrower because of amendments made last year.

27. The amendment excludes from the exemption property the subject of a voluntary conveyance to a charitable or religious body where the Commissioner is satisfied that it will be used for a commercial or business purpose. Whilst the exclusion may be appropriate in respect of an arm's length purchase, if it is a voluntary disposition in favour of the charity etc the basis for excluding such relief is to be questioned. Such dispositions were for many years simply exempt.

28. There also appears to be a doubt as to whether a charity etc that simply acquires land by way of investment to derive rent will now be denied an exemption under this amended general exemption. In some other areas of the state taxation laws, the letting of property is regarded, though it may be questioned, as a commercial purpose. If this is applied to this provision, then there is a real risk that the relief will not be available if the purpose of the acquisition by the charity is simply as an investment for the purpose of deriving rent.

29. An example of the difficulty that has been created is simply described. A taxpayer wishes to benefit his church and ensure it has a secure income stream. He makes a voluntary disposition of a property to the church. The property is a small commercial property with a ten year lease to a commercial lessee. The church will receive the income for the next ten years. Based on the amended exemption it appears unlikely that this voluntary disposition is free of stamp duty and the church will also be required to pay land tax on the property.

Taxation Administration Act

Clause 109

30. The proposed amendment ensures that the amount that must be paid as a precondition to an appeal is limited to 50% of the primary tax. Whilst this is a further improvement to an onerous provision, the issue remains that there are only a couple of jurisdictions that require payment as a precondition to appeal a decision or assessment of the Commissioner.

31. It remains an unfair barrier for taxpayers. Whilst it is commonly said it stops frivolous appeals, many such appeals are already stopped by the fact that currently all appeals only go to the Supreme Court. That itself is a deterrent to frivolous appeals with the cost of the filing fee and a risk as to an order for costs on an unfavourable decision as a minimum.

32. It was suggested some years ago that the jurisdiction to hear some state taxes appeals would be vested in the South Australian Civil and Administrative Tribunal. This has not occurred. Even when it does occur the continued existence of the requirement to pay 50% of the primary tax is an unfair impediment for taxpayers wishing to challenge decisions and assessments of the Commissioner. It also appears inconsistent with the goals and objectives of establishing such tribunals as set out in section 8(1) of the of South Australian Civil and Administrative Tribunal Act 2013.

Some Matters Incidental to the Amendments

Goods and Minor Interests in Land

Leasehold interests

33. A lot of small businesses are conducted from leased premises. Whilst goods have been removed from the tax base the existence of these minor land interests still requires the transaction to be stamped and often minor amounts of duty to be paid.

34. There should be a threshold to exclude these transactions and limit the associated red tape and costs of stamping the documents, which often involves very minor amounts. It is suggested this be effected by excluding any leases of five years or less that do not involve related persons. The concept of related persons is already used in section 60A(4a) and defined in section 60A subsections (6) and (7) and can therefore be simply adopted.

35. For example, a taxpayer buys a business conducted from a shop in Rundle Mall. The lease has three years to run. It is subject to market rent reviews every two years. The purchaser pays for the goodwill, the tenants plant and fittings. Some of those items form, more arguably, part of the tenant's rights and give the lease a value of say $30,000. Duty is payable on the $30,000 is $480.

36. If the tenant's items were treated separately from the land they would be personal property and duty free. In addition to the duty the purchaser has to pay the costs associated with the stamping of the transfer or assignment of the lease. In this situation, if there is an exemption for a lease of say five years and less between non related parties then this red tape, minor duty and incidental costs will be removed.

Apportionment Issues

37. With the removal of duty on all property other than land (and some indirect interests in land) practical issues have arisen as to the duty payable where the relevant dutiable instrument does not apportion the consideration between the land and other property.

38. It is suggested that to simplify some of the issues that are currently arising that section 60A of the Stamp Duties Act 1923 (SA) be amended to include a provision that permits the Commissioner to stamp an instrument where there is no apportionment between land and other property using the Valuer-General's published capital value (where it exists) as the value of the land. This will provide a legislative warrant for the Commissioner to use the capital value and certainty for most taxpayers.

39. Whilst such capital value may be used both the Commissioner and taxpayer should be permitted to adopt another value where the circumstances demonstrate that the value of the land is something different. There have been instances, where some businesses and the land used in the business are sold together and because of say the trading history of the business, the sale price of the both is less than the Valuer-General's published capital value of the land. In such a situation there are likely to be real issues as to the appropriate value of the land such that the Commissioner and taxpayer should be allowed to apply different value.

Some Other Matters of Practical Significance

Taxation Administration Act

Lack of Assessments

40. In practice much of the state taxation system has moved to a self-assessment regime within the current legislative framework. This has led to a number of anomalies. It is submitted they should be remedied to provide legislative certainty for taxpayers that does not exist at this time. Two in particular are described below.

Lack of Assessments—No Assessments

41. One area of significance is where an exemption is applicable under a taxation law. In such a situation currently no assessment issue showing the exemption applies and that there is a nil assessment. As a consequence, the five year time limit against reassessments never starts to run. There is simply no certainty for taxpayers.

42 So on a subsequent audit the Commissioner is not constrained by the five year time limit from the issue of an assessment as there has been no assessment. In theory the Commissioner on an audit can go back to the commencement of the legislation, where relevant, as there is no legislative limitation in those circumstances. In practice the Commissioner often only goes back the five years, but that is not always the case.

Lack of assessments—RevNet

43. Part 6 of the Taxation Administration Act 1996 (SA) (TAA) permits the Commissioner to establish arrangements for the payment of tax and lodging of returns by special arrangements. These

provisions, when first introduced, were limited to a small class of taxpayers (banks and financiers stamping mortgages under provisions of the Stamp Duties Act). They have now been used to develop a system whereby taxpayers and their agents in effect self assess most liabilities for duties under the Payroll Tax Act and the Stamp Duties Act.

44. The system established by the Commissioner for this purpose is styled RevNet (Revnet) and relies on the use of online facilities, in part. At the time of the passage of the Taxation Administration Act 1996 (SA) (TAA) the use of the Internet more broadly than Universities was in its infancy.

45. The difficulty with Part 6 from a taxpayer's perspective is that it does not adequately deal with the self assessment regime that it has been used to implement. Other States have dealt with it more extensively.

46. In the limited context in which the provisions were initially used it was adequate and facilitative. It is doubtful that anyone foresaw what it would facilitate. It is our understanding that the Commissioner is of the view that a stamping of a document under RevNet or the completion of the payroll tax return process through RevNet never constitutes an assessment. In effect section 10(4) of the TAA (limiting the time in which the Commissioner may make a reassessment), in the view of the Commissioner never applies to payments and determinations made using RevNet.

47. A simple example of both is a Payroll Tax grouping situation. Two taxpayers are de-grouped in 2002 by the Commissioner following an application to him. Each thereafter has paid payroll tax on that basis. Since the advent of RevNet they have completed their online lodgement and payment. The businesses have grown and some entities have been added to the two groups and some changes have occurred. In 2008 and again in 2009 the payroll tax legislation in respect of grouping altered. In 2015 they are audited. The Commissioner takes the view that he questions whether they were properly degrouped but in any event the change in the legislation result in different groups and those different groups were not the subject of the original degrouping application. In that situation there is nothing preventing the Commissioner issuing assessments for the last 14 years.

There is a note to that following, which says:

> In that situation at its very simplest two payroll thresholds have been available. On a grouping this will be reduced to one. So the loss of one threshold of $600,00 at 5% tax involves $30,000 per annum plus interest and penalties. The primary tax on that basis for 14 years is $420,000, a penalty of 25% ($105,000) if the Commissioner takes the view that there was not reasonable care and interest at market rates over the 14 years. Most labour intensive smaller businesses cannot deal with such unexpected liabilities, particularly where they think they had obtained a degrouping from the Commissioner. Even five years is an impost in such a situation.

Finally, it states:

> No Right of Review of Decisions on Penalty and Interest
>
> 48. Matters of penalty and interest imposed by the act and the decision of the Commissioner not to remit are declared not to be reviewable by the TAA. In other words, the Commissioner's decisions on such remissions are wholly excluded from the merit review that may occur on an objection. In our submission this has been and is an unreasonable position. The decision should be subject to a merit review.

That concludes the advice from the tax lawyer. As I indicated last year in reading that into the record, it does not in any way indicate that at this stage the Liberal Party agrees with everything and every proposition for change outlined in the submission, and nevertheless we do believe that they are issues deserving of a detailed response from Revenue SA and the government, and as a result of that would be prepared to pursue the issues during the committee stages to see whether or not the government is prepared to amend its own legislation in some areas, possibly along the lines that have been canvassed by this tax lawyer. With that, we agree with the second reading of the Statutes Amendment (Budget 2016) Bill.

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

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (AUSTRALIAN ENERGY REGULATOR - WHOLESALE MARKET MONITORING) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (18:14): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is amending the national energy legislation to confer on the Australian Energy Regulator a wholesale market monitoring and reporting function.

In relation to the wholesale electricity market, the presence of barriers to entry or structural factors may raise the possibility there is not effective competition in the wholesale electricity market, which would be detrimental to the long-term interests of consumers. In particular, it would be likely to have an adverse effect on the efficient investment in, and efficient operation of, electricity services in the National Electricity Market.

The *National Electricity (South Australia) (Australian Energy Regulator – Wholesale Market Monitoring) Amendment Bill 2016* will confer on the Australian Energy Regulator a wholesale market monitoring and reporting function to ensure Energy Ministers have information and evidence to support legislative, regulatory or other responses where features of the wholesale electricity market are found to be detrimental to effective competition.

The wholesale market monitoring and reporting function will enable the Australian Energy Regulator to regularly and systematically monitor the performance of the wholesale electricity market in relation to effective competition and to perform other monitoring functions that relate to offers and prices within the wholesale electricity market.

The Bill explicitly limits the scope of the monitoring function to entities that supply electricity or services through the electricity wholesale exchange operated by the Australian Energy Market Operator.

In performing these functions, the Australian Energy Regulator must have regard to the matters specified by this Bill in assessing whether there is effective competition but is not limited by the specified criteria. The Australian Energy Regulator may also have regard to other matters as it considers relevant to determine whether there is effective competition. This will ensure the scope of the Australian Energy Regulator's assessment of whether competition is effective in a relevant market is not unduly limited.

Importantly, wholesale market monitoring and reporting will provide greater transparency for stakeholders, including policy and rule makers, regulators and consumers on the operation of the wholesale electricity market. The Australian Energy Regulator will be required to publish on its website a Wholesale Market Monitoring Report at least every 2 years and provide advice to Energy Ministers as it thinks fit.

The report is required to cover a monitoring period of at least 5 years. To ensure that the first two reports can be delivered in the near term, however, the Bill requires the Australian Energy Regulator to prepare the first report based on a 2 year monitoring period and the second report on a 4 year monitoring period.

Clear advice provided by the Australian Energy Regulator to Energy Ministers will include its opinion on whether there are features of the wholesale electricity market that may be detrimental to effective competition or may be impacting detrimentally on the efficient functioning of the market which require a legislative, regulatory or other response.

The Bill also ensures that the report contains sufficient information about the period monitored. The Bill requires the report to contain a discussion and analysis of the results of the performance of the monitoring functions, features observed that impact detrimentally on the efficient functioning of the market and the achievement of the national electricity objective, inefficiencies in the market and their causes and the methodology applied including results of indicators, tests and calculations performed.

To ensure the costs of this function are minimised, the Australian Energy Regulator must use, in the first instance, publicly available information to identify any relevant matter in its analysis of effective competition in the wholesale electricity market.

Recognising the amount of information which is not transparent in the wholesale electricity market and held on a confidential basis by wholesale electricity suppliers, to ensure a robust analysis of effective competition the Australian Energy Regulator can obtain confidential information from a wholesale electricity supplier where it has identified a relevant matter.

To protect the confidential information provided by a wholesale electricity supplier, the Australian Energy Regulator is expressly prohibited from using this information for any purpose other than the performance of the wholesale market monitoring and reporting function. Where it is necessary to disclose the information for the reporting function, the Australian Energy Regulator must combine or arrange the information with other information so it does not reveal any confidential aspects of the information or reveal the wholesale electricity supplier to whom the information relates.

The Bill also provides the Australian Energy Regulator with immunity from liability for breach of confidence in respect of disclosing certain confidential information. No action for breach of confidentiality may be brought against the Australian Energy Regulator for disclosing confidential information where the Australian Energy Regulator

reasonably believed that the information was not confidential information or was sufficiently aggregated so as not to disclose confidential aspects of the information.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The Act is to commence by proclamation. Certain amendments relating to confidential supplier information are related to an amendment that is to be made to the *Competition and Consumer Act 2010* of the Commonwealth. As a result, section 7(5) of the *Acts Interpretation Act 1915* is disapplied.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 2—Definitions

New definitions are inserted for the purposes of the measure.

5—Amendment of section 15—Functions and powers of AER

The functions and powers of the AER are amended to reflect its wholesale market monitoring and reporting functions.

6—Insertion of Part 3 Division 1A

New Part 3 Division 1A is inserted:

Division 1A—Wholesale electricity markets—AER monitoring and reporting functions

18A—Definitions

Definitions are inserted for the purposes of the new Division.

18B—Meaning of effective competition

The matters that the AER must have regard to in assessing whether there is effective competition in a market are set out.

18C—AER wholesale market monitoring and reporting functions

The AER wholesale market monitoring and reporting functions are provided for.

18D—Provision, use and disclosure of information

The proposed section sets out procedures and other matters relating to the AER's information gathering and disclosure powers for the purposes of its wholesale market monitoring and reporting functions.

18E—Immunity from liability

Provision is made in relation to immunity from liability for the AER for any action for breach of confidence with respect to the disclosure of confidential supplier information.

7—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 13—Transitional provision related to AER wholesale market reporting functions

26—Transitional provision related to AER wholesale market reporting functions

The provision provides that the first AER wholesale market report will only relate to the first 2 years of operation of the measure and the second report will only relate to the first 4 years of operation of the measure (under the measure, reports thereafter will relate to the 5 year period immediately preceding the report).

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

STATUTES AMENDMENT (NATIONAL ELECTRICITY AND GAS LAWS - INFORMATION COLLECTION AND PUBLICATION) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (18:15): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is amending the national energy legislation to ensure the Australian Energy Regulator has sufficient and clear powers to collect and publish data in its role as the economic regulator of network service providers.

Energy networks are capital intensive and operate as natural monopolies, as it is not economically feasible to duplicate them. Given this monopoly structure, network service providers are evaluated periodically by the Australian Energy Regulator to ensure only efficient costs are incurred in providing energy services, including safety, security and reliability requirements. The Australian Energy Regulator is required every five years to assess and approve each regulated network service provider's revenue allowance to apply for a regulatory determination period.

The National Electricity Rules and National Gas Rules set out the approach that the Australian Energy Regulator must use to determine the revenue allowance. The approach requires the Australian Energy Regulator to determine the revenue allowance based on costs components an efficient business needs to incur to provide the services. The Rules acknowledge benchmarking will be used by the Australian Energy Regulator to determine the needs of an efficient business.

The *Statutes Amendment (National Electricity and Gas Laws – Information Collection and Publication) Bill 2016* makes amendments to the *National Electricity (South Australia) Act 1996* and the *National Gas (South Australia) Act 2008* to ensure the Australian Energy Regulator has sufficient and clear powers to collect and publish data necessary to benchmark the performance of electricity and gas network service providers.

Currently, the Australian Energy Regulator may prepare electricity and gas network service provider performance reports. These network service provider performance reports may deal with the financial or operational performance of a network service provider in relation to service standards and profitability.

The Bill will clarify that the Australian Energy Regulator must prepare these performance reports if required by the National Electricity Rules or National Gas Rules. The existing National Electricity Rules require the Australian Energy Regulator to prepare and publish an annual performance report, referred to as the annual benchmarking report, on the relative efficiency of the electricity network service providers.

It is also clarified in the Bill that performance reports published by the Australian Energy Regulator may deal with the financial or operational performance of a network service provider in relation to the efficiency of the network service provider in providing the services.

To ensure the Australian Energy Regulator can use existing information gathering powers to collect data solely for the purpose of benchmarking the efficiency of network service providers in the performance reports, the Bill will remove the restrictions on the Australian Energy Regulator from issuing a regulatory information instrument solely for the purposes of collecting information for preparing network service provider performance reports.

To support the Australian Energy Regulator's ability and in some circumstance obligation to publish network service provider performance reports, the Bill deals with confidentiality issues.

Rather than relying on the existing general provisions in national energy legislation which deal with disclosure of confidential information held by the Australian Energy Regulator, the Bill includes specific confidentiality provisions applicable to complying with a regulatory information instrument. This is to address concerns that the existing process for the release of confidential information is time consuming, resource intensive and can encourage blanket claims of confidentiality in response to regulatory information requests.

The Bill places the onus of claiming confidentiality of information requested in a regulatory information instrument on the network service provider. The network service provider may make a claim on confidentiality on behalf of themselves or a third party who provided them with information. The network service provider will need to claim confidentiality and provide reasons in support of the claim at the time the information is provided to the Australian Energy Regulator in compliance with a regulatory information instrument. This is appropriate as the network service provider is best placed to identify the reasons why information is confidential and should not be subject to release.

It is at this point in the process that the network service provider has the opportunity to provide the Australian Energy Regulator with information about any detriment that might be caused to them if the information were to be disclosed, or any detriment that might be caused to a third party who provided them with the information, if known.

Importantly, the Bill provides that information provided to the Australian Energy Regulator in response to a regulatory information instrument which is not subject to an express claim of confidentiality under the new process is not regarded as being confidential.

These provisions in the Bill will ensure that the Australian Energy Regulator is not unduly restricted in the information it publishes and ensures stakeholders, as far as possible, have information available on the performance of their local network service providers to assist them to engage in the revenue determination processes undertaken by the Australian Energy Regulator.

Given the importance of addressing information asymmetries in the revenue determination processes, the Australian Energy Regulator can publish information for which confidentially has been claimed in accordance with the new process. In doing so, the Bill requires the Australian Energy Regulator to comply with existing provisions in the national energy legislation regarding the disclosure of confidential information.

The existing provisions regarding disclosure of confidential information include among other things that the Australian Energy Regulator may disclose confidential information if the disclosure does not lead to the identification of the person to whom that information relates and where the detriment does not outweigh the public benefit in disclosing it.

The Bill also adds to the existing circumstances in which the Australian Energy Regulator can disclose confidential information. The Australian Energy Regulator is authorised to disclose confidential information if it is aggregated so that it does not reveal any confidential aspects of the information.

If the Australian Energy Regulator intends to release confidential information it has received in response to a regulatory information instrument on the basis the disclosure would not cause detriment, the Bill provides that the Australian Energy Regulator may release it after considering the detriment that might be caused as advised at the time confidentiality was claimed, giving written notice and the AER's decision setting out its reasons and after expiry of the restricted period. This ensures that the process of providing information about the detriment that could be caused by disclosure is not duplicated.

A more comprehensive disclosure process applies where the Australian Energy Regulator is seeking to release confidential information it has received in response to a regulatory information instrument on the basis the public benefit in disclosure outweighs the detriment it would cause. This is to ensure that the providers of the information are given the opportunity to be heard on the issue of whether there is public benefit in disclosing the information.

In this circumstance, the Bill requires the Australian Energy Regulator to provide persons that provided the information a specified period to make representations in relation to the public benefit test. The Australian Energy Regulator must only disclose the information after considering the previously obtained information on the detriment that disclosure may cause and the representations in relation to the public benefit test, giving written notice and the AER's decision setting out its reasons and after the expiry of the restricted period.

The Bill also takes the opportunity to make it clear that the procedures set out in the Bill and in the existing national energy laws regarding the disclosure of confidential and protected information if the detriment does not outweigh the public benefit are an exhaustive statement of the requirements for procedural fairness and the natural justice hearing rule.

The Bill is not intended to apply retrospectively. A provision has been included to make it clear that information previously disclosed will be subject to the provisions of the national energy laws in force immediately before the commencement of this Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 28F—Service and making of regulatory information instruments

Section 28F(3)(d) of the *National Electricity Law* is deleted.

5—Insertion of sections 28OA and 28OB

New sections 28OA and 28OB are inserted:

28OA—Confidentiality issues

This section makes provision in relation to claiming confidentiality of information given to the AER in compliance with a regulatory information instrument.

28OB—Disclosure of information given to AER in compliance with regulatory information instrument

Provision is made in relation to the disclosure (by the AER) of information given to the AER in compliance with a regulatory information instrument.

6—Amendment of section 28V—Preparation of network service provider performance reports

Amendments are made in relation to the preparation of network service provider performance reports.

7—Insertion of section 28ZAA

New section 28ZAA is inserted:

28ZAA—Disclosure of information in an aggregated form

The AER is authorised to disclose information given to it in confidence in aggregated form (so that it does not reveal any confidential aspects of the information).

8—Amendment of section 28ZB—Disclosure of information authorised if detriment does not outweigh public benefit

Certain related amendments are made to section 28ZB.

Other amendments provide for procedures and other matters in relation to the AER's decision to disclose information under the provision.

9—Insertion of section 54FA

New section 54FA is inserted:

54FA—Disclosure of information in an aggregated form

Provision is made for AEMO to disclose information in aggregated form (in the same manner as the AER).

10—Amendment of section 54H—Disclosure of protected information authorised if detriment does not outweigh public benefit

Similar to the proposed amendment in relation to the AER, it is provided that section 54H is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the disclosure of certain information by AEMO.

11—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 13—Information publication

26—Information publication

The release of information given to the AER or AEMO in confidence before the commencement of the clause will be subject to the provisions of the *National Electricity Law* in force immediately before that commencement.

Part 3—Amendment of *National Gas Law*

12—Amendment of section 48—Service and making of regulatory information instruments

Section 48(3)(d) is deleted.

13—Insertion of sections 57A and 57B

New sections 57A and 57B are inserted:

57A—Confidentiality issues

This section makes provision in relation to claiming confidentiality of information given to the AER in compliance with a regulatory information instrument.

57B—Disclosure of information given to AER in compliance with regulatory information instrument

Provision is made in relation to the disclosure (by the AER) of information given to AER in compliance with regulatory information instrument.

14—Amendment of section 64—Preparation of service provider performance reports

Amendments are made in relation to the preparation of service provider performance reports.

15—Insertion of section 91GFA

New section 91GFA is inserted:

91GFA—Disclosure of information in an aggregated form

Provision is made for AEMO to disclose information in aggregated form (in the same manner as the AER).

16—Amendment of section 91GH—Disclosure of protected information authorised if detriment does not outweigh public benefit

It is provided that section 91GH is taken to be an exhaustive statement of the requirements of the natural justice hearing rule in relation to the disclosure of certain information by AEMO.

17—Insertion of section 328B

New section 328B is inserted:

328B—Disclosure of information in an aggregated form

Provision is made for the AER to disclose information in aggregated form

18—Amendment of section 329—Disclosure of information authorised if detriment does not outweigh public benefit

Certain related amendments are made to section 329.

Other amendments provide for procedures and other matters in relation to the AER's decision to disclose information under the provision.

19—Amendment of Schedule 3—Savings and transitionals

A transitional provision is inserted:

Part 14—Information publication

89—Information publication

The release of information given to the AER or AEMO in confidence before the commencement of the clause will be subject to the provisions of the *National Gas Law* in force immediately before that commencement.

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

Resolutions

ELDER ABUSE

The House of Assembly informs the Legislative Council that it has appointed Ms Cook, Mr Williams and Ms Wortley as its representatives on the joint committee on matters relating to elder abuse in South Australia. The House of Assembly informs the Legislative Council that it has passed the following resolution:

That the House of Assembly concurs with the resolution of the Legislative Council contained in message No. 127 that it be an instruction to the joint committee on matters relating to elder abuse in South Australia, that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the joint committee prior to such evidence and documents being reported to the parliament.

Further, the House of Assembly agrees with the proposal to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

At 18:17 the council adjourned until Tuesday 1 November 2016 at 14:15.