LEGISLATIVE COUNCIL

Tuesday, 1 November 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:20 and read prayers.

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

Bills

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports 2015-16—
- Defence SA
- Small Business Commissioner SA

Regulations under the following Acts—
- Local Government Act 1999—Miscellaneous

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

Reports 2015-16—
- Dairy Authority of South Australia
- Dog Fence Board
- Ikara-Flinders Ranges National Park Co-management Board
- Maralinga Lands Unnamed Conservation Park Board
- Ngaut Ngaut Conservation Park Co-management Board
- Nullarbor Parks and Advisory Committee
- Office of the Guardian for Children and Young People
- South Australian Heritage Council
- The Council for the Care of Children
- Vulkathunha-Gammon Ranges National Park Co-management Board
- Witjira National Park Co-management Board
- Yumbarra Conservation Park Co-management Board

Report 2014-15— National Environment Protection Council

Regulations under the following Acts—
- Fisheries Management Act 2007—
  - Aquatic Reserves
  - Demerit Points No. 3
  - Demerit Points No. 4
  - Lakes and Coorong Fishery
  - Marine Scalefish Fisheries
  - Miscellaneous
  - Miscellaneous No 2
  - Rock Lobster Fisheries
- Major Events Act 2013—
  - Santos Tour Down Under 2017

By the Minister for Climate Change (Hon. I.K. Hunter)—

Premiers Climate Change Council—Report 2015-16

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

Reports 2015-16—
- Adelaide Cemeteries Authority
- Attorney-General's Department
- Construction Industry Long Service Leave Board
- Construction Industry Long Service Leave Board Actuarial Report
- Equal Opportunity Commission
- Institution of Surveyors
- Legal Practitioners Education and Admission Council
- Legal Services Commission of South Australia
- National Heavy Vehicle Regulator
- Office of the National Rail Safety Regulator
- Office of the Public Advocate
- Public Trustee
- SAPOL Passive Alert Drug Detector Dogs (PADD)
- South Australian Rail Access Regulation
- Tarcoola-Darwin Rail Access Regulation
- West Beach Trust

Regulations under the following Acts—
- Family Relationships Act 1975—Altruistic Surrogacy
- Hairdressers Act 1988—General

Rules of Court—Magistrates Court—Magistrates Court Act 1991
- Civil—Amendment No. 15

Ministerial Statement

CHILD PROTECTION DEPARTMENT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I table a copy of a ministerial statement relating to the Department for Child Protection made earlier today in another place by the Minister for Education and Child Development.

REPATRIATION GENERAL HOSPITAL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I table a copy of a ministerial statement relating to the Repatriation Hospital site made earlier today in another place by the Minister for Health.

GILLMAN LAND SALE

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:25): I table a copy of a ministerial statement relating to the update on the Gillman land sale transaction made earlier today in another place by my colleague the Minister for Housing and Urban Development.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (14:26): I bring up the report of the operations of the Budget and Finance Committee 2015-16, together with minutes of proceedings and evidence.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. J.S.L. DAWKINS (14:26): On behalf of the Hon. J.R. Darley, I bring up the report of the committee on the referral of the Work Health and Safety (Industrial Manslaughter) Amendment Bill.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. J.S.L. DAWKINS (14:27): I lay upon the table the report of the committee on the Alinytjara Wilurara Regional Fact-Finding Trip.

Report received.

The Hon. J.S.L. DAWKINS: I also lay upon the table the report of the Natural Resources Committee 2015-16.

Report received.

The PRESIDENT: I advise those of you up in the gallery that photos are not to be taken while people are sitting.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

HOME DETENTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question regarding home detention.

Leave granted.

The Hon. D.W. RIDGWAY: It has been widely reported that the government is failing to implement the state's new home detention laws, and in part this is due to the lack of Department for Correctional Services resources. The PSA General Secretary, Mr Nev Kitchin, has publicly stated that the change in home detention laws has not been matched with enough extra staff. Mr Kitchin stated:

> We don't believe there are enough staff in active, coalface positions and there will need to be many more.

My questions to the minister are:

1. Does the minister agree with the PSA General Secretary's statement that the Department for Correctional Services does not have enough staff to implement these new home detention laws?

2. Will the minister commit to increasing the number of DCS staff in order to ensure the legislation is able to be implemented properly and safely?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): I thank the honourable member for his question. I have been advised that the Department for Correctional Services has received an additional allocation of funds in order to be able to administer the additional requirements that have been placed upon them as a result of the legislation that passed this house, with bipartisan support, earlier.

HOME DETENTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Supplementary: how many home detention prisoners does the minister expect the Department for Correctional Services will be responsible for in 12 months' time; and how many additional staff will be required to cope with this increased number of home detention prisoners?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I am able to advise the honourable member that 19 offenders have currently commenced court ordered home detention. I have been advised that the department has conducted an analysis to be able to provide a forecast for the number of people they do expect to enter the system on court ordered home detention. Naturally, of course, that is a forecast and cannot be necessarily relied upon as a statement of fact, but that work has been undertaken, and I am happy to take it on notice and try to inquire as to what those forecasts represent. I do not have that figure at hand, but I am more than happy to take that question on notice and get that back to the honourable member.

HOME DETENTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): I have a further supplementary. But, first, I didn't hear the figure, there was too much noise. I didn't hear whether it was nine or 19.

The Hon. P. Malinauskas: 19 as at 24 October.

The Hon. D.W. RIDGWAY: Thank you. My further supplementary: does the minister believe that home detention prisoners should be allowed special privileges such as playing sport?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): That is a question that will ultimately be before the court. The act that we are referring to provides for the court to be able to make a decision around the requirements or the specifications that need to be put in place for someone's home detention order. My personal view I do not intend to express in this place, but that ultimately will be a decision for the court, and I very much hope that when the court makes their decision regarding the conditions for people around home detention, including the case that you referred to, the court takes into account public confidence regarding court ordered home detention.

HOME DETENTION

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Minister for Correctional Services regarding home detention.

Leave granted.

The Hon. J.M.A. LENSINK: On radio this morning the police commissioner said in regard to home detention and I quote:

> I have to say I support the notion of people who have committed a crime that doesn't involve violence, doesn't put the community at any particular threat, that we should be considering what those sentencing options are…

Given this, my questions to the minister are:

1. Can the minister confirm how many people convicted of murder have been placed on home detention?

2. Will the minister commit to increasing the number of DCS staff in order to ensure the legislation is able to be implemented?

3. Does the minister agree with the commissioner's comments that people convicted of aggravated crime should not be placed on home detention?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34): Thank you to the honourable member for her important question. In regard to the second component of her question regarding additional resources and additional staff within the Department for Corrections to be able to handle home detention, as I have already stated, there already has been an allocation of additional

resources to the department to be able to handle the workload that is associated with monitoring of home detention.

Regarding the first part of your question, do I agree that people who are convicted of murder should get access to home detention? Regarding court ordered home detention, that is a question that exists before the court. Regarding back-end home detention, which is different to court ordered home detention, there is a ministerial direction in place which expressly prohibits the Department for Correctional Services from giving back-end home detention to those people who have been convicted of murder or terrorist-related offences.

HOME DETENTION

The Hon. J.M.A. LENSINK (14:35): Supplementary: the opposition has been advised that eight convicted murderers have been placed on home detention; is that correct?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): My advice, as of 24 October 2016, is that 19 offenders have commenced court-ordered home detention. I haven't received any advice that any of those 19 people are murderers. That information that you have just disclosed or suggested, I am happy to check up on that and come back. My advice is, as it stands, there are 19 offenders who are currently on court-ordered home detention. For those people who are on back-end home detention, like I said, there is a ministerial directive in place which expressly prohibits the Department for Correctional Services from releasing people who have been convicted of murder on back-end home detention.

HOME DETENTION

The Hon. K.L. VINCENT (14:35): Supplementary: how were murder and terrorist-related acts decided upon as the cut-off point, if you will? What about offences that might include violence, but not murder or terrorism?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): That ministerial direction was put in place some time ago by my predecessor and has been one that I have retained. I think that it is consistent with public expectation that people who have been convicted of such heinous offences as those should not be receiving access to back-end home detention.

CORRECTIONAL SERVICES DEPARTMENT

The Hon. R.I. LUCAS (14:36): I seek leave to make an explanation prior to directing a question to the Minister for Correctional Services on the subject of departmental competence.

Leave granted.

The Hon. R.I. LUCAS: It was reported on the weekend that a prisoner on remand at the Adelaide Women's Prison was mistakenly released from custody by the Department for Correctional Services. The report was that the female prisoner in question appeared by video link in the Adelaide Magistrates Court for a driving whilst disqualified charge, which was dealt with by the court, and the prisoner then released from custody shortly afterwards. It has been reported that DCS staff, a short time later, then realised that the female in question actually still had assault charges pending, for which she was required to be held in remand. Again, it has been reported that police were subsequently notified and the female in question was returned to prison on the next day.

This bungle by the minister's department is the latest in a series of bungles that have been reported publicly over recent weeks. There are two examples: Mr Robert Rigney being turned away from prison and the police whilst trying to return from day release. Following this incident he was on the run for some 76 days. More recently, convicted murderer, Tara Kehoe, walking away from a prerelease work program on 7 October. Sadly it was confirmed about three weeks later, on the weekend, that her body had been found by police—she was dead—in Adelaide's south on 29 October.

In relation to the latest incident, that is in relation to the prisoner on remand at the Adelaide Women's Prison, the media has reported that the department or the government has instituted an inquiry into that latest bungle. My questions to the minister are:

1. Does the minister accept responsibility for the failings of the department, as highlighted in these three instances?

2. Who is conducting the inquiry into the latest bungle? Is it being done in-house or independent of the government, and will the minister undertake to release the details of the inquiry report?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): I thank the Hon. Mr Lucas for his questions. In an effort to highlight the difficult working environment that exists within our correctional services facilities, prisons are, by their nature, full of risk. When you put together somewhere in the order of a high 2,000 prisoners and you collate them into nine facilities across the state, when you put, for the lack of a better term, the worst of the worst together across nine facilities, you do create a risky environment. That is the nature of prisons. That is something that has, quite rightly, always been the case.

Part of the challenge, of course, for the Department for Correctional Services, and indeed for correctional services anywhere around the world, is to try to manage that risk, but at the same time fulfil the objective of trying to rehabilitate people to ensure that, when they do get released back into the community, it is done in a way that is smooth and minimises the risk of reoffending. Of course, that's very difficult. Of course, that's an incredibly difficult challenge.

During the Hon. Mr Lucas's explanation before his question, he highlighted a number of different cases. I take, for instance, the case he refers to of Ms Kehoe, who did not return to custody from a work release program. We know and always have known as a legislature that there is a degree of risk associated with prerelease-type activities that are aimed at reintegrating people back into the community. Being released on day release for a work program is a classic example of that.

I would very much welcome it if the Hon. Mr Lucas decided to stand up in this place and suggest that there should always be zero risk attached to that. I would be very surprised if he were to do such a thing because he would understand that there is risk associated with such an endeavour. The question before policymakers, including people opposite and myself, is whether or not we should completely abandon things like day release for work-related programs to try to completely eliminate that risk. In my judgement, the answer to that question is no. The reason for that is that we want to be able to maximise the likelihood of reduced reoffending from those people who will be released into the community.

It is an unavoidable fact that the overwhelming majority of people who find themselves in the state's custody will be released at some point or another as a result of a decision made by a judge in a court somewhere else—the majority of people who find themselves in custody will be released at some point or another. The obligation upon policymakers, myself and the Department for Correctional Services is to try to do everything we can to minimise the likelihood of someone reoffending when they are released back into the community. This means that we have to try to balance risk versus rehabilitative programs—reintegration back into the community to maximise the safety of the community. That is an approach that I endorse.

In respect to other incidents that have occurred in prison: yes, things go wrong, and we have to make sure that, when those things go wrong, efforts are made to make sure that such mistakes aren't repeated. Regarding the person that was released in error recently, I have been advised that an internal review is being conducted by the Department for Correctional Services and already they have put in place a number of measures to try to ensure that those people who are finding themselves going through a process of in-house hearings through videoconferencing facilities, as was the case with the incident that the Hon. Mr Lucas recently referred to, are not released in error, despite some of the complexities that are associated with having those hearings while in a custodial environment.

Already a couple of steps have been put in place to minimise that likelihood. I very much hope that that delivers a dividend in respect to the department not seeing the type of mistake that the Hon. Mr Lucas has referred to in that particular instance.

CORRECTIONAL SERVICES DEPARTMENT

The Hon. R.I. LUCAS (14:43): Supplementary question arising out of the minister's answer: why is the minister unprepared to accept any level of responsibility for the failings of the department since he has become the minister?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:43): I have, I think, just stepped through rather thoroughly some of the challenges that exist.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Allow the minister to give his answer. We don't need you assisting him; you have already asked the question. You will now answer, minister.

The Hon. P. MALINAUSKAS: I have already stepped through the Hon. Mr Lucas's questions regarding the challenges that exist within the Department for Correctional Services' environment. Mistakes will happen from time to time, and I certainly will not be providing any guarantees to the Hon. Mr Lucas, or anybody else for that matter, on whether or not any other issues won't occur in this high-risk environment into the future.

What I can assure the South Australian public, and indeed this chamber, is that the department and I are doing everything we can to make sure that we continue to get that balance right, between managing a risky environment versus the challenge of trying to make sure that the release of people from custody, which is the overwhelming majority of prisoners, is done so in a smooth way to maximise the likelihood of that person not reoffending, because what matters most here is maximising safety to the community. That is the most important objective for myself and this government.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! Minister, take a seat, please. The Hon. Mr Lucas, I would draw your attention to the fact that I have already asked you to desist from interrupting while the minister—

The Hon. R.I. Lucas: Throw me out, Mr President.

The PRESIDENT: It is the height of rudeness. I will not have any hesitation of naming you if I have to. I am putting right now: desist and allow the minister to finish his answer.

The Hon. P. MALINAUSKAS: I will simply conclude by saying that we will not resile from the principal objective of the government of keeping the community safe. Maximising community safety is our number one priority and that means reducing reoffending, which is what this government is all about in the area of corrections.

CORRECTIONAL SERVICES DEPARTMENT

The Hon. K.L. VINCENT (14:45): Supplementary question: how much does it cost per prisoner for a prisoner to participate in a 'prerelease' program and, statistically, what impact does participation have on recidivism?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:46): I thank the honourable member for her important question. Regarding cost, one has to start with the figure of the cost of incarceration. The cost of incarceration is in the order of $70,000 to $100,000 per annum, per prisoner, depending on the facility that they are in. It is an extraordinary cost, which is why we have to have that objective at heart of aiming to reduce the rate of reoffending.

Using programs pre-release, for example a prisoner going through the Pre-release Centre, is a very good example of the sort of effort that can be made of trying to maximise the likelihood of when an offender is ultimately released as a result of a decision—not made by me or anyone within the government, but rather, by the court—that when that person is released, the likelihood of them getting back into the community and making a positive contribution, as distinct from reoffending and creating another victim, and then, of course, resulting in more incarceration with a more considerable expense, is an incredibly important effort.

It is about being smart on crime. Regarding the costs of rehabilitative programs, they are varied, depending on what particular section they are in. Already, this government has contributed additional funds and resources as a result of this year's state budget to a substantially larger investment in criminogenic programs; for instance, funding of, my advice is, an additional 19 to 20 FTEs in delivering criminogenic programs. I think part of your question was the specific costs associated with having someone in a high security facility versus the Adelaide Pre-release Centre? Was that the tenor of the question?

The Hon. K.L. Vincent: Not really, but—

The Hon. P. MALINAUSKAS: I don't have a statistic at hand along those lines, but what I can assure the house is that the cost of rehabilitative programs, the costs of keeping people out of gaol, will always be cheaper than locking them up.

CORRECTIONAL SERVICES DEPARTMENT

The Hon. R.L. BROKENSHIRE (14:48): I have a supplementary question, based on the minister's answer: does the minister therefore agree, based on his answer, that the policy of rack 'em, pack 'em and stack 'em, and the reduction in rehabilitation budgets to rehabilitate these prisoners, is now the prime problem he has with an overpopulation of prisoners and many of them choosing to escape?

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I thank the Hon. Mr Brokenshire for his question and, indeed, his ongoing interest in state issues. The answer to the Hon. Mr Brokenshire's question is yes, I do not believe that a policy or the rhetoric of rack 'em, pack 'em and stack 'em does any good for making the community any safer, which has to be the primary objective, which is exactly why we now have a target of reducing reoffending by 10 per cent, which is exactly why we are putting in additional resources like those that I referred to earlier of investing in criminogenic programs. Our focus as a government has to be on reducing the rate of reoffending because that, of course, means less crime and fewer victims and we have also got the added benefit of potentially saving the South Australian taxpayer a lot of money.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:49): A supplementary, Mr President: I want to offer a point of clarification on my question on the second part of it which was: statistically, what impact does participation in prerelease programs have on reoffending? Given that it is cheaper to prevent incarceration, aren't we enabling young people with intellectual disability, low literacy or mental illness access to education options while on remand?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): I do not have a statistic at hand which talks to a specific program delivering a specific outcome in terms of reducing the rate of reoffending. But yes, of course, where there are investments made or where a prisoner has had access to a degree of rehabilitative services, the likelihood of them reoffending reduces. There is no doubt about that. There is no holistic statistic because the nature of the programs offered to people who find themselves in custody are varied dramatically. There are people who find themselves getting rather intensive programs or criminogenic programs applied to them due to the nature of their initial offending versus someone else who might just have a basic prison industries program afforded to them, so there is no single holistic statistic.

Each individual program, as I understand it, has measures and statistics associated with it, and part of the reason behind that is that we want to make sure we have an evidence-based approach around who gets what services in prison. There is no point in applying a particular program to an offender if they do not have any likelihood of responding to it. Particular programs have different success rates depending on what cohort of prisoners you are referring to.

The question of providing services and programs to people on remand is a question that the Strategic Policy Panel, which I have put together to look at reducing the rate of reoffending, is specifically looking at. We have a remand rate in South Australia that is in the order of 42 per cent. Approximately 42 per cent of people who find themselves in custody in South Australia are on remand. That statistic in respect to women is, tragically, even higher. In excess of 50 per cent of female prisoners in our prison population are on remand.

One of the consequences of that is that they do not necessarily have access to rehabilitative programs. That is something that is actively being looked at by the Strategic Policy Panel, which I am looking forward to reporting to me in due course, which may provide recommendations to the government to see if that issue is worthy of being amended in a policy sense.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (14:52): A further supplementary, Mr President: which types of programs are more successful in terms of reducing reoffending? Will the minister look into getting an overall statistic? I appreciate that success will vary from program to program, but surely since we want an evidence-based approach, by the minister's own admission, it would be helpful to have an overarching figure as to an indication of the success of prerelease programs.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): I am happy to take a question on notice regarding the success rate of particular programs in terms of reducing reoffending. Of course, an overall figure is difficult because it is my hope and expectation that almost every prisoner gets access to some sort of service or another, and to be able to have a success rate, you need to be able to compare it to a cohort of prisoners who might not necessarily get access to any services at all in prison, which is hard to come by. Nevertheless, I am happy to ask the question, and if there is information available, I will bring it back to the Hon. Ms Vincent.

MASSCHALLENGE

The Hon. G.E. GAGO (14:53): My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber on the Bridge to MassChallenge program?

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) (14:54): I thank the honourable member for her question and her ongoing interest in these matters. In fact, I acknowledge the work that she did as minister for science and the information economy in doing a lot of work with the MassChallenge organisation. As minister for innovation, and the honourable member as minister for science, this was something that crossed over both our portfolios. I know we spent a lot of time working on this, talking to MassChallenge and one of the sponsors, Microsoft, about the possibility of bringing this program to Australia.

I might also congratulate South Australian jockey Kerrin McEvoy on his second Melbourne Cup win, after riding Brew to win in 2000, a few minutes ago on Almandin from Heartbreak City with Hartnell bringing up third place. I think a lot of people will be interested, particularly the Hon. Andrew McLachlan, who is a stellar better on the Melbourne Cup, I am reliably informed.

After visiting MassChallenge operations overseas, I have seen firsthand the innovative approach the organisation takes to help entrepreneurs and start-ups to become competitive and build global markets. That is why the state government has invested $280,000 to bring MassChallenge to Adelaide. We are serious about the innovation agenda.

I might also thank the federal government. When they do harm to South Australia—which is very often—I call it out, but on this occasion I know that the former federal minister for innovation and member for Sturt, Chris Pyne, was a big supporter of bringing this program to Adelaide. He also made sure that the federal government contributed funds to do so.

The Bridge to MassChallenge program will run from 2 to 4 November in Adelaide, and will bring many benefits to our local entrepreneurial ecosystem. This program will drive innovation and economic development at the local level, and provide opportunities through its networks, leaders and

resources. As a US-based, not-for-profit, start-up accelerator program, MassChallenge has already supported 835 companies worldwide and, between them, raised more than $US1.4 billion in funding and generated some $US575 million in revenue, creating an estimated 50,000 jobs.

Last night, I had the opportunity to welcome the inaugural 15 participating start-ups in the Adelaide Bridge to MassChallenge program—these are some of the cream of the crop of the South Australian start-up community—at a reception held at St Paul's. Some of those 15 participants included:

- Kick.it—a start-up that is building an effective, holistic and integrated app to help smokers kick the habit. The app is an evidence-based, research-driven app that is designed with both smokers and healthcare professionals;
- eSMART 21—which is working on a product that connects smart parking solutions for smart cities;
- GD Pharma—an innovative specialty pharmaceutical company that improves the lives of patients through improving pharmaceutical formulation and drug delivery. GD Pharma is a small company that is now licensed by the Australian Therapeutic Goods Administration;
- Group Kinetica—a start-up that seeks to develop and deliver a sustainable horticultural model around which communities can be built and maintained;
- LEAPIN Digital Keys—which makes locks and buildings 'smart' with smart phone apps and supporting software integration;
- DriveLight—the team at DriveLight are developing a product that enables the purchase of new cars online without having to haggle on price;
- KeySafe—which is working on a product to keep children safe online;
- Freddi—which is developing a system which enables the running of a business hands-free by bringing a whole lot of stuff onto one platform, particularly with cloud-based solutions;
- myEvidence—which is developing innovative criminal investigation and new software;
- OpenTute—the team at OpenTute has developed a solution for those who need extra training. They have developed a two-sided marketplace, connecting learners with experts;
- South Australian Biofuels—which is working on a product that can help reduce fuel costs, and help the environment in the process, to bring the use of this technology right down to a very small scale;
- Vinnovate—which has developed an on-demand water purification system that works at the push of a button. I think I have spoken in this chamber before about Vinnovate's award-winning wine closure system that has been developed; and, finally,
- Yup Yup Labs—a smart city start-up that is making people's lives better by improving the cities they live in and the connectedness in their cities.

These are some of the 15 finalists from Adelaide. They will be treated to a robust program for the rest of this week and will learn about creating powerful business models, negotiating in business and pitching ideas. Many of these companies talked to me and did their elevator pitch about what their company does, and I think they are well on the way to doing that. I understand there will also be opportunities for networking and meeting Adelaide mentors ahead of the pitching competition on the last day of the Bridge to MassChallenge program.

I would like to congratulate all finalists for their hard work as they compete for a spot in the national pitch competition in Sydney to be held on 14 and 15 November. The winners will then be announced at the national awards on 15 November, and these will take part in an advanced five-day boot camp in Boston in February 2017. The top teams from the Boston boot camp will compete for

a place in the MassChallenge accelerator program in Boston, Israel, the UK, Switzerland, or Mexico. This is a massive opportunity for these successful start-ups.

I have seen firsthand companies like Makers Empire, which have participated in the Boston MassChallenge program, that are now going from strength to strength. They are still based in Adelaide but are selling their innovative 3D printing software and solutions to educational programs not just in Australia but around the world, and particularly in the US.

I want to particularly thank the project manager for MassChallenge in South Australia, Dan Smith, who has done a tremendous job preparing the Adelaide boot camp program—a program that I am sure is the envy of many other states. I look forward to keeping the chamber informed on the progress of the South Australian participants as they progress through this world-class program, and also as many of their ideas become reality and they take on the world with these world-class solutions.

OPEN STATE

The Hon. K.L. VINCENT (15:00): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Education and Child Development on the subject of Open State.

Leave granted.

The Hon. K.L. VINCENT: As part of the recent Open State event, Mr Nigel Richardson was brought from the United Kingdom to discuss issues of child protection based on his experience as a bureaucrat in Leeds. My questions to the minister are:

1. How much money did the state government contribute toward bringing Mr Richardson to South Australia?

2. How many government staff members attended events when Mr Richardson was a speaker?

3. How much money did the government spend paying for DCSI and/or education department employees to attend events where Mr Richardson was a speaker?

4. What policies and practices will change as a result of Mr Richardson's visit?

5. Were Australian experts in the field of child protection, early childhood and social engagement offered an opportunity to speak at Open State events, particularly before Mr Richardson was selected?

6. How many families will be socially and financially supported to attend Circle of Security parenting courses in 2016-17?

7. What will be the cost to DCSI of parents attending parenting courses in 2016-17?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): I thank the honourable member for her long list of questions on notice. I undertake to take those questions to the minister in the other place and seek a response on her behalf.

RECREATIONAL FISHING

The Hon. J.M. GAZZOLA (15:02): My question is to the Minister for Water and the River Murray. Will the minister inform the chamber about how the South Australian government is providing new opportunities for recreational activities in our state's reservoirs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:02): I thank the honourable member for his most important question. At the 2014 state election, this government committed $400,000 over two years to investigate the opening of up to five offline reservoirs to recreational fishers. This included grants of $20,000 to the Barossa Council for a master plan, and a further $140,000 to upgrade infrastructure at the Warren Reservoir.

We also awarded $72,600 to the Northern Areas Council for infrastructure to support recreational fishing access to the Bundaleer Reservoir. RecFish SA has also received $40,000 from the state government's Recreational Fishing Grants Program to stock the Warren and Bundaleer reservoirs with native fish, I am advised. Following an extensive investigation, the Hindmarsh Valley and Baroota reservoirs will not be opened at this time. The government is committed to improving opportunities for recreational fishing in South Australia where environmentally appropriate and where it is supported by the local community. That is why the Tod Reservoir is one of the five reservoirs investigated for inclusion in the recreational fishing program.

I am pleased to announce that the Tod Reservoir will be included as part of our commitment to open up reservoirs for recreational activities. The Tod Reservoir is situated just north of Port Lincoln and west of Tumby Bay on Eyre Peninsula. We have recently committed to dam safety upgrades—I think I have spoken on that in this place in the past—to commence in December and be completed in 2017.

Those upgrades will include: lowering the water level and increasing the flood capacity; modifying the dam outlet to better manage the release of water; modification of intake channels feeding into the dam; modifying existing causeways downstream, including installation of flood gauges at Gawler Ponds Road, Macdonald Road and Reservoir Drive; managing sediment and erosion in the creek bed downstream of the spillway; and planting native vegetation for land management and sediment control.

An exciting part of the Tod Reservoir story has been the involvement of students from the Port Lincoln High School. In August 2015 the school received a $40,000 grant—$20,000 from state government and $20,000 from SA Water. The grant was for a three-year project investigating the viability of the Tod Reservoir for stocking with a suitable recreational fishing species.

This was a great opportunity to involve the local community in some long-term policy development for their area, and the Port Lincoln High School's aquaculture committee facilitated two field trips by staff and students for initial data collection of various key physical, biological and ecological parameters. Field trips provided students with an opportunity to learn about the history of the reservoir and teach them valuable data collection skills and techniques.

Downstream of the Tod Reservoir we have nationally significant wetlands, and that is why it is important that we get the planning right and invest in the necessary infrastructure. Opening up this reservoir is fantastic news for the local community and tourists alike. People already visit the reservoir to use the community barbeques and tennis courts and visit the museum on weekends, so opening up the reservoir for recreational fishing is a good next step.

I thank the reservoir recreational fishing task force, RecFish SA and SA Water for their ongoing collaboration over this great project. It is a lesson, I suppose, to those opposite: they should be more interested in announcing policy thought bubbles with absolutely no costings and no thought about environmental impacts—that is just the way they are. They do not talk to local communities, they do not engage with the experts: they just come up with some weird idea that is uncosted and will actually cost, in the case to which I am referring, SA Water customers even more for water treatment.

They were promising land that their own Liberal government gave away. They have to go and buy it back. So, they do not even remember their own history when they were last in government. They do not even remember their own history when they sold off this land and now—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: —they're going to have to use—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Leader of the Opposition, order!

Members interjecting:

The PRESIDENT: Order! I will not tolerate this disgraceful behaviour. The honourable minister is on his feet trying to give an answer to the question. I expect him to have the respect of the chamber to do it in silence.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! You're wasting your question time—the seconds are ticking by. Minister.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Obviously I have touched on a sore point for the opposition, Mr President.

The PRESIDENT: Obviously.

The Hon. I.K. HUNTER: This incredible announcement that they want to open up drinking water supplies for public use, for people to swim in, for them to fish in, for them to boat in—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.A. FRANKS: Point of order, Mr President: the person creating the most noise complained that he couldn't hear the minister speaking, and I can't hear the minister speaking either—I concur with that. How about we have some quiet so that we can hear the minister speaking?

The PRESIDENT: I don't think I need your point of order to rule them in line.

Members interjecting:

The PRESIDENT: Is that a dare, is it? You want to dare me to have you the first person chucked out? Any further—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable minister!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! I expect the government side of the chamber to act in a very responsible way by the fact of your positions. I also expect the Leader of the Opposition, by the very fact of his position, to show an example to the rest that, when we are in question time and the seconds are ticking over, we have the minister give his answer so that we can get on to the next question. Minister, please finish your answer.

The Hon. I.K. HUNTER: This is obviously a sore point for them. They have had no consultation with the local community, no consultation with the experts involved in water planning and management. What sort of opposition are you, when you come into this place—

Members interjecting:

The PRESIDENT: Order! I have just asked the minister. I don't need anyone else to assist me. Minister, just answer the question.

The Hon. I.K. HUNTER: —and come up with a recreational fishing plan for a drinking water reservoir? The contrast between them, sir, and us could not be much clearer. We believe in an evidence-based policy in this regard. They come up here and take a government idea about recreational fishing in offline dams and then just muck it up for the rest of South Australians. I don't know—I would like to find out—whether they have actually consulted with the southern Adelaide community about how they feel about having dogs exercising on a drinking water dam wall, having people swimming in a drinking water dam, having people boating in a drinking water dam, having people fishing in a drinking water dam, but that's not what the Liberals in this state do.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: They don't consult with communities at all. They come up with a thought bubble to get a press release on the day, and there is absolutely no substance to it—and no costings, no costings whatsoever. How much is it going to cost SA Water customers to add that extra level of treatment to address the risks that are created by this mob's bright lightbulb moment? Flash, and they just stuff the whole thing up. They are a joke—they are an absolute joke. We, on the other hand, will continue to work with our communities to drive better recreational outcomes in offline dams, because that's what communities want.

RECREATIONAL FISHING

The Hon. J.M.A. LENSINK (15:10): Supplementary question: the minister may want to take this on notice and come up with a conflated answer. Would he like to come back to the chamber and give us a figure for how much he estimates this will cost, and has he—

Members interjecting:

The PRESIDENT: Order! The member has the floor.

The Hon. P. Malinauskas interjecting:

The PRESIDENT: Order! The Hon. Mr Malinauskas, cease immediately. I must say, I am more disappointed with the Leader of the Government, at his behaviour. The honourable member has every right to ask a question without abuse from the other side.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I apologise for exciting your members. The rest of my question was to ask the minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Given his clear concerns with this particular matter, has he raised the issue with his fellow Murray-Darling Basin ministers in regard to any of the activities that take place, not just on the River Murray, but on dams like the Hume reservoir, which is one of the largest storage facilities in the world?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:12): I feel sorry for the Hon. Michelle Lensink, trying desperately to defend this ridiculous suggestion of her leader, Mr Steven Marshall, the member for Dunstan, in the other place. For goodness sake, the Liberals coming in here asking the government to cost their policy for them! This mob really thinks the community is going to take them seriously when they are making major policy announcements with no clue whatsoever—no clue whatsoever—about what that impact might be on taxpayers of South Australia. Now they are saying, 'Well, why don't you do that for us? Why don't you cost it for us? It would be very kind of you to use government resources to cost our Liberal Party policy.' That is an offer. Goodness gracious me. Then she goes on—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: —trying to sow confusion by trying to compare water catchments and storages in the Eastern States with ours. In New South Wales and Victoria, they have the Alps. They have deep catchments and storages. They can supply water out of their catchments and storages for four years. We can barely supply water for four months out of ours. That is the key difference. Their catchments are also surrounded by a pristine environment; it is protected. Ours are cheek by jowl with agricultural practices with all of the run-off associated with that.

No, the Liberals don't know this because they have been out of government for so long that they don't bother to do any of their policy work. They are totally out of touch with their local communities—totally out of touch with their local communities. They don't know what those communities want.

On the other hand, as I said, we in the state Labor government go out and talk to our communities. We ask them what they want and we deliver those policies hand in glove with local organisations, local communities like RecFish SA, and we come up with the best outcomes that protect all of the interests, particularly of SA water customers, and supplying safe and reliable drinking water.

That's not what the Liberals are proposing. They are proposing just the opposite, with no costing whatsoever—no costing whatsoever. How irresponsible is that? They pretend to go out there and say, 'We are the alternative government, but we are not going to tell you how much these policies cost. We are just going to come up with a nice, pretty flyover', something someone dodged up on a Minecraft program, popped a few virtual trees on land they used to own and then sold off.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Now they want to buy that land back at massively inflated prices. Goodness gracious me. What a bunch of no-hopers. No wonder they have been out of government for so long, no wonder they will only be back in government by 2036.

VETERANS' MENTAL HEALTH PRECINCT

The Hon. S.G. WADE (15:15): My questions are for the acting minister for mental health and substance abuse.

1. How much will it cost to deliver health services to the veterans' mental health precinct to deal with comorbidities of inpatients?

2. Does the government agree with the estimate coming out of the models of care working group that these services will cost in excess of $6 million?

3. Is this 150 per cent increase in expenditure budgeted?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:15): I thank the honourable member for his most important question. I will undertake to take that question on notice and get an answer back to him.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. R.L. BROKENSHIRE (15:15): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the NRM water levy increases.

Leave granted.

The Hon. R.L. BROKENSHIRE: The government's NRM water levy frequently asked questions fact sheet, which has the 'Government of South Australia' and still the piping shrike on the bottom, leads the reader to conclude that the South Australian Murray-Darling NRM Board was ultimately responsible for the decision to raise the NRM levy. This decision, the sheet claims, was made by the board after a process was undertaken to test the majority opinion of the wider community. These 15,000 opinions, we learn, were gathered using a variety of tools but we do not know what the majority were as the fact sheet does not list them.

All we are told is that amongst these tools, some stakeholders were consulted, an online chat group discussion page was used (that's a very scientific way of doing it) and a panel was formed consisting of 50 randomly selected individuals whose opinion swayed the board. My questions to the minister are:

1. Why doesn't the government tell the truth on these information sheets, as they are calling them information sheets not misinformation sheets?

2. Why doesn't the government tell the residents of the South Australian Murray-Darling NRM Board that 300 FTEs at $22,000 each for corporate services is a hit from the state government instruction to the NRM board of about $6 million, and on top of that, $6 million going into Treasury? Why doesn't the government actually tell the people that the government is, in a shonky way, ripping the money out of them?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): I thank the honourable member for one of his last questions in this place. I must warn him that when going off to the commonwealth parliament and the Senate, don't try and ask questions like this and misrepresent the people you are asking questions of, as you will be slapped down pretty quickly.

This is the cheapest form of standing up and asking a question based on absolute misinformation, and completely confusing fact with a fantasy world that the honourable member creates for himself in his own mind. 'Rob world' might be very good for Family First but it is not good enough here. The fact is, and he answered the question pretty much in his own explanatory remarks when he said that, frankly, the board was responsible for making this choice. Of course they are, as all the boards are.

Members interjecting:

The Hon. I.K. HUNTER: Well, I'm sorry, that is exactly what they are. They put in their reports to the parliament's NRM committee and they are endorsed.

Members interjecting:

The Hon. I.K. HUNTER: We have members opposite making up fictitious statements. It is up to the NRM boards to make determinations—

Members interjecting:

The PRESIDENT: Order! Please allow the minister to answer.

The Hon. I.K. HUNTER: —about their income and their expenditure; that's what it is all about. That is why we are returning control back to local communities and determining through consultation processes, as the Hon. Mr Brokenshire alluded to but actually didn't go into much detail about, because the local communities contact the NRM boards through their consultation programs and tell them what they want. They tell them what services they want or they tell them they want reductions.

As the honourable member said, the NRM board for the Murray-Darling Basin area determined, in consultation with their local communities, that the services being provided were so esteemed and deemed so worthy by local communities that they were prepared to pay more for them. That's the outcome. When they had explained to their communities what the NRM board does and the services that are provided to their local communities by the NRM board, the community said to the NRM board, 'We want you to provide these services and continue to provide these services, and we are happy to pay a little bit extra.'

So, that's what the NRM board did. It was their determination to reduce the amount of services provided and to continue to provide those very important services that the community asked them to provide. That was a determination of the NRM board. They feel very confident that they have consulted their community extensively. They feel very confident in the fact that the community told them what services they wanted the NRM board to continue to provide and they were happy to provide funding to that end.

NATURAL RESOURCES MANAGEMENT LEVY

The Hon. J.M.A. LENSINK (15:20): Supplementary: what did the minister's CE of DEWNR mean when she said in evidence to the Natural Resources Committee that the levies go straight to Treasury?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:21): I have no idea what the CE might have said. I haven't read that transcript.

The Hon. J.S.L. Dawkins: You know very well she said that.

The Hon. I.K. HUNTER: I have no clue—I have no faith in the Liberals opposite. They come into this place and paraphrase people all the time and try to twist those words to their own end. So, why would I take anything they say on faith at all?

The Hon. K.J. Maher: Cost it, you should cost it.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: As my leader says, I should probably cost their election promises as well for them. I do throw out that offer for them, when they actually get some, if they ever get some, give them to me, share them with me in confidence and I will go through them and treat them with all the respect that they ultimately will deserve.

RIGNEY, MR R.G.

The Hon. A.L. McLACHLAN (15:22): Thank you, Mr President.

Members interjecting:

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

The Hon. A.L. McLACHLAN: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question.

Leave granted.

The Hon. A.L. McLACHLAN: On 26 July, in answer to a question without notice regarding Mr Robert Gordon Rigney, the minister stated that a separate process would be initiated by the Chief Executive of the Department for Correctional Services to ascertain the mistakes that were made by individuals, the degree of human error that existed, and who should be held to account. I asked the minister, on 21 September 2016, for a further update and the minister said the inquiry was ongoing. I ask the minister for a further update: has this inquiry been completed, and has anyone been held to account?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): I thank the honourable member for his important question. I am happy to take advice on where that is at. I believe, not from recollection but from the Hon. Mr McLachlan's question, that since he last asked that question Mr Rigney has been brought into custody by SAPOL, and I am happy to seek advice as to where that investigation is at.

BUSHFIRE ACTION WEEK

The Hon. T.T. NGO (15:23): My question is to the Minister for Emergency Services. Can the minister tell the chamber what this government is doing to support and promote Bushfire Action Week?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): I thank the honourable member for his question because, of course, we are now at an important time of the year. Although Mr President may feel as though summer is not yet upon us, I can assure the South Australian public that summer will come, and indeed bushfires will happen.

As members will no doubt be aware, the state has endured one of the most wet and windy seasons in recent times, with consistent rainfalls well in excess of monthly averages from mid-autumn right through to spring. While this rainfall has seen a burst in green vegetation across South Australia, it is important to acknowledge the risk this increased fuel load may present as we move into the hot summer months and the bushfire danger season.

Over the weekend, I had the pleasure to officially launch Bushfire Action Week in Uraidla, with the chief of the Country Fire Service, Greg Middleton. Of course, other chiefs within the emergency services were also present. The key message we are promoting for this year's Bushfire Action Week is that bushfires have happened in the past and that they will happen again in this

coming summer. As such, we are asking everyone to plan now to survive, instead of leaving it until it is too late.

As part of Bushfire Action Week, the CFS will be holding a range of events throughout the state to help people prepare their bushfire plans. These include open days at stations and barbecues and information sessions at places like Bunnings warehouses, as well as advertising across both traditional and online media. I would also like to take this opportunity to draw members' attention to a new online tool the CFS has launched, called 'My plan to survive'. This allows people to prepare their bushfire action plan as well as save it on their mobile phones and share it with their family and friends.

The importance of preparing a bushfire action plan cannot be understated, as the risks in leaving decisions to the last minute are potentially fatal. The decision to leave early, the decision to stay and defend, arrangements for pets and livestock, staying informed through battery-powered radio, keeping your phone charged and checking the Alert SA app: all of these factors and more should be considered well in advance. This is why I encourage all members to help spread the important message of planning to survive as part of Bushfire Action Week to their constituents across the state.

I would also like to use this opportunity to thank all emergency services volunteers for their incredible efforts this year to date. We have a big season ahead of us and, while the risks remain present, as a state we remain thankful for having such a professional, highly trained and well-resourced emergency services sector. As a government, through measures announced in the state budget, such as an extra $1.5 million for volunteer training or $2.6 million for the replacement and retrofit of CFS trucks with life-saving burn-over technology, we will ensure that we are doing all we can to support the invaluable work of our emergency services volunteers—work that they do each and every year.

We have just under 14,000 CFS volunteers in this state. These men and women perform an incredible service for our community. No doubt, this year they will be called upon to potentially put their own lives at risk in service of the community. It is important for members of the community to remind themselves that it is an obligation upon them to fulfil their civic duty to ensure that they have their own bushfire action plans in place. Of course, if every community member were to do that, it would reduce the risk to those volunteers themselves when they are out there putting their own lives on the line.

I think it is reasonable for all members of the community to be expected to put arrangements in place themselves in order to do the right thing by those other members of the community who are volunteering their time and their precious resources and putting themselves at risk and in harm's way in service of the community. We need to do everything we can, and I encourage all members of the South Australian public to ensure they have their bushfire action plans in place. There is no better time to do that than Bushfire Action Week, which, of course, is this week.

BUSHFIRE ACTION WEEK

The Hon. K.L. VINCENT (15:28): Supplementary question: do the bushfire action plan materials include accessibility measures such as captioned videos, Auslan, Easy English and so on? Also, is the mobile app that the minister mentioned accessible to people with vision impairment?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): I know that the emergency services sector is constantly trying to make sure that the materials they produce do take into account all members of the community, whether that be through making sure that there are multilingual arrangements in place or, indeed, taking into account members of our community who may have a disability. I am happy to take on notice the specific areas that you have put in place. Rest assured, I get the sense that the leadership among emergency services are always trying to ensure that they are taking into account members of the community who might be in a minority group of some form or another. In regard to the specific measures you have just referred to, I am more than happy to take that on notice.

UNDERGROUND COAL GASIFICATION

The Hon. M.C. PARNELL (15:29): I seek leave to make a brief explanation before asking the Minister for Climate Change a question about underground coal gasification (UCG).

Leave granted.

The Hon. M.C. PARNELL: Last month, the former chief executive of the South Australian EPA, Professor Campbell Gemmell, prepared a report for the Scottish government about underground coal gasification. Whilst he now lives primarily in Scotland, Campbell Gemmell retains his links to our state as an adjunct professor at the University of South Australia. Professor Gemmell reviewed the UCG industry and the various demonstration, pilot and operational sites in Australia, Belgium, Canada, China, France, South Africa, Spain, the USA and Uzbekistan.

In his report, he highlights the environmental concerns including air quality, waste and water issues, the local blight and reputational risk, amongst other issues. Professor Gemmell recommended that Scotland's moratorium on UCG be maintained, or alternatively that Scotland follow the lead of the Queensland government in Australia and ban the practice of UCG into the foreseeable future. Last month, the government of Scotland accepted Professor Gemmell's advice and banned UCG in its jurisdiction.

The relevance of this to South Australia is twofold. Firstly, the UCG industry is being actively promoted by the South Australian government which has issued preliminary drilling licences to Leigh Creek Energy Ltd, which members will recall is the successor to the infamous Marathon Resources which was sent packing after trashing the Arkaroola Wilderness Sanctuary; but secondly, and directly relevant to the minister's climate change portfolio, is that the Scottish government was motivated by a desire to not undermine Scotland's perceived leadership in climate change management. This is the same leadership that South Australia claims in this country.

Exploiting dirty coal deposits through risky and polluting technologies was seen to be a backward step in decarbonising the Scottish economy and meeting its climate change targets, and that is why they banned it. My question of the minister is: what steps is he taking as climate change minister to pull his other ministerial colleagues into line and prevent underground coal gasification from trashing South Australia's environmental reputation by unnecessarily exacerbating dangerous and irreversible climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:32): I thank the honourable member for his most important question which, try as he might to direct to me as the responsible portfolio minister, falls fairly and squarely under the ministerial portfolios of another minister in the other place.

However, can I just say this? In quoting some sources from Scotland about their desire to not be seen as resiling from their clean and green image, don't forget that in saying they do not want to be involved in underground coal gasification projects because of that image. They also fall back on their grid and the Scottish grid, like the UK grid in general, has a backbone of nuclear energy. So, if the honourable member is saying that we should have nuclear energy plants in South Australia, to avoid the need for underground coal gasification—

The Hon. M.C. Parnell: Listen to your former EPA boss.

The Hon. I.K. HUNTER: Yes. Well, in fact, I would rather listen to myself, thank you very much. It is much more informative.

The Hon. J.S.L. Dawkins: You'd be the only one.

The Hon. I.K. HUNTER: Well, you know, that is why some people need to take on these responsibilities themselves. I am very happy for the member to try that angle. It is a question best directed to the minister in the other place, and if he is going to quote these sources from Scotland in terms of their idealism, he needs to be quite up and open about that with us, about how their electricity grid is actually underpinned. It is actually underpinned by another source which I believe his party opposes as well.

So, if he wants people to go cold turkey on renewables, that is the position of the Greens. The position of the Liberal Party, of course, is that we actually go all the way with the coal. The Labor Party has a much more nuanced response. We are driving towards renewables, but in a responsible way, using gas as a stepping stone.

As the Liberal government in Canberra has signed the road map to decarbonisation, which means that all states are going to have to decarbonise their electricity grid systems, every single state has to deliver for the federal government's international treaty obligation they signed in Paris. That is what we are pursuing—a responsible way to get to zero net emissions by 2050—without the need for nuclear power stations, which the Hon. Mr Mark Parnell has been advocating in his question.

Bills

CHILD SAFETY (PROHIBITED PERSONS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2016.)

The Hon. A.L. McLACHLAN (15:34): I rise to speak to the Child Safety (Prohibited Persons) Bill 2016. I am the lead speaker for the Liberal opposition and I indicate that the opposition is supporting the second reading.

The bill is a component of the government's response to the damning Child Protection Systems Royal Commission report that was handed down by royal commissioner Nyland. It adopts some additional recommendations that were made by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. The bill modifies the way that working with children checks are undertaken in South Australia.

The aim of the bill is to provide a framework for prohibiting people who pose an unacceptable risk to children from working or volunteering with children. To achieve this, the bill implements a number of changes to the current screening process; for example, it introduces a single working with children check that is portable and valid for five years. A working with children check will determine whether a person poses an unacceptable risk to children and, importantly, whether they should be prohibited from working with them. This prohibition goes further than the current screening process.

Once the bill is passed, a centralised assessment unit will be established. This unit will be the sole agency in South Australia responsible for conducting checks on individuals. The centralised assessment unit will have the power to issue prohibition notices which ban a person from working or volunteering with children if they pose an unacceptable risk. The outcome of the screening assessment will be either that a person is cleared to work or volunteer with children or, alternatively, is prohibited from working or volunteering with children.

Applicants will be provided with a unique electronic identifier which will be applicable to all roles and organisations throughout the state. Using the electronic identifier, employers will then be able to verify if a check has been conducted and, further, whether a person has or has not been prohibited from working with children. The unit will maintain a public register of all clearances as well as their expiration date. A person cannot begin employment until the check is finalised.

Appeals of a screening decision lie with the South Australian Civil and Administrative Tribunal. The screening unit will also have power to conduct additional checks at any time; for example, if information becomes available to them regarding a previous applicant. The unit will be able to continue to process a check on someone who has applied but who has since withdrawn an application.

Pursuant to the bill, the categories of people who will be prohibited from working with children include:

- if they are subject to a prohibited notice issued by the central assessment unit;
- if they have been prohibited from working with children under a law of the commonwealth or of another state or territory; or

- if they have been found guilty of a prescribed offence committed as an adult.

The bill contains a list of prescribed offences, which include a range of serious offences where a victim was a child; for example, murder, manslaughter, kidnapping, rape or other sexual offences. A conspiracy to or attempt to commit such offences will also meet the threshold for a prescribed offence.

The bill also states that organisations and employers must have in place comprehensive strategies to ensure child safe environments. It is important that organisations remain vigilant, as no screening regime is perfect. The bill clearly recognises this by stating that a working with children check is not proof of good character but merely an assessment of a person's prior conduct. The deeply troubling case involving Shannon McCoole highlights that if someone has not been previously convicted of any prescribed offence they would not automatically be red flagged in the screening process.

The bill creates a range of offences in respect of the screening process. Once passed, it will become an offence for an employer or community organisation to employ someone or let them volunteer with children without ensuring the recruit has obtained a working with children check and has not been issued with a prohibition notice.

This will also apply to individuals. The bill also creates a new offence of misrepresenting that a working with children check has been conducted, or providing false information when applying for a check. In respect to the suite of offences, I ask the minister, will directors of employers of companies that are found guilty be vicariously liable? If not, why has this policy option not been pursued? In the definition of excluded persons (those that do not necessarily need a check), there is a reference to South Australia Police and the Australian Federal Police. This issue has been previously raised in the second reading by the Hon. Tammy Franks.

The Liberal opposition will be seeking assurances from the government at the summing up of the second reading regarding what checks are undertaken on members of SAPOL. The Liberal Party will be seeking assurances that it is appropriate that South Australia Police and the Australian Federal Police are included as excluded persons. If not satisfied with the answers, then the issue will be further pursued, no doubt alongside the Hon. Tammy Franks, at the committee stage. When this bill was introduced in the other place, the government indicated that certain important matters would be dealt with by way of regulation.

Once again, we are being asked to debate the bill without the benefit of seeing exactly what the regulations will provide for. This is disappointing given the gravity of the issues this bill is seeking to redress. Significant matters to be finalised include: defining the meaning of 'incidental or usual conduct'; procedures to be followed by the central assessment unit; standards to be applied by the unit when determining the weight to be given to certain evidence; benchmarks for periods within which the applications are to be processed; the risk assessment criteria to be used by the unit; the adoption of recommendation 238(h)(iii) of the Nyland report, precluding exemptions from screening requirements; and the development of guidelines for ensuring that applications are afforded appropriate procedural fairness.

I ask the minister in the second reading summing up to give the chamber some guidance as to the government's approach to these matters. I appreciate that this is an enabling bill and I note the comments of the Attorney-General in the other place that the regulations will come after the clauses of the bill are settled. In this instance, I do not accept this assertion. Good practice in bills like this is to have draft regulations, especially when the opposition is supportive of the initiative. It indicates to me that there is a continued cultural resistance by this government to properly acknowledge the gravity of its failure in protecting the children in its care during its long term in office.

It is a disappointing thing, the tired old games being played with draft regulations being veiled to prevent what should be a serious debate about legislative structures to protect our children. The neglect of our children by this government will be a perpetual stain on all those who have served in this cabinet in the years that Labor has been in office. I note that the Law Society submission, dated 7 October 2016, welcomes the reform in this area, particularly that the bill adopts a number of the Nyland and commonwealth recommendations. It is particularly supportive of the provision that

paramount consideration in relation to the enforcement of the bill is in the best interests of the children in regard to their safety and protection.

I have a number of questions for the minister, which I request be answered in the second reading summing up. I ask the minister:

- What communication has the government engaged in so far, or does it intend to engage in, given both individuals and employers will be committing an offence if they fail to adequately comply with the legislation?
- What is the government doing, or intending to do, to ensure that people, and especially employers, are educated about their obligations under the act?
- Has appropriate budget been allocated?
- Given that the people cannot commence employment until they have obtained the check, is the government ensuring that the responsible departments will be adequately funded and staffed so that backlogs can be avoided? The DCSI Screening Unit faced many challenges when the previous screening checks were introduced, as they struggled to keep up with a high volume of applications;
- Given that people will not be permitted to begin employment until checks are completed, how will the government ensure that the unit does not encounter the same problems which left significant amounts of people unable to work for extended periods of time?
- Are different practices and procedures anticipated?

Whilst the Liberal opposition is supportive of this bill, there is still much more this government needs to do to protect our most vulnerable children. This represents but one important tool that is required to fix the child protection systems in our state. I commend the bill to the chamber.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:45): I thank those members who have contributed to the debate on this bill. The bill creates a new regime that can prohibit a person from working to children if they are assessed as posing an unacceptable risk to children. The bill reflects the recommendation of Commissioner Nyland of the South Australian Child Protection Systems Royal Commission, as well as recommendations made by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, as set out in its final recommendations on working with children checks.

Under the bill, any person wanting to work with children will be required to have a working with children check and not be prohibited from working with children. This working with children check must have been done by the central assessment unit, with the results recorded in a records management system. The Hon. Tammy Franks sought some reassurance from the government as to the time frame for these checks, given that people are unable to commence working with children until the check is completed.

We have consulted with the DCSI Screening Unit on this issue, who have advised that the current time frames for screening are as follows. In 2015-16, the Screening Unit processed and finalised 98 per cent of applications within 30 business days; importantly, noting that over 85 per cent of applications were processed and finalised within 15 business days.

The number of outstanding applications over 30 business days has reduced from more than 7,000 applications in early 2015 to around 200 in October 2016. These applications are less than 1 per cent of the total volume of applications processed and finalised. This streak continues in 2016-17. In addition, section 4 of the bill also mandates the making of guidelines to include benchmarks for periods within which certain applications for checks are to be processed.

The Hon. Mr Darley has posed a series of questions using examples as to who will need to undertake a working with children check. In response, I must firstly point out that this bill will be supported by regulations to be released for public consultation. These will be developed upon passage of the bill and will provide definitions for key terms, such as the terms used to define 'working

with children'. The regulations will also spell out exemptions, such as the parental exemption, so as to ensure parents will remain able to volunteer in activities that involve their children.

Both the Hon. Mr Darley and the Hon. Tammy Franks have questioned the exemption contained in clause 9(3) whereby 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 working with children check. This provision reflects a recommendation of the commonwealth royal commission. In their final recommendations on working with children checks, the commonwealth royal commission recommended this exemption on the following basis:

> People who engage in child-related work for short periods should be exempt. We note:
>
> - that the risks to children are comparatively low, as the short-term nature of the contact means there are fewer opportunities to establish and abuse a relationship of trust
> - the need to accommodate emergency situations requiring urgent work with children.
>
> While the specific period of time may benefit from discussion among the state and territory governments, we feel that a period of seven days or fewer in a calendar year would strike an appropriate balance between child safety and other concerns. The exemption should not apply to child-related work in connection with overnight excursions, due to the heightened risks to child safety inherent in this work.

We have adopted this approach in addition to the limitation for overnight stays or excursions. A person who has been prohibited from working with children cannot rely on the exemption.

Turning to another question of the Hon. Mr Darley as to whether this means that businesses or individuals who host a work experience student will not have to be screened as long as the work experience period does not exceed seven days: that is correct. However, it must be noted that during the development of regulations we will be consulting on whether individuals or businesses taking work experience students who are children should need to undertake a WWCC in any case.

The Hon. Mr Darley also asked whether a high school student, who elects to undertake work experience at a primary school, will be required to have screening undertaken. At a glance, because the student themselves is actually working with children, a check should be required, but again this type of detail will be in the regulations and subject to consultation. If the student was required to be screened, they could seek to rely on the seven-day exemption, subject to its limitations. It should be noted that anyone relying on the seven-day exemption can only do so if they are not working with any children for more than seven days in a 12-month period.

The Hon. Mr Darley asked whether a person working in a children's clothing retailer that sells exclusively kids' clothes, or a person working in a toy section at Target, or employees of bowling alleys and gaming arcades, will require a working with children check. Again, such matters will be dealt with by the regulations and will be subject to public consultation.

In addition, the Hon. Tammy Franks also sought clarification on what would be incidental contact with a child. This term, too, will be defined in the regulations and therefore subject to public consultation. In considering these types of questions, though, I ask all honourable members to look beyond the question of whether a person in certain employment, such as behind the counter at the children's clothing store, should undertake a working with children check. I ask honourable members to consider whether as a community we are comfortable with not requiring working with children checks in given circumstances, knowing that in the example given this would mean that a person who is a convicted child sex offender can obtain work in that store, unbeknown to the owner, who has not sought a working with children check.

The Hon. Mr Darley has also sought clarification on other exclusions, such as the bill excluding people from requiring a check if they work in child-related work in the same capacity as the child to whom the work relates. First, there seems to be some confusion about this provision. It is clause 9(1)(b). This exemption applies in cases where the work is not child related. If work is child related, then this exemption does not apply.

This exemption applies where people working in the business or shop do not require a working with children check, for example, a retail store that sells furniture. Under this exemption, just because the store then employs a 16 or 17 year old, this should not mean that anyone else working

there now needs a working with children check. This exemption is specifically designed to address the employment of persons under the age of 18.

Employing a young person should not mean that fellow staff, the manager or supervisor, should undertake a working with children check if it is otherwise not needed, so, yes, this exemption is designed to apply in these cases where a child is employed, for example, as a waitress in a restaurant or as a clerk in a furniture store.

I now turn to a question from the Hon. Tammy Franks concerning the requirement that the central assessment unit screen applications that are withdrawn. She was correct in her assertion that this is important, as it allows for the assessment to continue and the person, despite withdrawing their application, to be a prohibited person. My understanding is that in some cases the screening unit may interview an applicant to seek further information. Naturally, this would occur if the unit is considering not clearing the person. At this stage a person could withdraw their application.

It is in these circumstances that, under the bill, the working with children check could still be undertaken. This is an important provision, because it stops a person who should be prohibited from withdrawing their application and thereby stopping themselves from being prohibited. When asked about this provision, the DCSI screening unit explained that there is some evidence that applicants are deterred during the assessment process. They stated that this is particularly after the stage where applicants are contacted regarding information that is being assessed and that, based on current processes, the number of applications withdrawn at this stage is minimal.

This provision also reflects a recommendation of Commissioner Nyland of the South Australian royal commission. Commissioner Nyland, in her report, gave the following reasons for her recommendation 238(e), which the government supports:

> The reasons for withdrawing an application are no doubt many and varied. However, the possibility that a person may seek to withdraw their application to avoid a refusal based on their history should be enough to prohibit the withdrawal of applications.
>
> Once an application is submitted, it should be assessed and a screening outcome determined. All refusals should be systematically recorded. Efforts should be made to develop information sharing practices with interstate screening units so that assessments in this state can benefit from knowing about refusals in other jurisdictions.

Honourable members are asked to note that a further bill will be developed upon passage of this one that provides for transitional arrangements that will make the necessary consequential amendments to support this new regime. For example, it will be necessary to enact provisions so that people who have already been subject to a screen for working with children by the DCSI screening unit will be able to rely upon that screening to continue to work with children until its expiry. It is intended that the existing Department for Communities and Social Inclusion screening unit be appointed as the central assessment unit.

Under this bill, the working with children check will remain valid for five years. It will be portable between employers and any organisation where a person is working or volunteering with children. However, the person's criminal history will be continuously monitored, with criminal history data being matched daily against the records management system.

The Hon. Mr Darley has asked why, given the system is dynamic, it is necessary for a working with children check to be undertaken every five years. Consultation was undertaken on this query with the DCSI screening unit, which provided us with the following information:

> The reason behind five yearly checks even though there is continuous monitoring are as follows:
>
> - Continuous Monitoring will look at South Australian criminal history, child protection and care concern information that is relevant to whether a person should be a prohibited person, that is only SA information and only relevant offences and child protection/care concern reports. It is therefore not a full assessment of all available relevant history information.
> - Every five years, a full check is undertaken of expanded criminal history information for people working with children across all jurisdictions, and South Australian child protection and care concern database checked in full. This full set of information is not continuously monitored and that is why a full assessment needs to be undertaken periodically.
> - This is the same process as in other jurisdictions, noting that SA is the first jurisdiction to continuously monitor child protection information.

- The criminal justice systems in each jurisdiction run independently. The Commonwealth Royal Commission has made numerous recommendations regarding standardising policy and checks across the jurisdictions. This includes joining up the criminal systems to enable continuously monitoring across jurisdictions rather than it being state based. These recommendations are to be actioned by the Commonwealth.

Hence the need to undertake a full assessment every five years.

Continuous monitoring, together with any other assessable information that comes to the attention of the central assessment unit, can trigger a reassessment and could result in a person being prohibited. The Hon. Mr Darley mentioned during debate that he had sought information from the government concerning reasons being given for a decision to prohibit a person. The Attorney-General has informed the Hon. Mr Darley that although there is no requirement under the legislation to provide anything to the person except for a prohibition notice, as part of implementation of the new regime proposed under the bill, the DCSI screening unit is working towards a new framework of decision-making that includes providing reasons for a decision to issue a prohibition notice.

This work is being done as part of developing the guidelines for decision-making as required under section 4 of the bill and as part of developing information to inform the drafting of regulations as to how a person is to be afforded procedural fairness, as per section 11 of the bill. The intention is that any requirement to provide reasons for a prohibition notice is not a matter for the bill but rather a matter to be included in the draft regulations. These will be the subject of public consultation.

The bill contains multiple offences linked to providing information and not misleading the central assessment unit and also places obligations on the central assessment unit to notify employers or community organisations if a person becomes prohibited. Section 3 of the bill very clearly establishes the objects and principles behind the legislation, and provides for a more transparent system than currently exists.

Section 3 provides that the primary objective is to minimise the risk to children posed by persons who work with them. Section 3 also states that to further this primary objective, it is a further object of the legislation to provide a framework for the prohibition of persons who pose an unacceptable risk to children from working with them. The paramount consideration in respect of the administration, operation and enforcement of the legislation must always be the best interests of children, having regard to their safety and protection.

It is important that this new system of working with children checks does not lull people into a false sense of security. The bill clearly articulates that a working with children check is an assessment of that person's prior conduct. Therefore, the fact that working with children checks are conducted in relation to employees does not of itself satisfy an employer's obligation to ensure that a workplace is safe for children. Organisations and employers must have in place comprehensive strategies to ensure child safe environments. For example, even if a person is not prohibited from working with children, the employer should still undertake their own assessment as to whether the person is a fit and proper person to work with children.

The bill also makes it clear that a working with children check is not a determination of a person's suitability to work with children and cannot be relied on as such; a working with children check is not proof of good character; and a working with children check is not proof that the person does not pose a risk to children. I again thank those members who have contributed to the debate on this bill.

Bill read a second time.

RETIREMENT VILLAGES BILL

Committee Stage

In committee.

(Continued from 20 October 2016.)

Clause 26.

The Hon. S.G. WADE: On 18 October I moved:

Amendment No 7 [Wade–1]—

Page 18, lines 2 and 3 [clause 26(2)]—Delete '(or a person claiming under the resident)'

Reflecting on progress since we last met, the Liberal Party will be supporting progressing this bill today. The Liberal Party did not and does not oppose the statutory buyback, but in the absence of a regulatory impact statement we sought to have the entitlement limited to current and former residents. When the committee last met we sought the support of the council to pause progress of the bill while further analysis was undertaken, so the council could be properly informed as to the impact of the bill.

Before doing so, we had had good discussions with a range of stakeholders and felt that there was a window of opportunity to develop an agreed set of amendments to improve the bill. There was an opportunity to do three things: (1) to reduce the risk to operators; (2) to enhance the rights and entitlements of current and former residents, and; (3) to protect the future supply of units to future residents.

Over the past week the opportunity for improvement evaporated, which I think is disappointing. While the government will be putting a couple of amendments which, in our view, improve the bill, I think much more was possible. We remain concerned at the possible impact of the bill on residents, operators and the industry as a whole. Over the past week the Property Council has done a survey of operators and financiers, which reinforces those concerns. The council surveyed members and non-members: 45 per cent of the operators who responded to the survey were not-for-profit providers. The survey found that if the bill is passed in its current form almost 60 per cent of operators would build fewer villages, therefore that would impact on supply. One-third of financiers will stop lending to the retirement villages, which would also impact on supply, and 80 per cent of valuers felt that the valuation of units would go down. A fall in valuations, obviously, would impact on residents.

The survey was undertaken by the Property Council and its findings would need to be tested, but they are the sort of questions that we consider should be asked and the sort of analysis that the government should have undertaken before bringing this bill to the parliament. The government's tardiness is a risk that will be borne by residents, current and future, as much as by operators. Having said that, I think I have canvassed thoroughly the benefits of limiting the statutory buyback to current and former residents and not to deceased estates, but I appreciate, with my discussion with colleagues, that there is not support in the council for that amendment, so whilst I am moving it I will not be dividing on it.

The Hon. I.K. HUNTER: The government appreciates the Hon. Mr Wade's comments and his considered retreat on this position, given the numbers in the chamber. I applaud him for that. Just to remind people where we got up to, the Liberal Party amendments essentially seek to create two classes of people, those living residents and those who have died, and would treat the estates of the dead in a different way from those who are still alive.

The opposition, in framing this amendment, fails to take into consideration, I believe, that this would have a detrimental impact on the sector more generally because when people come to settle their affairs, to put together their will, and if the Hon. Mr Wade's amendment was passed, they would understandably be concerned that their estates would be treated differently and may not be disbursed to their chosen heirs and successors in a timely fashion. That would then cause some people to rethink going into such a retirement village. We say that this is a negative inducement and should not be in the legislation. I do understand that there is not support for Mr Wade's amendment and so I thank him for his contribution.

Amendment negatived.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome our friends from Japan. Mr Tadahiko Ito, the honourable Minister of the Environment, welcome here and hopefully you will have a good stay.

Bills

RETIREMENT VILLAGES BILL

Committee Stage

Debate resumed.

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

Amendment No 8 [Wade–1]—

Page 18, lines 6 to 10 [clause 26(2)(b)]—Delete paragraph (b) and substitute:

(b) either—

(i) a period of 18 months has elapsed since the resident ceased to reside in the retirement village; or

(ii) a period of not less than 18 months has elapsed since the resident gave the operator a notice in accordance with subsection (3) (being a notice that has not since been withdrawn in accordance with subsection (4)(b)) and a period of not less than 3 months has elapsed since the resident delivered up vacant possession of the residence; or

One of the important entitlements for residents through this legislation is that residents will be able to continue to reside in a unit while it is going through the sale process. One of the concerns, particularly of operators, is that, particularly at the tail end of the 18-month period, there may be factors which are impeding the final sale of a unit which would be overcome if vacant possession was provided. This amendment is to give a three-month window at the tail end of the statutory buyback period, which would entitle the operator to have vacant possession if they needed it.

The Hon. I.K. HUNTER: The government welcomes this amendment and will support it. The bill allows a resident to remain in situ while their residence is being remarketed. If their residence is not relicensed 18 months after providing the operator with notice of their intention to vacate, the operator must repay the resident their exit entitlement. This amendment provides that, if a resident chooses to remain in situ, they must vacate the residence at 15 months in order to receive their exit entitlement payment at 18 months. It is reasonable, we believe, to expect that a resident will vacate the residence prior to receiving payment of the exit entitlement, and so we are happy to support the amendment.

Amendment carried.

The Hon. S.G. WADE: Amendment No. 9 is consequential, so we can go over that. I move:

Amendment No 10 [Wade–1]—

Page 18, after line 21 [clause 26(3)]—After paragraph (b) insert:

; and

(c) any previous such notice given by the resident to the operator was withdrawn at least 6 months before this notice was given to the operator.

I appreciate that this amendment arises out of an abundance of caution. I think it would be very rare for people to want to, if you like, game the system. It is trying to address the remote risk that somebody might choose to put in a whole series of notices to vacate, such that by the end of the 18-month period they have an ongoing right to vacate. I appreciate that is not the intention of the government, and it is not an interest of operators or residents (in terms of the residents as a broader community), so this amendment is simply to say that you can only have one notice running at a time and that you should not be able to issue a notice less than six months after the last one was issued.

The Hon. I.K. HUNTER: The government supports this very sensible amendment. The provision will ensure that a resident does not lodge a notice of intent to vacate, rescind that notice and then submit another one within a six-month period. It is probably going to be an isolated occurrence but, in the abundance of caution that Mr Wade recommends, we will be happy to support this amendment.

Amendment carried.

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

Amendment No 1 [SusEnvCons–1]—

Page 18, line 38 [clause 26(5)(d)]—After 'the retirement village' insert 'within the prescribed period'

Currently, in clause 26(5) of the bill, a resident may elect not to receive the exit entitlement after 18 months if the resident remains unlicensed. However, there is no deadline prescribed by which time a resident must make their decision whether or not to receive a payment at 18 months. This was a reasonable concern, raised by operators, on the practical application of the clause. Inserting a time frame for election will create clarity and reduce uncertainty for operators and all residents. The amended clause would require the resident, within the specified time, to make an election to await repayment based upon the actual resale. The time frame for election will be prescribed in the regulations. This will allow for consultation with stakeholders as to the optimal period. This is one of the beneficial amendments that the Hon. Mr Wade referred to earlier, which will improve the bill.

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

Amendment carried.

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

Amendment No 1 [SusEnvCons–2]—

Page 19, after line 11—After subclause (7) insert:

(7a) In considering an application under subsection (7), the Tribunal must have regard to—

(a) the financial hardship likely to be suffered by the operator if the order were not made; and

(b) whether the operator has taken reasonable steps to fulfil the conditions specified in the residence contract for the payment of the exit entitlement.

This new amendment will provide greater guidance to the tribunal in their determination as to whether to grant an extension. I am pleased to advise that this amendment was discussed and is supported by the industry. In my view, these extensions should be granted where an operator has acted reasonably to achieve the contract conditions (typically relicensing) and where the forced payment of an exit entitlement would cause financial hardship for the operator.

The Hon. S.G. WADE: The opposition supports the amendment and notes that the way it is worded avoids the problem with the original draft bill which the operators particularly objected to, which was using the phrase 'financial hardship' instead of 'special circumstances'. This, if you like, clarifies special circumstances without asking the operator to identify themselves as an entity at risk.

The Hon. R.L. BROKENSHIRE: Family First has spoken to a representative sector of the owner group and they were quite concerned about some other provisions. I believe this is a good improvement, and I think the industry is actually happy about it, so we will be supporting it.

Amendment carried.

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

Amendment No 11 [Wade–1]—

Page 19, after line 17 [clause 26(9)]—After paragraph (b) insert:

provided that the charge only operates to the extent of the ingoing contribution paid by the resident.

This provision seeks to moderate the impact of the statutory charge by limiting it to the incoming contribution. This allows liquidity for operators but continues to maintain protection for residents. A resident's exit entitlement, if it provides for capital gains, would still include capital gains.

The Hon. I.K. HUNTER: The government will be supporting the amendment. As the honourable member said, it relates to the statutory charge over retirement village land created by a resident's right to repayment of an exit entitlement. This amendment, if it is operable, will mean that the resident's right to repayments is limited to the ingoing contribution and not the exit entitlement amount as calculated in accordance with the resident contract. So, restricting this charge to the

amount of ingoing contribution would provide certainty to operators as the amount of the charge. In that case, we support it.

Amendment carried.

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

Amendment No 2 [SusEnvCons–1]—

Page 19, after line 25 —After subclause (12) insert:

(12a) If the Supreme Court approves the enforcement of the charge in a case where the operator is not the village land owner, the village land owner may, subject to any order of the Supreme Court, recover the amount of the charge so enforced from the operator as a debt.

The bill creates a distinction between operators and village landowners which is not present under the Retirement Villages Act 1987. The obligation to repay an exit entitlement lies with the operator, but the exit entitlement is a charge over the land. Where the owner of the land is not the operator, this can cause an enforcement issue. The proposed amendment will allow the landowner to recover the amount of the charge from the operator as a debt.

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

Amendment carried; clause as amended passed.

Clauses 27 and 28 passed.

Clause 29.

The Hon. S.G. WADE: With the leave and consent of the Hon. John Darley, I propose to move and speak to his amendments, so I make it clear that these are his positions, not mine, and of course they will lack the eloquence of the honourable member. Therefore, I move:

Amendment No 1 [Darley–3]—

Page 22, lines 29 to 30 [clause 29(1)]—Delete 'payments to be made to the aged care facility on behalf of the resident under this section' and substitute:

payment of so much of the exit entitlement as the resident requires to secure entry into residential care at the aged care facility

This amendment is consequential to the other amendments in [Darley 3]. The purpose of this set of amendments is to address issues raised by the South Australian Retirement Villages Residents Association, and concerns residents who move from a retirement village to a care facility.

When entering a care facility options are to either pay the lump sum upon entry—for example, $550,000—or, if the resident cannot afford this sum, they can pay the daily accommodation payment. For example, there may be a $550,000 entry fee to a care facility; however, if this is unaffordable the resident can opt to pay a daily fee of $94.60. The daily accommodation payment is, essentially, interest, and is calculated on the value of the care facility room the resident will occupy.

If the resident cannot afford to pay the daily $94.60 they are able to make application for the retirement village to pay this on their behalf until their unit sells and their exit entitlement is paid. At the moment the bill outlines that exit entitlements must be paid after 18 months until the retirement village operator has paid 85 per cent of what they could reasonably expect to achieve for the vacated unit.

The purpose of the [Darley 3] amendments is to limit the time an exit entitlement is repaid in these circumstances to six months rather than 18 months. Using the same example above, interest on a $550,000 unit at $94.60 per day would be approximately $17,000 after six months. In comparison, interest over 18 months would be approximately $51,000. This results in residents having to pay an additional $34,000 of interest because of the delay in selling the unit they have vacated.

The Hon. I.K. HUNTER: The Hon. Mr Darley has four amendments, and I believe the Hon. Mr Wade has introduced amendment No. 1 on his behalf; however, most of the work has been

done in amendment No. 2 and the others are, in effect, consequential on that. I think the Hon. Mr Wade will take defeat of amendment No. 1 as being—

The Hon. S.G. Wade: Yes.

The Hon. I.K. HUNTER: Yes? So, I will speak to all of them even though only one has been moved, because the effect of amendment No. 2 is the one that does the work. These amendments are to introduce a six-month statutory repayment period for residents who enter into an aged care facility. This sort of clause could precipitate significant liquidity issues for industry, with repercussions felt by both residents and operators alike.

Entry into aged care will no longer require the payment of a lump sum. Commonwealth reform has provided choices for the resident. The payment of a daily fee secures the accommodation and the resident can nominate to pay an accommodation deposit at any time. We believe the bill, as drafted, achieves a balance between assisting a resident to secure aged care accommodation through the payment of daily fees and the sustainability of the industry to remain financially viable.

I understand that the amendments in the name of the Hon. Mr Darley are not accepted by industry; as I said, industry fears they may precipitate significant liquidity issues. I can say that whilst industry itself has a problem with it, I think there would therefore be unforeseen follow-on impacts on residents and, as industry experienced those liquidity issues—if they do—then the service delivery to residents and the availability of different styles of accommodation may be restricted. For those reasons we will not be supporting the amendments in the name of the Hon. Mr Darley.

The Hon. S.G. WADE: I will resist the temptation of turning the minister's words back on himself in relation to earlier amendments. He is certainly right; impacts on operators do impact on residents, both current and future, and the opposition will be joining the government in not supporting the amendment.

The Hon. M.C. PARNELL: Just for the record, the Greens are supporting the Hon. John Darley's amendments. We can see that the numbers are not with those amendments and, whilst we do accept that these are complex matters, we tend not to be swayed too much by trickle-down arguments that anything that might be seen to cause difficulties for operators must trump a consumer protection measure—and I think this is what the Hon. John Darley has put forward. We will be supporting the amendment, but clearly the numbers are against it so there will be no division called by us.

Amendment negatived; clause passed.

The CHAIR: Is this set of amendments all consequential?

The Hon. I.K. HUNTER: They are.

The Hon. S.G. WADE: I agree with the minister that they are consequential.

Clause 30 passed.

New clause 30A.

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

Amendment No 12 [Wade–1]—

Page 23, after line 30—Insert:

30A—Rights in relation to remarketing

If—

(a) a residence contract includes conditions that make the payment of an exit entitlement, or any part of an exit entitlement, contingent on the subsequent sale of a right of occupation of the premises; and

(b) a period of 9 months has elapsed since the resident—

(i) ceased to reside in the retirement village; or

(ii) gave the operator a notice in accordance with section 26(3) (being a notice that has not since been withdrawn in accordance with section 26(4)(b)),

> the resident (or a person claiming under the resident) is entitled to participate in the remarketing of the premises in accordance with the prescribed scheme.

This amendment would allow a resident or for that matter a beneficiary of their estate, after nine months of giving notice to leave, to take joint control of the marketing of a unit. We propose that this is an opportunity for residents and beneficiaries to have greater confidence that all appropriate steps are being taken to facilitate the sale of the unit.

The Hon. I.K. HUNTER: The government does not support this amendment. The provision entitles a resident or their representative to participate in the remarketing of the residence when the residence has been vacant for nine months, or it is nine months since the resident provided notice of their intention to vacate. Of course the government fully supports the ability of a resident or their representative to be involved in the remarketing of a residence, and the regulations will provide for accountable remarketing practices and justification of remarketing costs.

However, prescribing that a resident or their representative can take over marketing at a certain period could be problematic due to the specialist nature of retirement village contracts. It is unclear from the amendment how this provision would work in practice and what benefit would be provided to the resident. On that basis, without that clarity, we foresee untold problems with it and suggest to the chamber that they should not support it.

The Hon. S.G. WADE: By way of response, it is my intention as the mover that the scheme would be specified in regulation. It is quite practical because it happens in Victoria. In terms of the benefit, I think the benefit to the resident or beneficiary is that they can facilitate a sale in a way. Why should a resident have to wait for 18 months to get an automatic buyback entitlement? Why shouldn't they be able to participate at nine months and save themselves nine months?

The Hon. M.C. PARNELL: The Greens will be supporting this amendment because we see that it makes sense to allow someone who believes that the people responsible for remarketing are not doing enough—I think the existence of this clause will be a bit of a wake-up call for people to more actively engage in remarketing, knowing that when nine months comes around someone else might step in and take over the exercise. I accept what the honourable member says in relation to the statutory scheme and I also note what he says in relation to this being a provision that operates successfully in Victoria. We see it as a consumer protection measure and the Greens will be supporting it.

The Hon. R.L. BROKENSHIRE: I ask the mover of the amendment whether he can advise the house if he has spoken to SARVRA about this, and if so, are SARVRA supportive of this amendment?

The Hon. S.G. WADE: I have discussed all my amendments with SARVRA and, for that matter, with other stakeholders. To be frank, I do not explicitly recall their position. Let us put it this way: I think I would have recalled if they had objected, and I cannot imagine why SARVRA would not want a right to be available to residents. After all, it is completely at the initiative of the resident; nobody can force them to take up this right.

The Hon. R.L. BROKENSHIRE: I have thought long and hard about this and discussed it with my colleague, the Hon. Dennis Hood. I hear what the minister has said on behalf of the government. Generally, my experience has been that retirement villages, through their managers and other executives involved in marketing, do a diligent job. These people have a lot of expertise in marketing and have great knowledge of the intricacies of a retirement village—some of which can have supported accommodation, independent living units and the like as well.

At times, they may have several units for sale and it gives them the opportunity to show a possible new resident the benefits of individual units, rather than just one. Sometimes it is position, be it quiet, be it the view, be it the more open space garden areas and so on. But, on the other hand, we have had residents request that they have a right to be involved in marketing if they so desire, and I take what my colleague the Hon. Mark Parnell has said about applying a little bit of pressure to make sure that it is sold. Weighing up the balances on this, we will support the opposition's amendment.

The Hon. I.K. HUNTER: I see where the numbers are, but my advice is that the Victorian regulator says that the provision in their act that does this work has no benefit for residents whatsoever. It is very difficult to insert a land agent in the process between the village and the resident, particularly when a land agent may have no expertise or a low level of expertise in retirement village residences, which require a certain level of specialised understanding of the system. Having said that, I see the numbers are against me, so we will go quietly.

New clause inserted.

New clauses 30A, 30B, 30C, 30D, 30E and 30F.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–1]—

Page 23, after line 30—After clause 30 insert:

Division 2A—Capital maintenance and replacement

30A—Interpretation

(1) In this Division—

item of capital means—

(a) any building or structure in a retirement village; and

(b) any plant, machinery or equipment used in the operation of the village; and

(c) any part of the infrastructure of the village; and

(d) any other item prescribed by the regulations,

but does not include any item excluded from this definition by the regulations.

(2) In this Division, an item of capital for which an operator of a retirement village is responsible means any item of capital within the retirement village other than an item of capital—

(a) that is owned by a resident of the retirement village; or

(b) that is of a class prescribed by the regulations for the purposes of this section.

(3) For the purposes of this Division, maintenance or replacement of an item of capital is urgent if it is for the purpose of rectifying any of the following:

(a) a burst water service;

(b) a blocked or broken lavatory service;

(c) a serious roof leak;

(d) a gas leak;

(e) a dangerous electrical fault;

(f) flooding or serious flood damage;

(g) serious storm or fire damage;

(h) a failure or breakdown of the gas, electricity or water supply to residential premises within the retirement village;

(i) a failure or breakdown of any essential service on the residential premises for hot water, cooking, heating or laundering;

(j) any fault or damage that causes the retirement village to be unsafe or insecure;

(k) any other matter prescribed by the regulations.

(4) The regulations may specify particular works that are to be taken to constitute capital maintenance for the purposes of this Division and may specify particular works that are to be taken not to constitute capital maintenance for the purposes of this Division.

30B—Obligations of operator with respect to capital maintenance or replacement

(1) The operator of a retirement village must maintain each item of capital for which the operator is responsible in a reasonable condition having regard to the following:

(a) the age of the item;

(b) the prospective life of the item;

(c) the money paid to the operator by the residents under residence contracts (including ingoing contributions).

(2) If it is not practical to maintain an item of capital in accordance with this section, the operator may replace the item.

(3) The operator of a retirement village must carry out the maintenance of, or replace, an item of capital for which the operator is responsible within a reasonable time after becoming aware of the need for the maintenance or replacement of the item.

30C—Obligations of residents with respect to capital maintenance or replacement

(1) A resident of a retirement village must notify the operator of the retirement village of the need for maintenance to be carried out on, or the replacement of, an item of capital for which the operator is responsible and that is located within the resident's residential premises as soon as the resident becomes aware of the need for the maintenance or replacement of the item.

(2) A resident of a retirement village must reimburse the operator of the village in respect of any damage (other than fair wear and tear) caused by the resident to an item of capital for which the operator is responsible.

(3) A resident of a retirement village must not hinder or obstruct the operator of the retirement village or a person authorised by the operator, from carrying out capital maintenance or capital replacement in respect of an item of capital for which the operator is responsible.

30D—Resident may carry out urgent capital maintenance or replacement

(1) A resident of a retirement village may carry out capital maintenance or capital replacement in respect of an item of capital for which the operator of the retirement village is responsible if—

(a) the maintenance or replacement of the item is urgent; and

(b) the resident first gives the operator a reasonable opportunity to carry out the maintenance or replace the item.

(2) A resident of a retirement village who carries out the maintenance of or replaces an item of capital in accordance with this section is entitled to be reimbursed by the operator of the retirement village for the reasonable costs incurred by the resident in doing so.

(3) If the operator of a retirement village refuses or fails to reimburse a resident for costs in accordance with this section, the resident may apply to the Tribunal for resolution of the dispute.

30E—Tribunal may make orders for capital maintenance and replacement

(1) If a resident of a retirement village is of the opinion that the operator of the retirement village is not maintaining or replacing items of capital for which the operator is responsible when necessary, the resident may apply to the Tribunal for resolution of the dispute.

(2) If the operator of a retirement village is of the opinion that a resident of the retirement village has caused damage to an item of capital for which the operator is responsible, the operator may apply to the Tribunal for resolution of the dispute.

(3) Subsection (2) does not apply to damage caused by fair wear and tear.

30F—Operator not to sell items of capital to residents

(1) The operator of a retirement village must not sell any item of capital for which the operator is responsible, or pass responsibility for any such item of capital (whether directly or indirectly), to a resident or prospective resident of the retirement village under a village contract or otherwise except as provided by the regulations.

Maximum penalty: $35 000.

(2) Any contract, agreement or scheme is unenforceable to the extent that it purports to sell or pass responsibility for the maintenance or replacement of items of capital in contravention of this section.

(3) This section does not apply to the sale of residential premises within a retirement village, including fixtures in any such premises.

I have discussed this matter with a portion (not the whole lot) of the industry, and again I put on the record that we are making, I think, some pretty good progress, and we will end up with a piece of legislation that I foresee will be a marked improvement on what we or the industry are working with currently, and this will definitely be an improvement overall.

I have talked to a portion of the industry sector. Whilst the Property Council of Australia are generally off the running blocks very quickly, they were slow getting off the running blocks, in my assessment, this time, as were all, even representation by SARVRA, because it has only been in recent weeks that we have had this accelerated representation from both sides of the industry.

Whilst I want to put on the record my appreciation to both sides in the work I have done with them—they have been very available on weekends and out of hours—those to whom I have spoken from the building owner sector I understand can live with this, and SARVRA are very keen for this. To let all colleagues know, this amendment really involves maintenance and replacement of capital items other than those owned by a resident.

The issue is that from time to time a capital item in a resident's unit—maybe a hot water service, air conditioner, dishwasher, cooker or fixed carpets—may need to be repaired or replaced. Most village operators, as owners of these items, accept responsibility for the cost of maintenance and replacement thereof. Recent times have seen the emergence of what can only be described as a disturbing trend in that some new village owners are making residents responsible for the maintenance, repair and replacement of these items.

It is important to put in *Hansard* that this is in addition to the village owners receiving ongoing resident contributions to their capital replacement funds, often called the sinking fund, for this very purpose. There is an intended purpose in that, as it takes into account depreciation and therefore replacement of capital items.

I am advised that there are currently three village operators, out of a large number, who collectively manage almost 500 dwellings and who participate in what can only be described, in my opinion, as a cost-shifting scheme. With over 530 retirement village complexes comprising 18,200 dwellings registered in South Australia, there is major concern that this practice may progressively become the accepted norm, with other village owners adopting this policy as existing residents come up for relicensing. I congratulate the absolute majority of the owners of retirement villages who are not into this cost-shifting exercise, but sometimes it starts with a couple and then expands.

The implications of this cost-shifting technique is penalising, not only current residents, but also provides the potential to penalise future residents of other villages as contracts are enhanced to expand, what I can only describe as, and others have, an unconscionable practice. So, although the existing act is actually silent on this regarding the village owners' obligations in this regard, it is Family First's belief the legislators who promulgated this act would not have anticipated otherwise.

Section 92 of the New South Wales act is clear in relation to the obligation for capital maintenance and replacement, and it describes an item of capital for which an operator of a retirement village is responsible as meaning, and I quote:

> …any item of capital within the retirement village other than an item of capital:
>
> (a) that is owned by a resident of the retirement village…

The South Australian solution that I am putting before the house now is for the protection of South Australian retirement villages residents. It is a retrospective amendment, similar to that adopted in New South Wales, in order to stop village owners broadening this cost-shifting policy to further capture both existing and future retirement village residents.

We already know that councils double dip in retirement villages, and the residents, and I guess to an extent, the owners, but particularly the residents, are paying for that because we know that the roads, the curbing, the road verges, the lighting, are all covered and it is a disadvantage for the residents already there. This is something that is starting to open up and something that I believe we have an opportunity to knock on the head very quickly.

As I said, at this point in time there are only three retirement village owners that I am aware of that are exercising this anomaly, so clearly the rest, at this point in time, are abiding by the intent of the act, and I congratulate them for that. I suggest to the house and even the government, who I know are going to come back with a reason why we cannot accept this amendment, that part of that might be: because we have not had time to consult broadly enough. Well, there has been plenty of time and that is why we finally agreed to debate this bill today through committee. I think this is a good move and it is one that I commend to the house.

The Hon. I.K. HUNTER: The government will not be supporting these amendments, and for very good reasons, which I will now outline. These amendments will transfer the obligation for repair or replacement of all capital items in a village, including those within individual residences, to the operator. It prevents an operator from selling items of capital to residents or passing on responsibility for repair or replacement of these items to a resident.

The department, I am advised, is aware of four operators who structure their six villages in such a way that residents are responsible for the repair and replacement of all fittings and fixtures within their homes, not just capital items. In these cases, residents' maintenance fees are used for the maintenance and replacement of communal areas and facilities. These villages, I am advised, have structured their finances and contracts to reflect this. Even within these villages, I am also advised, arrangements may be structured differently.

Residents have chosen to buy into specific villages under the arrangement that suits them best. The inclusion of provisions within the bill that relate to capital maintenance and replacement, and prohibiting the transfer of responsibility from operators to residents, may limit future business models and restrict diversity of coverage and diversity of offering to those residents who want to move into a village that suits their financial situation and their style of living.

I am advised that the president of SARVRA has advocated for these amendments. However, I am also advised that he has not consulted with the residents of the directly affected villages, nor more widely with residents generally to determine if residents actually want this. The president is the only person, I am advised, to have raised this issue during the consultation process, when he was a resident and prior to him being the president of SARVRA. I am also advised that SARVRA has only raised this issue in recent weeks.

This amendment has not been canvassed with residents or operators, I am advised. It is difficult to gauge the impact of this amendment on residents of the villages which have been set up in this way, let alone the many villages which have been set up over the years and do not have a capital replacement fund. One can envisage that it would most certainly trigger an increase in monthly contributions to the maintenance and other funds. Further, it would impact on the many villages which have been set up over the years and do not currently have a capital replacement fund. We would, by supporting this amendment, be putting untold financial stress on these people without having first consulted them about whether this is something that they would see as being a benefit to them.

I understand also that the Hon. John Darley's amendment to clause 19 provides that the residence contract will be required to include detailed information about who is responsible for repairing or replacing the fixtures, the fittings and the furnishings provided in the residence and how the cost of repair or replacement is to be funded, thus providing transparency to potential residents. Currently, the regulations, I am advised, specify that information must be included in the contract about what funds are set up in the village, when residents contribute to the fund, and the purpose and use of each fund in the village, and this will remain the case in the regulations.

These provisions, coupled with a disclosure statement, will ensure that residents are fully aware of what costs they are responsible for in a village they intend to move into, including amounts relating to capital items in both residences and common areas. Again, the government does not support this amendment. It is too blunt an instrument, it has been introduced at short notice without consultation with residents, and we fear that it will introduce fearful financial impacts for residents for which they have not asked.

The Hon. S.G. WADE: If I could take the lead from the Hon. Robert Brokenshire and acknowledge some of the stakeholders who have been very supportive in terms of the opposition's consideration of this legislation. Obviously, there is a whole range of stakeholders, but I just mention

two in particular: Mr Bob Ainsworth, the president of the South Australian Retirement Villages Residents Association, and one of the small operators, Mr Jim Hazel. I have certainly found it very useful to have conversations with a range of stakeholders and those two gentlemen in particular.

One of the comments I made in my opening comments to this committee stage was that I believe that, if you like, the closing of the window of opportunity to look at an agreed set of amendments to this bill—in that context, I believe that both of these gentlemen have positive ideas for the future of the industry. As the minister has indicated, this particular amendment is one that is promoted by Mr Bob Ainsworth, the president of the residents' association.

If members go back to earlier stages in the committee, I tabled almost identical amendments and indicated that the opposition understands the concern and in principle supports the concerns being raised. However, we indicated earlier that we were not going to move it in this consideration of the bill for the very same reason that we had concerns about the government's proposal itself: neither have been subject to a regulatory impact statement, neither have been subject to proper analysis.

What I would say is that we believe that this is something that should be considered in the three-year review. I would suggest to any operator who decides to restructure their arrangements so as to shift responsibility onto residents that they should be mindful that at least a significant proportion of this house has concerns about this practice and is therefore more likely to support provisions that might otherwise have retrospective effect.

I think the honourable member highlighted that this does have retrospective effect. We as a Liberal Party are very cautious about retrospective provisions in any event. My understanding is that section 92 of the New South Wales legislation was given retrospective effect, so it may be essential to have a workable clause, but we cannot support it at this time because it has not had, in our view, due consideration and consultation. As the minister put it, it is difficult to assess the impact. It could be assessed, but it has not been done.

The Hon. M.C. PARNELL: I come to the opposite conclusion to the Hon. Stephen Wade, but for the same reasons. I accept what the minister said, that we have not had this very long. We have only had it for a day or so. Relying entirely on what the Hon. Rob Brokenshire said, the fact that these provisions exist interstate and that it is being promoted by the president of the residents' association is enough for me to say, 'Well, let's say yes today and if the government comes back with cogent reasons later on as to why it is not going to work, well we will consider it between the houses or if it comes back from the other house.' Whilst I do not have the answers to all the questions that have been raised—and I accept what the Hon. Stephen Wade said, that we can look at it again at a three-year review—our inclination was to support it now and then if there are good reasons why it was a bad idea we will revisit it.

I guess this is part of the dilemma that comes from amendments moved on the run. I am not calling the kettle black. All of us do this: when we come across a good idea, we move the amendments, and we get them on as quickly as we can, so there is no criticism of the member. The question of whether provisions like this are better placed in a contract or whether they are better placed in legislation, I guess the answer to that depends on whether it is simply a matter of transparency or whether it is a matter of the parliament dictating some basic contractual standards and, if it is the latter, then yes, we do need to put it in legislation.

Saying that we can put things in contract and that therefore they will be transparent, you can put unfair things in contracts, very transparent unfair things in contracts. Whilst I can see the numbers are against this amendment today, and whilst I am sorely tempted to divide, for no other reason than I do not think we have ever had a division where it is only the Family First Party and the Greens together against everyone else in the parliament—I do not think we have ever had that permeation or combination, but I am not going to test it today—I do appreciate that the Hon. Rob Brokenshire has put this on the agenda now, but we certainly will not be dividing over it and we look forward to considering it in three years.

The Hon. R.L. BROKENSHIRE: I thank all honourable members for their contribution: the Hon. minister Hunter, the Hon. Stephen Wade, and the Hon. Mark Parnell. I can count and clearly the numbers are not here, but I think the important thing for future debate as we head towards, I understand, three-year reviews, is that this is on the public record, and I congratulate Mr Ainsworth

on pushing for this. It is an opportunity for him now to bring it up more widely within SARVRA and hopefully it will go through with the next review. In the meantime, at least, it signals to the operators that the parliament is watching this particular issue.

The CHAIR: I put the question as a test for other clauses that new clause 30A, as proposed by the Hon. Mr Brokenshire, be inserted.

New clause negatived.

Clause 31 passed.

Clause 32.

The Hon. S.G. WADE: Amendment Nos 13 and 14 are consequential to Amendment No. 1 [Wade-1] which was not supported by this house so I do not propose to move them. I move:

Amendment No 15 [Wade–1]—

Page 26, after line 17—After subclause (11) insert:

(12) The operator must ensure that a question arising for decision at a meeting is determined by secret ballot if any resident present at the meeting so requests.

This is a secret ballot provision, as opposed to an absent vote provision. In the opposition's view it is important to protect residents from intimidation and we believe that providing a secret ballot for votes provides an element of protection for residents, which we submit to the house should be supported.

The Hon. I.K. HUNTER: The government does not support this amendment, which would allow a vote at a meeting of residents be held by secret ballot, if at least one resident seeks this form of voting.

My understanding is if residents seek, or believe a secret ballot is necessary, they are able to put this motion to a vote of all residents in accordance with the general voting requirements already. The ability for a sole resident to be able to request a secret ballot could be problematic. It is foreseeable that this could result in all matters being put to a vote at meetings of residents having to be undertaken by a secret ballot.

Imagine if you had one person who, for whatever reason, wanted to make things difficult at a meeting, they could, if they had this right inserted here, insist that every single thing that would be discussed at such a meeting would have to be put to a secret ballot. This could tie up countless hours of meeting time and be misused. As I say, if a majority of residents wanted a secret ballot they can currently do it already. They are able to put a motion to a vote of all residents in accordance with the general voting requirements. I say to the chamber, if you put in an ability for any member to request a secret ballot on any issue, then you need to be prepared for the consequences of that, that some person may, at a future time, misuse that right.

The Hon. R.L. BROKENSHIRE: Having observed previously a retirement village in Woodcroft, when I was privileged to be in the House of Assembly as the member for Mawson, I saw what went on in that retirement village, and it is the most extreme example I have seen in a retirement village. It was not a nice village to be in at that time for many of the residents.

I think we need to understand that retirement village communities are actually pretty tight knit. There are no fences in between their residences, as a rule. They are very open, in any case. They have community facilities together. They have an afternoon tea together and it is a close community. At times there are decisions that have to be made at AGMs or special general meetings that may pit one resident against another on that issue, if it is just a show of hands. They want harmony in these villages.

I do not agree with the minister on this occasion. I often do agree with minister Hunter, but on this occasion I cannot agree with him for the reason that we need to give people an opportunity. If you have ever read an annual general meeting's minutes, they are not that onerous, they do not go for that long as a rule. In fact, if the village is running really well, then it is a very happy event and they are more interested in having perhaps an orange juice or a glass of champagne or a red or white wine after the event than going through the process of the AGM. However, at times there are contentious issues. They do not want to necessarily show their hand in a public sense.

I actually have no problem with secret ballots. I would have thought that the Labor Party was pretty keen on secret ballots, but clearly not for retirement villages. Family First supports the amendment.

The Hon. I.K. HUNTER: I just want a clarification. The Hon. Mr Robert Brokenshire may have inadvertently misled a few members and that would be a shame because it might preclude him from going on to the Senate chamber at some stage, if it was shown that he did mislead the house.

This amendment does not just apply to AGMs. It applies to every single meeting of residents. Some of you have been working with retirement villages and as part of your duties you know that they are not always happily run. You sometimes know that there is one person who has a particular axe to grind, and if this right was enshrined in the legislation, as it is, giving them the ability to call—it is like calling a division on every motion that we are discussing in the clause—some people might be tempted to use it.

I am suggesting to you that the better option is to stick with the system that is currently in place, where a resident can convince a majority of residents to support a secret ballot and then they can have one. However, that will do away with this issue of someone calling for secret ballots on every matter at every single meeting if they had this right enshrined in legislation.

The Hon. M.C. PARNELL: This might be a good case study in old-fashioned Pollyanna-ish parliamentary democracy. My original notes from the first time I looked at this amendment was that—as fans, in the Greens, of more democratic processes—we like the idea of secret ballots, if called for. The minister has made quite a pressing case, I think, that it does not just apply to a small number of issues that might be dealt with at an annual general meeting. It could be every single minor issue that is up for decision.

All of us here are members of political parties, and we are acquainted with the various natures that people bring to that decision-making—and yes, a disgruntled person wanting to cause trouble could, in theory, call for a secret ballot on every question, no matter how minor. I think it is unlikely that that would happen, but I think the way the amendment is currently worded—that any single resident can call for the secret ballot—is probably is too broad.

I am not proposing that we draft on the run, but if there was a provision that it was a quarter or a third or, as the minister presently says, a half, then that would be different. However, allowing any one member to effectively double or treble the length of time that a meeting takes, given that in a secret ballot—especially if the question was not just 'yes' or 'no'—the ballot papers would need to be written out, a returning officer be appointed and possibly no further business be conducted until the count of that ballot, if subsequent items depended on the outcome of that item.

We support the idea that secret ballots are a good idea for people to be able to express their view but not suffer victimisation as a result, especially in a scenario where you can get bullying behaviour. So, I am disappointed, in a way, that we will not support it today, but if there was some mechanism for bringing back a modified version later, we would consider it again.

The Hon. S.G. WADE: I am pleased to assist the honourable member by suggesting bicameralism. The member was referring earlier to the possibility of supporting the Hon. Robert Brokenshire's amendment to keep it alive and discussing it between the houses. Well, I can give you that opportunity, because, believe it or not, if we pass this amendment today, it will go to the House of Assembly. If they demur from it, they can suggest an alternative. If a Greens principle is worth standing up for, it is worth standing up for today and giving the opportunity for that principle to be expressed in a way that can be applied in relation to the Retirement Villages Act.

Let us remember that people in a retirement village can often be quite vulnerable to an operator. The Hon. Robert Brokenshire quite rightly highlighted the possibility of conflict between residents and the opportunity that the secret ballot might give to maintain harmony within a village. However, with all due respect to operators, I am also concerned about residents who feel very vulnerable to the person who runs their village. They do not want to get on the wrong side of them and, to be frank, it does not take much intimidation by an operator to make a majority of residents voting for a secret ballot a minority of residents voting for a secret ballot.

I think the Hon. Mark Parnell raises some good alternatives. If we think that the potential for one resident alone to call for a secret ballot is too low, let us talk about a threshold—10 per cent, 20 per cent, 30 per cent, whatever it might be. If we think that it would be dangerous to have all matters subject to a secret ballot, then we either put it in the act or we put it in the regulations. If a Greens principle is worth standing up for, I think it is worth keeping this amendment alive.

The Hon. I.K. HUNTER: We have the Hon. Mr Wade encouraging this chamber to make policy on the fly and make amendments to bills without due consideration. I think that is appallingly bad practice. Admittedly, I raised an unlikely situation, but I imagine that we have all been in meetings where there is one curmudgeonly person who looks at the constitution and takes a point of order on the basis of that constitution time and time again, to run down the clock and to play out a meeting. Do we really want to introduce that sort of behaviour in retirement villages? This is not limited, and if you put in this huge, wide ability, someone at some stage will use it. I suggest to you that is bad policy and bad legislation.

The Hon. K.L. VINCENT: To assist the chamber for clarity and to be on the record, Dignity for Disability has already reached, I think, the same position as most members here which was to not support the amendment, although we appreciate the spirit with which the Hon. Mr Wade is moving it. We want people to feel comfortable voting and engaging in democracy when it comes to retirement villages but not in a way that could unnecessarily hinder the efficiency of those meetings, so we are not inclined to support the amendment at this stage.

The other point I would make is that while I appreciate the Hon. Mr Wade's reference to bicameralism as the solution—I am a big believer in bicameralism. Unicameralism is a swear word in my house, as it turns out, but that is okay because I live on my own, so I never use it. I appreciate what I think he is trying to say which is that we can give the other place the opportunity to reach a compromise, but we have to consider: what if they do not?

What if they pass the amendment as is or pass the bill as it would be with the amendment incorporated? We would end up with this bill that could hinder the efficiency of these meetings, so I do not think we can guarantee that the House of Assembly is going to reach a compromise. I would suggest that the best way is perhaps to abandon the amendment for the time being and then if the Hon. Mr Wade can suggest a compromise amendment, he can bring that forward another time, and we would be happy to collaborate on that.

The Hon. S.G. WADE: I am actually flabbergasted that the crossbenches are wanting to say: let us not risk keeping amendments alive between the houses because, you never know, the government might agree to something that they would not agree to up here. This house repeatedly says: an idea that is worth working on, let us keep it alive between the houses. To be honest with you, I am more committed to that principle than I am to this particular amendment, so I would question the crossbenches on this. If we are seriously saying that we believe in a principle but we do not have time to work on it, if we are going to stop keeping issues alive between the houses, we are seeing a significant shift towards the executive here. Let's listen to what we are saying.

The Hon. K.L. VINCENT: If I may, I do not think anybody is saying we agree with this principle but we do not have time to work on it. I think what we are saying is that we want to take the time to work on it, and right now it is not in the right shape, so we would appreciate leaving it for the time being, come back to it and give it sufficient time. I do not think anybody is saying that the reason we do not support this amendment is because we do not have the time to deal with this issue. I think we do not support the amendment because it is not a solid suggestion in its current form.

The Hon. M.C. PARNELL: I take the Hon. Stephen Wade's point, but I note that the result last time was that it would be reconsidered but not between the houses. It was going to be reconsidered at the three-year review. The Hon. Stephen Wade cannot have it both ways. This is one of those ones on the numbers that I see that is going to end up as part of the three-year review. As I said, if it had been drafted slightly differently, we would have considered it.

We are looking at the words before us, it is any resident, any meeting, any issue, and I am thinking of the practicalities of it. It would require the secretary of the meeting to handwrite sufficient ballot papers, and yes, unlikely, but curmudgeonly I think was the word the minister used. We all know these people. They exist in all societies. I think in the three-year review there will be plenty of

opportunity for people to collect evidence as to whether behaviour in retirement villages is so bad that it really needs greater protection for residents by the inclusion of a secret ballot clause.

The Hon. S.G. WADE: I would make the point that the reason why the capital items amendment was put to the three-year review stage in terms of the opposition position is because it is not possible between the houses to do the analysis. This is just legislative drafting, this is the stuff we do all the time.

I can see that the numbers are not with me, but I just note that the crossbenchers often put up amendments and ask us to keep them alive. I am disappointed that we are stepping back from that, and I hope that we will not be, if you like, spooked by what, in my view, is not an unrealistic task in terms of consulting between the houses as to a better form of the amendment.

Amendment negatived; clause passed.

Clauses 33 to 36 passed.

Clause 37.

The Hon. S.G. WADE: I do not propose to move this amendment.

Clause passed.

Clauses 38 to 43 passed.

Clause 44.

The Hon. R.L. BROKENSHIRE: This is consequential, and I have already been beaten on this occasion so I withdraw any consequential amendments.

Clause passed.

Clauses 45 to 54 passed.

Clause 55.

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

Amendment No 17 [Wade–1]—

Page 38, line 5 [clause 55(1)]—After 'scheme' insert 'to an eligible person'

Amendment No 18 [Wade–1]—

Page 38, line 8 [clause 55(2)]—Delete 'the exit entitlement owing to a' and substitute:

> either the former resident consents (in accordance with any requirements prescribed by the regulations) to the lease, or licence or the exit entitlement owing to the

The minister has invited me to move my amendments Nos 17 and 18 at the same time. These amendments seek to allow an operator to lease out a unit where the exiting resident has not been paid their entitlement but only when the exiting resident agrees. Also, the proposed tenant would need to be an eligible person in their own right.

The Hon. I.K. HUNTER: The government supports both the amendments moved by the Hon. Mr Wade. The bill allows an operator to lease or grant a licence to occupy land within the village that is not immediately required for the purposes of the scheme. This amendment, moved by the Hon. Mr Wade, provides clarity that an operator is able to lease out a residence to an eligible person where an exit entitlement has not been paid in relation to that residence and the exiting resident agrees; for example, entry into a 'try before you buy' arrangement for prospective residents. We think that is a common-sense approach and we are happy to support it.

Amendments carried; clause as amended passed.

Clauses 56 to 65 passed.

New clause 65A.

The Hon. S.G. WADE: With the leave and consent of the honourable member, standing in the name of Mr Darley, I move:

Amendment No 4 [Darley–2]—

Page 41, after line 13—Insert:

65A—Review of Act

(1) The Minister must, 3 years after the commencement of this Act, undertake a review of the Act.

(2) The Minister must cause a report on the outcome of the review to be tabled in both Houses of Parliament within 12 sitting days after its completion.

This amendment would insert a new provision to call on the minister to conduct a review of the act after three years. Mr Darley understands that there has been some deliberation of a time frame in which a review should be conducted and he indicates that he is open to amendment on this matter. However, the amendment is for a review of any aspect of the bill and this has been done deliberately, rather than confining a review to one particular matter. Mr Darley's reasoning for this is that there are a number of very significant changes to the current act and there may be unintended consequences. Mr Darley wants stakeholders to be able to have the opportunity to have these raised and addressed as appropriate, and limiting the scope of the review would remove this opportunity.

The Hon. I.K. HUNTER: In the spirit of cooperation, the government will be supporting this amendment.

The Hon. R.L. BROKENSHIRE: In further spirit of cooperation, Family First supports this amendment. Based on what we have seen with this debate so far, it is very important that this act be reviewed for the whole sector in three years' time, so we do support the amendment.

The Hon. M.C. PARNELL: For exactly the same reasons, the Greens support it as well.

New clause inserted.

Remaining clause (66) and schedule 1 passed.

Schedule 2.

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

Amendment No 2 [SusEnvCons–2]—

Page 45, lines 18 to 21 [clause 10(2) and (3)]—Delete subclauses (2) and (3)

In the spirit of cooperation, we just changed the period of time before a review is required—it was originally five years—to three years. These amendments are consequential on that.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2016.)

The Hon. M.C. PARNELL (17:15): I rise to speak to some aspects of the budget bill, and my colleague the Hon. Tammy Franks will also speak to items in this bill. I will not address all of the issues raised by the Statutes Amendment (Budget 2016) Bill, but I want to touch on a couple of

issues at this stage and, like all members, I reserve the right to ask more questions when we get into the detailed committee stage.

The first thing I would like to do is thank the Treasurer, and Mr Ben Tuffnell in his office, for arranging a comprehensive briefing. Because so many pieces of legislation are amended by this bill, the briefing, I think, consisted of some 10 or so government officials, and I appreciate the time they took. I also thank them for answering a number of questions on notice that I provided, and I will refer to some of the answers and ask some supplementary questions as we go along.

The bills that are amended include the Land Tax Act, and one of the things the bill does is change the taxable status of land that is owned by sporting and racing associations. A number of sporting and racing associations have already had exemption from land tax, but the proposal in this bill is for further exemptions to be granted. I asked the advisers when they came to see me about precisely which organisations will benefit from this additional land tax exemption, and I will just read a couple of sentences of the answer they provided to me subsequently. It says:

> Sporting and racing associations could stand to benefit from this exemption, as long as the association is established for one of the eligible purposes, and that is sporting purposes, playing of cricket, football, tennis, golf, bowling or other athletic sports or exercises, or racing, and that includes horse racing, trotting, dog racing, motor racing or other similar contests.

It then goes on to set some other requirements. The advice to me in relation to exactly which organisations will benefit includes the following:

> Based on the 2015-16 land tax holdings/liabilities, the following types of sporting and racing associations will stand to benefit from the expanded exemption. Note: associations that would stand to benefit from the exemption but that do not pay land tax on the relevant land, as the association's total landholding does not exceed the 2016-17 land tax free threshold of $332,000, have been excluded from the table below.

I will not seek to have the table below incorporated in *Hansard* because it is a table of one line, and basically it says that there are nine sporting associations that are expected to benefit from the additional land tax exemptions and two racing organisations.

What I would like the minister to take on further notice is which two racing organisations: which ones will benefit from additional land tax exemption? If the minister could name those organisations, then I would appreciate that. The fact that the department knows that there are two of them means that it must know who they are, and I would like to know as well.

The next issue in the bill that I would like to touch on are the amendments to the Passenger Transport Act. The thrust of these amendments is to introduce a $1 per trip levy on all metropolitan point-to-point transport journeys. The purpose of this levy, which was intended to start on 1 October this year—but clearly, we have not passed the bill yet, so it has not yet come into operation—was to compensate the taxi industry for the loss that it is deemed to have suffered as a result of the introduction of ride sharing services such as Uber.

The idea is that $1 per trip will be collected from taxi passengers, Uber passengers and licensed chauffeur passengers and that that money will go into a pool, from which taxi operators will be compensated. I have to say that I do have some concerns about the validity of a compensation regime. Members would have received correspondence from Uber, and I will just refer to a couple of sentences of that submission. It will be no surprise to members that they do not like it, and I think that their reasons are quite sound. Under the heading, 'No transparency', Uber's submission states:

> The SA Government has announced a $31 million compensation package for taxi licence holders, funded by a $1 per trip levy on all transport models. The Government has provided no modelling to support its new tax. No end date has been placed on the levy and it is expected to raise far in excess of compensation requirements, generating at least $80 million over 8 years.
>
> South Australians deserve to know how the Government will spend this levy. The taxi industry estimates that fewer than 40 South Australian taxi licence holders actually operate their taxi. Large companies, trusts and families hold a significant number as passive investments. Licences holders have already benefitted through extraordinary returns, and purchased their licences at heavily discounted prices that reflected the risk of regulatory reform.

The Uber submission goes on to state that this $1 per trip levy will make ride sharing 8 per cent less affordable and that it will make even taxi fares 4.7 per cent more expensive. The Uber submission (I

am pretty confident that this would have gone to all members of parliament) is that the levy should not be charged. The submission concludes:

> Forcing emerging industries to compensate incumbent sectors will deter innovation. A levy imposed on safe, reliable and affordable transport would mean asking new entrants and new consumers to pay for the repair of bad laws—bad laws that have benefitted those demanding compensation. That is an unprincipled approach to law reform. The levy amounts to a price tag on choice, innovation and progress.

The reality of the situation, as I understand it, is that because these measures are included in a budget implementation bill, the opposition is disinclined to oppose any parts of the bill and reluctant to amend the bill, but I think that an exception could be made in this case. The clear reason that the government said it wants to raise this levy is to compensate the taxi industry.

My submission, which has been incorporated into amendments that have been filed, is to say, 'Okay, let the government have exactly what they said they wanted; that is, enough money to compensate the taxi industry.' That is not what this bill does. What this bill does is create a new open-ended tax that lasts forever. It lasts way beyond the money that is needed to compensate the taxi industry has been collected. If you think about it, what we are effectively doing, beyond the purpose for which the money is needed, is taxing those who choose not to use private vehicles.

Some people choose not to use private vehicles for a range of reasons. Sometimes they are not able to drive themselves. Other people are making a choice to use their private car less or perhaps a choice to own fewer private cars. Taxis and Uber really fall into the category of public transport, so effectively what we are doing is taxing public transport users, and not to compensate the taxi industry, because within about four years enough money will have been collected. We are just taxing those people using Uber, chauffeured vehicles and taxis. We are taxing those people forever for general revenue.

I do not think that is fair. It is not that I am against the government raising sufficient taxes for its operation. On the contrary, the Greens are always supportive of having a decent tax base, but not this one, not taxing people using this form of transport. There are plenty of other things we can tax: we could tax more pollution and there is a whole range of things that we could do. We could tax some of the speculative financial behaviour that we see, but we do not need to tax people who are using Uber or taxis.

My amendment says, 'Yes, let's have this levy but let's end it after four years.' That is what the government said they wanted the money for. It gives them enough money but then the tax comes to an end and other forms of taxation can then be considered. I think it is consistent with the position the Liberal Party has taken, which is a position, I should say, that has been honoured in the breach on previous occasions.

When it is put to me that there is a convention, and that the opposition does not oppose budget measures, well, the car park tax was a budget measure and that was opposed. It was put to me that that was a different case because they had talked about it during an election campaign. It seems to me that, using similar principles, the government has said that they want a levy to compensate the taxi industries. Let them have that but no more; in other words, finish this tax after four years. If the government wants to come back and say, 'I've got the figures wrong and it is going to take longer,' then they can try to make that case, but on the calculations provided to me, four years will be enough.

The bill also amends a number of other acts including the act that provides exemption from stamp duty for people who buy apartments off the plan. That is a policy that the Greens supported when it came in. The policy originally applied to apartments in the CBD and the Greens supported it because we know that increasing the population of the city is good at a number of levels: it is good for the vibrancy of the city, it is good for resources, it requires a less car-dependent society, and there are lots of reasons to encourage more people to live in the city. The policy was then extended to the inner suburbs and, again, the Greens supported that.

As an alternative to urban sprawl, you increase the density of people living in the city and inner suburbs so that made sense as well, but I am really scratching my head as to why the policy should now be extended to apartments or flats (using the old language) built anywhere, not just in inner suburbs or the city but anywhere—far-flung areas. The amount of subsidy, effectively, that that

provides in terms of an average apartment, whether it is 400 or 500 or a fancier apartment at $600,000, we are talking about $20,000 tax forgone. My question of the minister is: what is the policy basis for extending that tax exemption to apartments bought off the plan anywhere and not confining it to areas where there is clear policy reason to do so such as the city and inner suburbs?

It seems to me that it is nothing more than a taxpayer subsidy to the apartment building industry and I cannot see that it makes a lot of sense. It does not provide that preferential treatment that city and suburban apartments, I think, deserve. I would ask the minister if he could address that in summing up or at the committee stage. There are other issues which I will raise when we get into the committee stage.

The bill raises a number of issues where I have concerns but they go beyond the scope of the bill so it might be difficult to deal with those, but for now the Greens will certainly be supporting the second reading of the budget bill. We look forward, when we get into committee, to the Legislative Council supporting the amendment to limit the taxi tax or the Uber tax to four years so that it does just what was promised it would do and that is compensate the taxi industry and no more.

The Hon. K.L. VINCENT (17:29): Dignity for Disability would also like to start by thanking the Treasurer and his staff, namely Mr Ben Tuffnell, for arranging and providing not less than 10 public servants, by my last count, across half a dozen departments, to brief my staff on the details of this omnibus bill, as the budget often is an omnibus bill.

We also appreciate the figures, information and answers which have been provided to me subsequently, and this has clarified some matters for us. I will not mention those, but, given that the Hon. Mr Lucas and others have already spoken at some length on this bill, I do not intend to hold up progress by rehashing the intent and consequences across a number of areas that this bill covers. I am very pleased that some of those questions have been answered. However, we would like to make a few points and ask a couple of additional questions.

The Hon. Mr Parnell has just asked some questions in relation to the removal of land tax and I will not repeat those, but I certainly echo those concerns and Dignity for Disability would like answers to those questions as well.

Firstly, in relation to the introduction of a wagering tax, the query I have is: is this going to make the government further dependent upon gambling revenue to run services? How is it not further ensuring the government's own addiction to gambling revenue?

Secondly, the amendments to the Education Act, introducing school fees for 457 visa holders. From the information that the department has provided, the biggest impact will be on 457 visa holders here in South Australia who are from India, the United Kingdom and China. Does the cost of implementing this scheme outweigh the benefits? Do we know how many 457 visa holders have children of school age and whether they attend public or private schools in South Australia?

Finally, the amendments to the Passenger Transport Act, we broadly support the changes. I think the Hon. Mr Parnell has made some valid points on behalf of Uber about the $1 levy. Aside from this, there is one feature of the reform that we would like clarified on behalf of many of the constituents we represent. There is, of course, to be a lifting fee of $10 introduced by access cabs to support the extra time at either end of the journey—that is the one that brings up the hydraulic ramp and straps people down in a wheelchair.

There has yet to be an announcement as to when this will be implemented, but given the multitude of issues that many people with disabilities have trying to access transport, we would certainly appreciate some clarity on that. I know both the taxi industry, and particularly the access taxi drivers, and people with disabilities, are certainly looking for some clarity on that. We are pleased that this has led to a lifting fee, but would like some clarification as to when it is going to begin and exactly how it is going to be implemented.

With those few additional questions, and in addition to those we have already asked and had answers to from the Treasurer, we are happy to support the bill.

The Hon. T.A. FRANKS (17:32): I rise to respond to some aspects of the Statutes Amendment (Budget 2016) Bill. I note that the leader of the Greens in this place, the Hon. Mark Parnell, has addressed the bulk of the issues, but I rise also to address this bill before us.

The Greens do welcome some aspects of this state budget, however once again, as we have come to expect from this particular Weatherill Labor government, it is also a budget littered with missed opportunities.

To commence, I do want to acknowledge one of the positive aspects of this budget: the new measures to crack down on the gambling industry. The Greens welcome the introduction of a wagering tax for online gambling, based on the place of consumption, where that place of consumption is here in our state of South Australia. Given the enormous human costs of gambling, the gambling industry should be making a much bigger contribution back to society. The contribution that they would make through this is a welcome start.

While this is certainly a move in the right direction, I do think that there are still some questions to be clarified around its implementation. For instance, it is not clear from this bill how the government will ensure that online gambling is captured by these provisions. While the government says it will cover bets placed over the phone, internet or other electronic means provided by the licence holder who has substantial business assets and infrastructure here in the state of South Australia, surely there are many players in the industry who could have their business arrangements set up in such a way that they would be able to circumvent these provisions. If the government could provide a response as to how they would manage that, the Greens and, I am sure, the South Australian public would appreciate those answers.

As I say, we welcome the intention, but it falls short on the kind of reform that is really needed to address problem gambling. We need bet limits of no more than a dollar on poker machines. We need to remove the coin-dispensing machines and the EFTPOS facilities from gaming areas. Problem gambling is a major issue for our state, and it is something that causes distress and misery for many South Australians. It literally destroys lives, it literally takes lives, and the ripples of that are felt across our community. The economic impact is profound.

It is morally wrong, in my view, that the state government continues to rely on revenue from problem gamblers. In effect, the government is generating money by taxing the most vulnerable members of our community. That is an approach that has been taken by successive Labor and Liberal governments, and it needs to stop. As noted by SACOSS in their report 'Losing the Jackpot', these taxes account for 1.15 per cent of household expenditure for the lowest income quintile, almost double the average for all households of 0.66 per cent. For people earning in the lowest two income quintiles, gambling taxes represent a greater household cost than vehicle registration, insurance duties or the emergency services levy. So, it really is a tax on the most vulnerable.

While the industry will now be making a greater contribution to the Gamblers Rehabilitation Fund, this does fall short of the kind of structural reform that is so desperately needed. We need to end the reliance of state governments on pokies and on gambling. We need to break the reliance on that to fund social services on the backs of the most vulnerable in our community. Indeed, SACOSS highlights the potential for broader structural reform in their report. They suggest that gambling taxes be directed into a sovereign wealth fund, where only the earnings of that fund go to consolidated revenue and current expenditure. This would limit the reliance of state budgets on gambling. It is the kind of measure that I hope the government will consider, as it is clear that we need major reforms in this area.

Additionally, the Greens will continue to advocate for gaming area prohibitions and barring orders as per the private member's bill we saw fail in this place in the last sitting week. Indeed, we have worked closely with all members of the crossbench on these issues because we know that this is an issue that is profoundly affecting the most vulnerable in our communities. We also know that both of the old parties, Labor and Liberal, continue to oppose efforts to curb the gambling industry, but also continue to take money for elections from the gambling industry. That has to stop as well.

I note that, in these past few days, the government has been condemned for its move to withdraw support for the Statewide Gambling Therapy Service as it is currently run. The AMA (Australian Medical Association) of South Australia, no less, has spoken out against the plans to stop the funding of the Statewide Gambling Therapy Service. That service has offered ongoing outstanding results, and it now faces closure after a tender decision looks set to direct the funding to a private sector psychology provider. The Greens share the AMA SA's serious concerns that the

state government proposal to effectively privatise state gambling therapy services is a retrograde step. Why would you make an ongoing public health service that has been delivering outstanding results subject to short-term tender? This is a point the AMA SA has made, and it is also a point that the Greens support.

In terms of other budget measures in this bill, I share the concerns expressed by the Hon. Kelly Vincent, and I also ask for some further clarification on how the amendments to the Education Act—which will introduce new fees for people in South Australia who are here working under 457 visas (Temporary Work (Skilled) visas), where those who are parents with school-aged children will now pay $5,100 for each primary school student and $6,100 for each high school student to attend local schools—will be implemented, what the estimated impact is, and whether it will have a knock-on effect on the ability of ensuring those workers take on roles in our state.

While other jurisdictions have gone down this path, South Australia at this time needs more migration into our state. We need more workers in this state. We need to ensure that we are not removing a market advantage here that perhaps could attract those people to our state. I also think it is a broader question about whether it is fair to charge people such a significant amount of money when they are paying taxes during their time in Australia. Surely, there is some expectation that when you pay your taxes, it goes towards accessing that public education system in the place where you reside. Thousands of dollars per child is a small contribution in this budget for the state, but it may have an unexpected and profound impact, so we certainly seek clarification, as did the Hon. Kelly Vincent.

As I said, this is a budget best defined not by what is in it but by what is missing. Indeed, it says very much about the priorities of this Labor government. This is a government that has been in power for 14 years, Mr President, as you well know, during a time of significant economic transition for our state. So, where is the plan to transition our state to a clean economy? Where is the plan to create new jobs? Where is the plan to arrest the so-called brain drain and stop talented young people from moving interstate?

We welcome the establishment of Green Industries SA as a new statutory authority. We need bold big picture ideas to transform our economy and cement South Australia as a global leader. Where is the plan for advanced manufacturing? Our state has enormous skills and expertise in manufacturing. We should be harnessing these for the future, rather than rolling out the red carpet for the likes of BP in the Great Australian Bight or the nuclear lobby in the regions which is hitching its wagon to the nuclear royal commission which is currently being rolled out at great cost, not just financially but at great opportunity cost, while we do not pursue a future of investing in renewables in this state.

We are also calling on this government to truly focus its attention on creating green jobs—those jobs in advanced manufacturing, jobs in local sustainable industries. We should be the state that makes things, rather than the state with those submarines that blow things up. We have a highly skilled automotive industry in this state. Indeed, Mitsubishi and Holden have been employing South Australians for generations. Let us look at how we can use that expertise to create the cars of the future.

Electric cars are a multibillion dollar business. Imagine what could be achieved if South Australia got a piece of that action. The Greens vision is for every electric car that comes off the conveyor belt anywhere in the world to have a component made right here in South Australia. By making cars here, by making car components here, we can create the new jobs we so desperately need. The state government should be looking at how it can drive that kind of innovation in our state, not flights of fancy about storing high-level nuclear waste on the never-never into our future.

While we are on the topic of driving cars, where is the support for public transport infrastructure in this bill? The government has a plan to expand the trams network in this state. Well, let's bring it forward, let's get it happening and let's create the jobs that have been promised for tomorrow, not tomorrow but today. It is not good enough to keep talking about implementing these ideas on the never-never. We want those transformations and we need those transformations now.

Through these kinds of manufacturing projects, we can also provide a boost for our steel industry. It is not enough to talk about building South Australia if you are building it with imported

steel. The Greens want to see the local industry actively supported by state government policy and that policy to be in black and white. Before the Labor and Liberal parties say that it cannot be done, we would rip up the TPP. This dud deal sells out our national interest. So, then we should and could do it. We would rip up that TPP so that we can have local procurement policies that protect South Australian jobs.

I note my colleague the Hon. Mark Parnell has a bill that we will put to a vote in this place tomorrow that will test your resolve on supporting our local steel industry. Where in this bill is the support we need for creative industries, the community arts sector? Former premier Don Dunstan put our state on the map by supporting a thriving local arts scene. Indeed, we called ourselves the Festival State. This Labor government is certainly not one in the Dunstan tradition, and within so many areas there is a huge chasm between the rhetoric and the action when it comes to this state government. They make a lot of a so-called 'vibrancy agenda', but when it comes to actually supporting vibrancy and diversity in the arts community by adequately resourcing such things as community arts and supporting local artists they are missing in action.

Of course, I should point out that in addition to appropriately funding community arts, the Greens want to see vibrancy extending beyond the CBD. That is one of the reasons I seek, in my private members' bill, to let those small bars roam free across the state and not be kept within the confines of the city square. There is no question that South Australia faces some serious and profound challenges, but with those challenges come opportunities. Sadly, this budget is missing out on those opportunities.

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

STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL

Introduction and First Reading

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

STATUTES AMENDMENT (JUDICIAL REGISTRARS) BILL

Introduction and First Reading

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

At 17:49 the council adjourned until Wednesday 2 November 2016 at 11:00.

Answers to Questions

DISABILITY HOUSING

In reply to **the Hon. D.G.E. HOOD** (4 June 2015).

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

1. The government is not considering acquiring the site of the former Inverbrackie Detention Centre as accommodation for people with disability.

2. In light of this, no work has been conducted.

3. The former Inverbrackie Detention Centre provides campus-style accommodation. This is not compatible with the contemporary policy directions or the National Disability Insurance Scheme, which enables people to exercise choice and control over their living arrangements. Development of the site as proposed would result in a return to congregate care, a model which this government no longer supports.

MINISTERIAL TRAVEL

In reply to **the Hon. R.I. LUCAS** (9 September 2015).

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

While travelling overseas, ministers consider whether the purpose of their travel is related to their parliamentary or ministerial portfolio responsibilities and fund from the related budget; noting there would be instances where overseas travel would meet both purposes. As a result of the Remuneration Tribunal Determination 7 of 15 December 2015, members of parliament have no travel allowance as such, and any travel is funded from the member's common allowance.

The approval process for spouses and partners to travel overseas with ministers is regulated through the Premier's Guideline: Air Travel by Ministers and Their Staff, which provides that the names of spouses and domestic partners must be provided when seeking overseas travel approval from the Premier.

The funding arrangement for spouses and partners travelling overseas with ministers is regulated through Cabinet Guideline No. 4 (Cabinet Business).

SUICIDE PREVENTION STRATEGY

In reply to **the Hon. J.S.L. DAWKINS** (24 February 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for Mental Health and Substance Abuse has provided the following advice:

1. The South Australian Suicide Prevention Strategy 2017-20 (SA SPS) is currently under development. SA Health has prepared a project plan and communication plan for the strategy. The SA SPS will be developed in line with the overarching National Framework for Suicide Prevention known as the Life Framework. The approach for the SA SPS will include a literature review and broad consultation via forums, discussions with the state's suicide prevention networks and an online questionnaire.

2. Currently this work is being led by the Office of the Chief Psychiatrist.

3. The Office of the Chief Psychiatrist is undertaking a whole-of-government approach to the strategy's development.

4. South Australian government departments have provided to the Office of the Chief Psychiatrist, an inventory of work against the SA Suicide Prevention Strategy 2012-16: Every life is worth living. This information will inform the strategy development.

5. The SA Government is committed to the current strategy which remains valid until the 2017-20 strategy is released.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (14 April 2016).

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

The following initiatives have been undertaken to publicise the changes to the program:

1. The task force continues to visit automotive supply chain companies to promote support programs for automotive workers.

2. The task force website has also been updated including the addition of updated guidelines (for both workers and partners) and registration forms (workers and partners);

3. Letters have been mailed outlining the changes to the program to all registered participants, automotive supply chain companies and relevant stakeholders; and

4. Northern Futures, our career advice service provider is also reinforcing the changes with all registrants in appointments, via SMS and follow up call-backs;

5. On 9 September 2016, the Automotive Transformation Taskforce implemented the 'Drive Your Future' campaign to raise awareness and to encourage eligible individuals to register for the Automotive Workers in Transition Program.

The program provides support to assist workers and/or their partners to transition to new employment. The majority of workers currently remain gainfully employed. The government is tracking program participation from the time they register, through each stage of the program. A worker tracking options paper is currently being finalised with the intention of tracking longitudinal outcomes including employment outcomes for the whole cohort.

APY EXECUTIVE

In reply to **the Hon. T.J. STEPHENS** (8 June 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): The questions asked by the Hon T Stephens MLC are about the internal workings of APY and the executive board.

As such, my department has sought advice from APY Administration regarding the dismissal of Mr Ken Pumani from the executive board, who have advised the following:

1. Mr Pumani was provided with advice prior to the March 2016 meeting. This advice was via discussions with executive board members, placement of dismissal discussion on the executive board agenda and through discussion with the general manager. APY Administration have confirmed that this matter was discussed with Mr Pumani over the telephone. During this discussion, Mr Pumani was advised that the executive board was considering enacting the legislative provisions that would dismiss him from his role on the executive board. Mr Pumani was also advised that the executive board wished to discuss this matter with him in person at the next executive board meeting prior to taking any action.

2. Mr Pumani was requested to attend the APY Executive Board meeting on 29, 30 and 31 March 2016, to discuss with members his breach of two parts of the legislation and governing rule of the executive board; Section 9D(1)(c) and 9D(2)(d). Mr Pumani did not attend the meeting.

3. The proposed removal of Mr Pumani was listed on the agenda for the executive board meeting of Wednesday 30 March 2016 as item '5 – section 9D. Exec Member not attending consecutive meetings'.

4. Yes, refer to answer for question 3.

5. Absences of members from meetings often occur on any board, this is why there is guidance provided in the APY Land Rights Act 1981 section 10(2) that stipulates that six members constitute a quorum of the executive board.

APY Administration also confirmed that that on 30 March 2016, seven members were present during agenda item 5. I am also advised that Mr Lewis and Mr Pumani were absent during this agenda item.

With the appropriate numbers, a quorum was reached. This quorum carried the motion unanimously to enact section 9D(1)(c), resulting in the dismissal of Mr Pumani.

LEIGH CREEK

In reply to **the Hon. J.S.L. DAWKINS** (9 June 2016).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I am advised the Outback Communities Authority (OCA) will receive $8.824 million over five years. This investment will be used for the provision of services including parks and gardens maintenance, township facilities maintenance, rubbish collection and management, aerodrome operations, swimming pool operations and maintenance on public buildings and structures including the gymnasium and theatre.

This funding includes an allocation of $1.417 million over five years for town administration. A town administrator and an administrative support person will be engaged, with both of these full-time positions being based in Leigh Creek.

Along with these town administration resources the investment allocated for the provision of services includes a component for resources. At this time, work is still underway to determine the most efficient way of providing the services.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. J.M.A. LENSINK** (7 July 2016).

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

The Cadet Training Course and the Domestic Violence Investigators Course are two separate programs. The basic training for all South Australia Police (SAPOL) employees in relation to Domestic Violence is as follows:

- The Cadet Training Course involves 51 hours (68 lessons) specifically on Domestic Violence training covering a multitude of topics. Domestic Violence training for all cadets is now the largest module within the Cadet Training Course. This course involves full day visits to the Central Domestic Violence Service office and crisis accommodation units.
- The Domestic Violence Investigators Course is a course for specialist Domestic Violence Investigators. This new course was implemented in May 2016 and to date 63 employees have undertaken this new course with a further 67 scheduled for the remainder of the 2016 calendar year.
- For existing SAPOL employees, a new corporate training package Policing Domestic Violence was introduced in 2015. This course was designed to update all employees on changes to legislation, policy and procedures.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. K.L. VINCENT** (7 July 2016).

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

The South Australia Police (SAPOL) Cadet Training Course which comprises of 51 hours of specific domestic violence training covers the following topics:

- Conversation Management including interviewing suspects
- Stalking
- Domestic Abuse
- Anti-Social Behaviour
- Nature of Domestic Violence
- Intervening in Domestics
- SAPOL Domestic Abuse Strategy
- Case study 1—Domestic Abuse
- Domestic Abuse Legislation
- Domestic Abuse Framework
- Domestic Abuse Risk Assessments
- Responding to Domestic Abuse
- Intervention Orders
- Police Interim Intervention Orders
- Intervention Orders (court)
- Case study 2—Domestic Abuse
- Breaches of Intervention Orders
- Domestic Abuse Investigation Management
- Family Violence Investigation Sections
- Domestic Violence Services
- Warrant application files

Cadets participate in a discussion forum with people affected by domestic violence and learn about community issues surrounding domestic violence during full day visits to the Central Domestic Violence Service office and crisis accommodation units (shelter). This training includes:

- Examining Myths

- The Cycle of Violence
- Gender Inequality
- False Allegations
- Emotional Abuse
- Post Separation Abuse
- Family Court
- Intervention Orders

The Domestic Violence Investigators Course commenced in May 2016, for specialist Domestic Violence Investigators. This course is a five-day course and covers the following topics:

- Values, Beliefs and Attitudes
- Dynamics of Abuse
- Impact of Domestic Abuse on the community
- Policing Domestic Abuse in SAPOL
- Commence an Investigation (including immediate victim safety and risk assessments)
- Advanced Investigation Techniques
- Intervention Orders
- Victim Management (including longer term victim safety)
- Suspect Management (including interviewing of suspects)
- Domestic Abuse Sector Services
- Vulnerable Victims
- Cultural considerations (including ATSI relationships)
- Resilience

To date 63 Specialist Investigators have completed the new course with a further 67 scheduled to complete the course by the end of 2016.

All sworn members, client service officers and call centre staff were required to complete the Policing Domestic Violence corporate training package created in 2015 which was a two-hour course.

The Investigation and Intelligence Techniques Course, Detective Training Course and Prosecution Course all have Domestic Violence components designed to improve understanding in all facets of domestic violence investigations.

SAPOL also conducts ongoing corporate training regarding domestic violence in order to keep the workforce up to date on changes to legislation, policy or procedure as required.

METROPOLITAN FIRE SERVICE

In reply to **the Hon. R.L. BROKENSHIRE** (7 July 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised in the past five years there have been no MFS employees made redundant.

CCTV CAMERAS

In reply to **the Hon. T.A. FRANKS** (27 July 2016).

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

CCTV cameras are an integral part of any correctional facility. These cameras are both preventative and responsive security measures, and are of paramount importance in the provision of a safe working environment.

I am advised that if a Department for Correctional Services staff member was to deliberately obstruct the view of, or cover up, any CCTV camera, the person would face disciplinary action. Depending on the individual circumstances, an employee may be permitted to continue working, be suspended with pay, or suspended without pay, pending the outcome of the disciplinary action.

ID SCANNERS

In reply to **the Hon. T.J. STEPHENS** (27 July 2016).

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

ID scanners have recently been introduced into two licensed premises (that are known) in the Adelaide CBD at the impetus of the licensee. South Australia Police has been advised of the installation and has been apprised of the system, but is not able to provide any data or comment of possible benefits derived given the recency of its installation.