LEGISLATIVE COUNCIL

Wednesday, 2 November 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:02 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

CHILD SAFETY (PROHIBITED PERSONS) BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I start by observing that no answer was given in the second reading speech from government to my question, which is the subject of my amendment, Amendment No. 1 [Franks–1], in clause 44, which referred to why both SAPOL and AFP officers are in the exempted list. I now invite the government to present an answer to that question, which was raised, not just by myself, but by other members of this chamber.

The Hon. P. MALINAUSKAS: I will come to the Hon. Tammy Franks' question in just a moment. I might start with some information that has been sought by the Hon. Mr McLachlan. Yesterday, during the debate, the Hon. Mr McLachlan sought information about the liability of directors under this bill for offences committed by a body corporate. Many acts include provisions that hold each director criminally liable on proof of a company's offending, subject to a defence of due diligence that must be proven by each director. The bill does not contain such a provision. The approach taken by the bill is to rely on the normal principles of accessorial liability.

A corporation has a separate legal identity from its shareholders or members, directors and managers. A corporation can be convicted of an offence under this bill. If directors or others are personally involved in the commission of the offence or have aided, abetted, counselled or procured its commission by the corporation, they can be held liable as principal offenders or as accessories. In South Australia, this is generally done via section 267 of the Criminal Law Consolidation Act 1935. Further, where a corporation commits an offence as a result of directors breaching their fundamental duties as directors, they may be prosecuted under the commonwealth Corporations Act.

Regarding the Hon. Tammy Franks' concern, SAPOL has provided advice that the screening of SAPOL recruits at pre-employment is at a very high level. Applicants are required to disclose any criminal offending on their application and that of family and friends. Applicants are also screened by SAPOL, including criminal history, checking locally, nationally and, where necessary, internationally. Any issue identified is further assessed. Where an applicant has been identified as having been convicted of any offence or has been identified as a suspect for such a matter, the application would simply not progress.

Once employed, any suspected, alleged or detected offending by a police officer must be referred to SAPOL's Ethical and Professional Standards Branch, where decisions would be made regarding the employee's placement and work activity whilst investigations were undertaken. This process would apply regardless of whether the offending occurred on or off duty and would include referral to the Police Ombudsman and, depending on the circumstances, possibly the Independent Commissioner Against Corruption. The Police Code of Conduct, Police Act 1998, Police Regulations 2014 and the Police (Complaints and Disciplinary Proceedings) Act 1985 provide the framework. In this respect, an additional layer of behavioural control can be implemented in comparison to other sectors of the community.

The government and South Australia Police support the provision contained in the bill, unamended. This exemption reflects the current position, such that, in South Australia, a person appointed as a police officer is exempt from the current screening requirement in the Children's Protection Act. This amendment would result in all current and future police officers having to undertake a working with children check. As noted above, SAPOL has advised that recruits are already screened to the highest level as part of the recruitment process and it would be a duplication of the resources to rescreen them, resulting in added administrative burden which, in our assessment, would not deliver any additional security.

The Hon. T.A. FRANKS: This bill is actually all about added administrative burdens, and I note that at the same time that Shannon McCoole made the headlines, a South Australian police officer who worked in one of the most sensitive areas of SAPOL was charged for having repeated sex with an under-aged girl. That was reported in *The Advertiser* on 17 August 2014. The man, then 50, could not be identified for legal reasons, which would certainly give rise to concerns, and certainly any references of this situation to ICAC would not allow this information to be publicly available for those who are in organisations working with children.

It has been shown that those intense and supposedly guaranteed screening provisions that SAPOL currently employs have been found at fault. This officer, in recent times, has been charged with under-age sex offences with a South Australian girl. Why should this chamber take the guarantees of this government that everything will be fine, and why should SAPOL not be subject to the same administrative burdens that everyone else will be?

The Hon. P. MALINAUSKAS: I think the important point here, in response to the Hon. Tammy Franks' reasonable question, is that, even if a working with children check had been in place for the case that you refer to—and I have been advised that the offender involved has, indeed, been publicly identified—but even if this bill had been in place, inclusive of your amendment, where a working with children check would have been required upon that particular officer, even if that had been in place, my advice is that it would not have necessarily revealed that particular offender in any event, because the SAPOL checks that are in place, I understand, are of an, in essence, equal nature to a working with children check. So, while the case that you refer to is horrific and of enormous concern, there is no evidence that I am aware of that suggests that, had a working with children check occurred in that particular instance, that offending would have been prevented.

The Hon. T.A. FRANKS: While I concur with the minister that there are no guarantees, even under this legislation, I am not convinced that there is no reason to exempt SAPOL officers from this legislation, and I note that the state government does not even have jurisdiction over AFP officers.

The Hon. P. MALINAUSKAS: I appreciate the sentiments of the Hon. Tammy Franks' remarks regarding this amendment, and maybe we can discuss it further when the amendment comes up. Again, what I would say is that the premise on which the government opposes your amendment is that there is no suggestion, and we believe there is no evidence or reason to believe, that your amendment would enhance or add any additional layers of security to what otherwise already exists through SAPOL's processes in and around recruitment and the ongoing checking of police officers who are in the service of the South Australian police force.

The Hon. A.L. McLACHLAN: We are still on clause 1, are we? I want to get back to the directorship issue a little bit later but since we are on SAPOL, if the minister is amenable, I will stick to the SAPOL issue.

The Hon. P. MALINAUSKAS: Sure.

The Hon. A.L. McLACHLAN: We seem to be debating it at clause 1, so wherever we are going to debate it, that is fine. For the benefit of the minister's staff, I would like to tease out some of my other questions regarding budgets and some assurances that we have our ducks in a row before this bill launches. On the SAPOL issue, I understood the minister's answer on the initial check, and I suppose where the Liberal Party is coming from is that police officers are great contributors to the community in their volunteering, so they are not always police officers, and I accept the minister's assertions in relation to their initial checks.

I am a little unclear about the ongoing mechanisms in a police officer's life. So, let us say they have a 20-year life. They have been properly checked. I am looking for some comfort that if they

committed an offence interstate or something like that, it is immediately recorded in police internal processes, and I think it is correct that it is. I would like a better understanding of how those risks are managed. I know the minister has given an explanation, but I was just trying to absorb it so that the Liberal Party can get some comfort that, for a police officer with a longstanding record, we mitigate that risk, particularly in relation to their community work.

Perhaps I could assist the minister. My understanding of what he has told the chamber is—and I am not challenging it, I am just trying to get it clearly on *Hansard* where we are sitting—an individual who is not in a command and control environment where they are checked has to have one every five years. In essence, the state is saying that the volunteer organisation which they are volunteering for revisits the issue every five years and checks whether they have any other complaints or criminal convictions. So, we have a level of risk between the five years.

In a police environment it is immediately alerted, from the ancillary agencies, whether that person is a police officer and whether or not they are volunteering. Therefore, that will impact their occupation and be alerted to the police commissioner. The risk is therefore being mitigated and does not require a review every five years since it is constant in the police force. Is that a fair summary of how the police are mitigating the risk of not having to check them formally every five years? There are ongoing mechanisms for it to be brought to the commissioner's attention and therefore we are not carrying the risk when they are volunteering for the football club.

The Hon. P. MALINAUSKAS: I thank the Hon. Mr McLachlan. Your question is a very good one. I am happy to repeat something that I said earlier. This will not necessarily be exactly what you have just stated. For the sake of clarity, SAPOL has advised us that once a police officer is employed, any suspected, alleged or detected offending by a police officer will be referred to SAPOL's Ethical and Professional Standards Branch. Where decisions would be made regarding the employee's placement and work actively whilst investigations were undertaken, that would take place.

As I said earlier, the process would apply regardless of whether the offending occurred on or off duty, and would include referral to the Police Ombudsman or possibly even the ICAC. I do not think anything I have just stated really directly answers your question about what SAPOL specifically do on a regular checking basis. Along the same lines that you refer to, I have to say my sense of it would be that SAPOL do have those processes and procedures in place. I am happy to go away and ask more questions of SAPOL directly to get some assuredness from them, but the information that I have read out is what we have been advised.

Notwithstanding the specifics of your question around the five-yearly checks, my advice is that we do not have any reason to believe that, by adding a working with children check upon SAPOL staff, you would get any additional confidence than what otherwise already exists through SAPOL's processes.

The Hon. T.A. FRANKS: I am just going to gently remind the minister that clause 9, when we get to it, also includes the Australian Federal Police. What power does he have to bring back an answer with regard to that?

The Hon. P. MALINAUSKAS: Your question was specifically in respect to power. My power over the Australian Federal Police is essentially non-existent. What I can commit to is trying to seek that information from the Australian Federal Police and I would hope for their cooperation. In terms of the jurisdictions and experience in working with the Australian Federal Police, there is a good working relationship, so I am happy to seek to acquire that information for which you ask. My advice is that what we see contained within the bill now reflects current practice, which in the government's view has worked well up until this point.

The Hon. K.L. VINCENT: If I may just add a couple of thoughts with regard to the Hon. Ms Franks' amendment. I do not want to labour the point, but I think it is important that we are clear. If I understand correctly, the minister's main point for opposing the amendment is that it would add, I suppose, what he sees as an unnecessary layer of bureaucracy and administration because the checks that police officers already undergo by virtue of being police officers are very similar to a working with children check. Is that correct?

The Hon. P. MALINAUSKAS: More or less, yes.

The Hon. K.L. VINCENT: I suppose you could argue, could you not, that no check is infallible? Any check, whether it is the check you undergo to become a police officer or a working with children check, cannot be infallible because it relies on current information which could change very quickly after that check was done. So, I am just not sure, given that no check is really infallible or 100 per cent guaranteed to be accurate, what damage there is in adding that additional check. Does the minister want to respond to that first?

The Hon. P. MALINAUSKAS: Your question, the Hon. Ms Vincent, is exactly the right one in our view in the context of the value of this particular amendment. Your question, quite rightly, is: why would you not agree to this check if it adds an additional layer of comfort or security? Our response to that is that our advice is that this check does not do that.

In light of the policies and procedures that are already in place that apply to members of the South Australian police force, and in light of those being already in existence, it is the government's view that the additional working with children check does not add anything in terms of comfort and security. Your point about no check being infallible is precisely right.

In the knowledge of that, does that mean that the procedures and policies that are currently in place within SAPOL are infallible? No, nothing is, but then the question is: does the working with children check add to it? The government's position is that that is not the case and therefore it would achieve little more than simply adding an additional administrative burden.

The Hon. K.L. VINCENT: In asking that question, I was aware that it could be interpreted almost either way, so I appreciate the minister clarifying his thoughts. Another point that I wanted to make is that I think we need to not pretend that police officers are the only workers who are subjected to somewhat annoying administrative procedures.

I think back to very recent times where there were some delays in the administration of DCSI checks, and where, for example, disability support workers (off the top of my head), who may have been returning even to the same agency or same department after parental leave, for example, had to go back through those checks and do them again, or do different ones for working with different people.

I appreciate the minister wanting to cut down administrative burden, but I do not think police officers are the only people subjected to that. Ultimately, if all it does is add a layer of comfort and security, as the minister says, and not necessarily achieve any additional safety, given the many troubles, to say the least, that we have had in the area of child protection in recent times, do we not owe it to the community to add that additional layer of security? Could the minister respond to that?

The Hon. P. MALINAUSKAS: Again, your questions are the right ones, and I come back to the same point: if the government was of the view that by making the working with children check apply to SAPOL, and was of the view that that check applying to SAPOL officers would provide an added degree of security or added degree of comfort around those officers not having any offending history or any problems that would otherwise appear, then the government would likely support it, but that is not the government's position.

The government's position is that, by adding the working with children check, it is not doing anything else, apart from replicating the process that is otherwise already occurring, which means that you will get all the additional burden and administrative red tape that comes with it, but not with any gain, so therefore why do it?

The other thing the chamber might do well to take into consideration is that we have a large number of men and women who are in service within SAPOL, indeed a number that is growing, as I have mentioned on other occasions. It is a large number of people. If the Tammy Franks' amendment were to succeed, which it may well, then of course that is an additional number of in excess of 4,000 people who will have to undertake a working with children check, which of course puts additional demand on the screening section that will have to undertake that work.

We would hate to see either additional costs being put in place or delays for other screening checks being put in place for not much gain. It is not a simple matter of saying, 'Hey, let's put the working with children check on top of SAPOL.' Sure, it may cost to have some administrative burden,

and sure, it may not necessarily add to additional security, but what do we lose? We do not lose anything. I do not accept that argument.

It is not simply an issue of more administrative burden for SAPOL; it also has the consequence of having more work for the screening unit within DCSI which will be work that they would have to do without any particular gain, but could potentially be at the expense either of the requirement of additional resources and costs to the South Australian taxpayer or, alternatively, potentially other delays for those people undertaking the screening check.

The Hon. K.L. VINCENT: One last point if I may: thank you to the minister for those answers to what were not necessarily my thoughts but some sort of, I suppose, devil's advocate questions that I think people out there in the community would ask, and it is important that we understand the answers so that they can understand them. Can I summarise the issue by asking the minister to clarify whether my understanding is correct? My understanding is that the government's reasons for opposing these amendments are not because police officers, men or women, are viewed as some special category of persons who are infallible and automatically trustworthy; it is simply because of the administrative issue and the lack of proven outcome from the amendment. Is that correct?

The Hon. P. MALINAUSKAS: The tenet of your remarks is correct, yes. The government's position is not because we believe that somehow police officers are infallible just by nature of being a police officer, but rather because for someone to become a police officer and remain a police officer there is a high degree of scrutiny attached to that with and of itself. The government's position does not rely upon the fact that just because someone becomes a police officer we think that that automatically elevates them, but rather because being a police officer inherently has a whole range of checks that are already attached to it.

The Hon. T.A. FRANKS: I indicate that I am happy to have the debate at clause 9 with regard to the rest of this; I certainly have not finished some of the things that I have to add. My final question at clause 1 is: with the seven-day amount that has been set, how is that seven days defined? Is it seven contacts, which could be as little as 20 minutes over a period of seven times? Is it a working day of 7½ hours cumulative? How is the seven days defined?

The Hon. P. MALINAUSKAS: I am advised that if you have a single contact in a day then that is calculated as a day.

The Hon. A.L. McLACHLAN: I will touch upon the SAPOL issue and we may revisit that—

The Hon. T.A. Franks: I will definitely be revisiting it.

The Hon. A.L. McLACHLAN: We will definitely be revisiting it, according to the Hon. Tammy Franks. I have some other issues at clause 1, but just on SAPOL. I still have a problem, just to break it apart, with the Australian Federal Police. I would like some comfort that SAPOL or the government have spoken to the Australian Federal Police and have received comfort that their practices and procedures mitigate the risks, as the minister has given the assurances in relation to SAPOL.

I do that from a purely technical perspective because I know how these bills get drafted, and it is a reasonable assumption, but we are dealing with child protection, and this is not one of the bills that I really want to be legislating on the basis of an assumption. If the minister can give me some assurances or an answer, I am happy to report progress and within a couple of hours come back. I am very amenable to all of that, and then I will talk a bit about SAPOL.

The Hon. P. MALINAUSKAS: I am not in a position to provide you with a specific assurance that the government has spoken to the AFP specifically about this. I want to be clear about that. However, I am able to say that it would be an eminently reasonable assumption to say that, considering that each of the police jurisdictions around the country, including the AFP, do have an incredibly close working relationship and work collaboratively, the same sort of standards and procedures that apply within SAPOL also apply to the AFP.

That is a particularly reasonable assumption considering that officers within the AFP often come on secondment from organisations like SAPOL. If the Hon. Mr McLachlan and the opposition were looking for some comfort or assurance, they should take some from that fact itself. However, I want to be clear that I am not in a position—I wish I was—to say that the government has had a

recent dialogue with the AFP about this issue specifically. I have also been advised that we would not reasonably be able to do that in two hours, in any event.

The Hon. A.L. McLACHLAN: I appreciate the minister's answer. It does cause me some concern, given the nature of the bill, and let's say, the community discussion, because these are quite symbolic exclusions. It is not that I am arguing back to the minister. I think it probably is a reasonable assumption, but a reasonable assumption with this type of bill is difficult. This chamber will not bathe itself in glory if a federal police officer at a community group in Adelaide commits an offence in the days after the passage of this bill.

It will not cover itself in glory if we cannot say to the community that the government has gone from government to government—which is not difficult, although I appreciate that in the time frame it might be—and the government, because of that dialogue, has the assurance and the minister can give the assurance to the chamber. That is what the opposition is looking for.

In any other bill, we may well take the reasonable assumption, but we are dealing with children. Certainly, the minister has given the assurance in relation to the SAPOL component but I know that they are linked. This bill concerns child protection, which is highly sensitive in the community, and we cannot feel comfortable with the exclusions on reasonable assumptions. I want to emphasise to the minister that I am not trying to be particularly difficult.

The Hon. P. MALINAUSKAS: Rest assured that I share the Hon. Mr McLachlan's high degree of consciousness around community expectations in this particular area. I think all of us share the endeavour of trying to protect our children as best we possibly can. People who have a commonality of interest around this important subject can reasonably arrive at different conclusions, so I genuinely appreciate the Hon. Mr McLachlan's position.

The Hon. Mr McLachlan mentioned the exemptions being symbolic. I accept that I could be wrong about this, but my assessment is that community confidence within our respective police forces is high and I think that is not without good reason. As I said before, in light of the interoperability that exists between SAPOL and the AFP, I think it is a reasonable assumption that the sorts of standards and checks that are in place within SAPOL also apply within the AFP.

Again, I come back to the threshold question regarding this particular amendment, and that, of course, goes back to your concern about children. You said that this house would not be covering itself in glory if an AFP officer somewhere did something wrong. We should be constantly reminding ourselves as a community that, even with the passing of this legislation, there is no 100 per cent certainty that people who have taken a working with children check are not at risk of doing something wrong. The threshold question as far as the government is concerned is: if this amendment were to succeed, does it make anyone any safer? Again, it is the government's position that that is not the case.

The Hon. A.L. McLACHLAN: I want to make some comments on SAPOL in a minute. The minister may well be completely accurate in relation to the Australian Federal Police. My issue is a question of process, rather than risk. What I would like to hear is that the government, or the government's agents, have made a conscious decision in relation to the federal police, have not made an assumption, have had some dialogue with the Australian Federal Police and have formed the view that they are comfortable.

If that view is then communicated to the chamber, I can say that the opposition would be in a position where it had sufficient comfort not to support the amendment. The minister has given me, I think, sufficient assurance in relation to SAPOL in relation to level of risk. It is a question of process, rather than arguing against the minister's assertions, but they are linked together, unfortunately, in the one clause, which is why I raise it at clause 1.

Listening to the minister, in relation to SAPOL, it is my view that volunteer organisations are not the police. They are effectively innocents in the community, and that is why we are imposing checks to give them and the people they employ comfort, thereby reducing risk. Police officers are living in a command and control environment where they are constantly under scrutiny and there is a series of mechanisms in place when they commit an offence, whether in a civilian capacity or on duty. Therefore the nature of the check, even if they were checked, does not heighten the risk. They

are simply checking whether they have anything on their records and, when a police officer has something on a record or incurs an offence, the commissioner is immediately alerted.

I am comfortable that, for a SAPOL officer, the risk is not heightened by having a check. The minister may want to correct my understanding there, but that is generally how I see it. I thank the minister for giving us the comfort on SAPOL. It is really a question of process in relation to the Australian Federal Police because, regarding legislating on reasonable assumptions, as an old lawyer, I can tell him that assumptions are dangerous. We would be happy to report progress and give the minister the opportunity to check whether there has been communication between the Australian Federal Police, the South Australian police and the government. If that assurance can be given, we will probably be minded not to support Tammy Franks' amendment.

The Hon. P. MALINAUSKAS: Again, I understand the sentiments of the Hon. Mr McLachlan. A crucial piece of information has been brought to my attention, which I hope may go a long way to satisfying his concern. I have just been advised that the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse, as part of its final recommendations regarding working with children checks, actually recommended that the exemption that applies to all police officers, including the AFP, should apply.

I hope that this recommendation of the commonwealth royal commission might be something that the opposition would take into account in contemplating this bill. My advice is that that commonwealth royal commission recommended this course of action in regard to providing exemptions to police, including the AFP.

The Hon. A.L. McLACHLAN: I thank the honourable minister for that information. I am going to need an opportunity—not necessarily during the course of this debate—to read that part of the royal commission, if I could get the references from the staff. We can proceed the debate before we move the amendment, and if I could get a chance to read it in the break, before this afternoon. I put that option on the table.

The Hon. R.L. BROKENSHIRE: Just following on, relevant to clause 1, but specific to clause 9 and the mover of the amendment, I would like a little bit of clarification as to the meaning of 'excluded persons' and 'for the purposes of the act the following persons are excluded.' It is not only a member of the South Australia Police or the Australian Federal Police, there are actually five subsets of people that are excluded.

As someone, on behalf of Family First, who has always been proactive with generally supporting police matters, I think there is another question that we have not had explained properly or, if we have, then I have missed it, and that is: how was this developed; what was the work that was done behind it to come up with these five sets of groups—if I can put it that way—that have been excluded, when we do have the alternatives about child safety? The chamber needs an explanation.

Like my colleague the Hon. Andrew McLachlan said, if the minister wants to take a little time and come back later on this week—because this has been quite quick, the way this bill has been brought upon the chamber. We have to be careful of unintended consequences. My history in this parliament tells me that when we rush through things we often do not get them right. I think it is fair to say that all members of parliament, from all parties, want this right. There is not one member of parliament that I have ever spoken to that does not want the absolute best protection for children.

I think there needs to be some sort of detailed explanation as to the science behind how this actually came up in the first place. I ask the minister to take that on notice and to report back to the house, or to report now to the house, on how this was developed.

The Hon. P. MALINAUSKAS: I thank the Hon. Mr Brokenshire for his question. The Hon. Mr Brokenshire may not have been in the chamber yesterday when I gave a rather lengthy second reading speech that dealt exactly with some of the questions that he has referred to.

The Hon. R.L. Brokenshire: I was not here for all of it.

The Hon. P. MALINAUSKAS: It was pretty lengthy. I would probably avoid reading it all out again, but what I am happy to do is to provide the particular section that I am referring to to the Hon. Mr Brokenshire so he can have some time to reflect upon that.

The Hon. R.L. BROKENSHIRE: I will accept that and I would like to see a copy so that I can actually digest that as soon as possible.

The Hon. K.L. VINCENT: To follow on from what my other parliamentary colleagues have said, we are walking a bit of a difficult tightrope here because, on the one hand, we want to get this bill through to make sure that children and young people do not unnecessarily fall through any gaps that currently exist in child protection law, but, on the other hand, we do not want to rush it and we want to make sure that what we do put in place, in law, is comprehensive and effective.

If I could return to the first part of the Hon. Mr McLachlan's question, because I do not feel that was particularly answered directly. Does the minister intend to make contact with the Australian Federal Police to clarify their procedures? I appreciate that he is reasonably confident that their procedures would mirror ours with respect to this issue. As has already been said, I do not think we want to work on assumptions in this area. Will he make contact with the Australian Federal Police to clarify that, and, if necessary, would the government support reporting progress to allow him the time to do that?

The Hon. P. MALINAUSKAS: The government is currently working on extracting the specific recommendations from the federal royal commission report that I referred to, which in themselves, I hope, might provide some clarity around the answer. That work is being undertaken, so we are able to share it with the chamber. The answer to your question about whether there is an intention on my part to rush out of the room and call the AFP is no. The reason for that is that the government's objective is to get this bill in place as quickly as it can, so that those people who might be falling through the cracks now get picked up.

So, there is a degree of urgency that underpins the government's desire to get this bill through. It principally rests upon, we think, the legislation representing a positive reform that can provide a substantial benefit to the current existing arrangements. To delay would be to delay their implementation, which would in and of itself carry some risk. We are all about trying to minimise risk. We are working on getting that commonwealth royal commission recommendation, which hopefully will reveal some detail behind why the recommendation was put in place and which hopefully will satisfy honourable members' legitimate curiosity. As it stands, there is not an intention to delay this process of getting the bill through in order to pursue that information.

The Hon. T.A. FRANKS: Just for the information of members of this chamber, I note that even should my amendment to clause 9 get up, that (e) would still stand under that clause:

> any other person of a class declared by the regulations to be included in the ambit of this subsection.

I assume that then there would be a reference to both members of SAPOL and the AFP in a form that is perhaps more nuanced and that gives the ability for the appropriate consultations to be undertaken. I will debate the rest of it when we get to clause 9.

The Hon. A.L. McLACHLAN: Just to come back to the directors' liability: I am trying to tease out the policy objectives. We are not seeking to amend the clause. One of the great incentives of corporate life is director liability. I am just interested in the policy decisions—

The Hon. P. Malinauskas interjecting:

The Hon. A.L. McLACHLAN: Now that I am in parliament, maybe my view has changed, minister. These checks are extremely significant. In context, I am thinking of directors of volunteer organisations—so we are really driving behaviours. There is a significant financial penalty for a corporation, and most charities are companies limited by guarantee, so they will be covered by it. I am interested in why the government decided not to—and this is not a criticism, because they can be done for accessory, so I accept the other mechanisms—go the extra yard and put in provisions that crystallise the minds of the directors.

The reason I am asking is that, having spent a lot of time volunteering on not-for-profit boards, I know that often directors are very hands-on; they are active in the body of the organisation. At the same time, they may carry significant financial reserves. I suppose I am querying whether we have created a sufficient incentive for ensuring that checks are in place and why we decided not to go the full extent. It may be that the government takes the view that it is a sufficient incentive for compliance.

The Hon. P. MALINAUSKAS: The government is very conscious of the fact that this legislation, once passed, will apply to organisations all and sundry, including tiny little sporting clubs and so forth. Again, it is all about trying to make sure we are getting the balance right. We believe that the checks that are currently in place in the current regime can provide some assuredness but not add additional liability to some ordinary mums and dads who are just trying to volunteer for the local soccer club. It is about trying to get that balance right, and we think that the current arrangement is the appropriate one.

The Hon. A.L. McLACHLAN: I do not think, given that answer, that I am challenging the minister's answer. That is really what I want to get on *Hansard*, that parliament is going to strike the balance between small and large organisations. Vicarious liability might be too heavy, but I think it is worth having the discussion, because if there is continued non-compliance, then the government of the day is going to have to think about other actions to create the necessary behaviour. For the best checking system in the world, you need to have the checks, and there is always an anxiety to get people employed, which is a great segue to the other questions I raised in my second reading.

Could the minister give a bit of a summary of how we go forward in an administrative sense now? We have the office. How far are we advanced in setting up this office and the resourcing of the office? This legislation, leaving aside the one issue, is something the opposition strongly supports, but it is all going to fall in a heap if we have a backlog of checks. Given that we have increased the penalties, there will be a lot of anxiety in the community to get moving, so I am really looking to close off that issue that has been expressed in the community.

The Hon. P. MALINAUSKAS: I have been advised that a new and enhanced unit is being built upon the existing DCSI Screening Unit as we speak. The DCSI Screening Unit is currently in discussions with decision and policymakers within government regarding what additional resources will be required in order to beef it up to be able to do the expected additional work. The DCSI Screening Unit is already funded for continuous monitoring by mid-2017. Once this legislation is passed, I am advised that a further bill with consequential and transitional arrangements for existing checks will need to be introduced.

Once the regulations have been consulted on—and it is the government's intention to have wide consultation regarding the regulations—then of course there is the intention to have a significant communications strategy put in place to ensure that members of the public understand what the new rules and obligations are as a result of those new regulations in the new bill.

The Hon. A.L. McLACHLAN: I thank the minister for his answer. Making the assumption that this bill passes the chamber this week and the Governor is minded to sign assent to it and a communication plan, when are we looking at—and I am not looking to commit the minister—this being active and live in the community in its new form?

The Hon. P. MALINAUSKAS: As soon as reasonably possible.

The Hon. A.L. McLACHLAN: Taking a guess, I suppose we are looking at the first quarter of next year. That is not unreasonable? I am not looking to bind the government.

The Hon. P. MALINAUSKAS: I appreciate the Hon. Mr McLachlan's understandable attempts to put a time line in place. I do not think you are seeking to bind us to any sort of time line that I would outline here, but I am very conscious of the fact that if I articulate a time line on the record, that may unnecessarily or unintentionally create an expectation around a specific time line. The government's priority is to get it right, as is yours, I know.

We acknowledge that it is going to take time to do that consultation around the regulations. I am not trying to be flippant or cute; we do want to try to get this in place as soon as we reasonably can, but acknowledge that, yes, it will take some time to do the regulations and get it right, as you reasonably understand.

The Hon. A.L. McLACHLAN: That is probably all I have at clause 1. I thank the minister for his responses. On behalf of the Liberal Party, we are really looking for that understanding of the recommendation and the reasoning behind it. I would anticipate that, if that is sufficiently comprehensive, the Liberal Party could probably make its decision.

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

The Hon. T.A. FRANKS: I have some questions around this clause. As I noted earlier, in section 9(1)(e), 'any other person of a class declared by the regulations to be included in the ambit of this subsection' will, through regulation, become part of this category of 'Meaning of excluded person'. At the moment, what are the government's intentions in terms of these categories of excluded persons?

The Hon. P. MALINAUSKAS: The answer to the Hon. Ms Franks' question is yes. It is the government's intention that, through the consultation phase of the regulations, we will be exploring a mechanism or regulation that would provide for a parental exemption for a parent who is involved in a volunteering activity relating to their own child.

The Hon. T.A. FRANKS: So, that is the only category that the government is currently considering? Will it be open to further categories being added?

The Hon. P. MALINAUSKAS: Of course it is open to it, that is the nature of the words that are written there, but, as it stands, the government does not have any specific intention.

The Hon. T.A. FRANKS: With 1(c), which is the subject of the amendment that I shall shortly move, a member of South Australia Police or the Australian Federal Police is here outlined as being within the definition of the meaning of an excluded person. What is the meaning of 'member'? Is it a sworn officer? Is it a community constable? Is it a police prosecutor? How broad or narrow is this definition of 'member'?

The Hon. P. MALINAUSKAS: My advice is, it is sworn officers.

The Hon. T.A. FRANKS: Why then did the government not ensure that in this bill it said 'sworn officers'?

The Hon. P. MALINAUSKAS: It is my understanding that this is the standard terminology used for a person who is a sworn officer within a police force. If you are a member of South Australia Police, you are a sworn officer of South Australia Police. That is what I understand is the usual terminology.

The Hon. T.A. FRANKS: Does that mean that a community constable is not a member of the South Australian police force?

The Hon. P. MALINAUSKAS: My advice is that a community constable is a member of the South Australian police force, but someone working in SAPOL bureaucracy, for instance, is not.

The Hon. T.A. FRANKS: Is a police prosecutor a member of the South Australian police force?

The Hon. P. MALINAUSKAS: A police prosecutor is a sworn police officer, so, yes, they are a member of the South Australian police force; that is my advice.

The Hon. T.A. FRANKS: So, in 2009, Andrew Robert Macdonald Storr—who was a former police prosecutor who was convicted of multiple sex offences against a girl aged 15 in Whyalla and Taperoo, and in 2004 a 13-year-old girl in Whyalla, for offences that had happened in 2007—would fit in this definition of a member of the South Australian police force; is that correct?

The Hon. P. MALINAUSKAS: I do not enjoy being familiar with the detail of that particular case in the same way as the Hon. Ms Franks, but I note that in your question, you referred to the offender as a former police prosecutor. Were they a police officer at the time of offending?

The Hon. T.A. FRANKS: Indeed, he was.

The Hon. P. MALINAUSKAS: Again, we come back to the threshold question, which is: if this legislation passes with your amendment, would that have prevented the offending that you are referring to? You raised a specific example, which is always useful. The question is: had that check

been in place, would it have prevented the offending that you are referring to? I have not been presented with any evidence to suggest that that is the case.

The Hon. T.A. FRANKS: The minister has outlined the extensive—which I do not doubt for a second—screening processes that take place within South Australia Police upon entry into the force. Do these processes occur every five years, or periodically, and at what period do they occur?

The Hon. P. MALINAUSKAS: Again, I refer back to the remarks I gave earlier, which is that SAPOL has in place, obviously, substantial checks prior to someone entering the police force. Regarding their ongoing monitoring, if there is ever any suggestion or allegation that a police officer has done the wrong thing, then that is something that is reviewed through internal police mechanisms as they occur. So, it is real-time reporting that occurs within SAPOL, is my advice. If a police officer had any allegations made against them that they did anything wrong during the course of their tenure as a member of the South Australian police force, then their position would be actively reviewed.

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

Amendment No 1 [Franks–1]—

Page 10, line 28 [clause 9(1)(c)]—Delete paragraph (c)

I so move because, under the meaning of 'excluded person' for the purposes of the Child Safety (Prohibited Persons) Bill, we have seen the government take a decision to exclude in their entirety any member of South Australia Police or the Australian Federal Police—the Australian Federal Police, of course, not even falling within the jurisdiction of this government, as has been admitted in this committee process.

I move this amendment because it is a blunt, ill thought-through and ill-considered blanket exclusion. This is a category of person who is highly respected and trusted in our community. However, this bill we have before us is because categories of people who have been highly trusted and highly respected have been shown to be guilty or have slipped through the net and have been able to abuse children.

We know that it is those in these positions of trust who should not be beyond reproach, and with the measures we will see come into place in this government—and I welcome these measures—we will see regular five-yearly checks, not a single check and not anybody who, by virtue of their employed position, is not subject to the scrutiny as it should be.

The government does not, here in its exemption, have a member of the South Australia Police or Australian Federal Police who has complied with a screening check in the past five years; it simply has a blanket statement of 'any member of the South Australia Police or the Australian Federal Police'. It is actually a lesser standard being applied here to that category of person than will be applied to all people captured by these working with children checks.

I note that the government has stated that this may lead to undue administrative burden. While I would say that that is part of the whole reason for our having this bill, the streamlining of the checks is the relief of the undue administrative burden, the fact that we will have them every five years, the fact that somebody in a position does not have to go and get them at lesser intervals or for different positions. Taxi drivers who go months without being able to continue their work as a taxi driver, having been caught out by the lack of administrative support for previous police checks in this state and who have been literally unable to pay the bills, will not be caught in the future, we hope, by these changes because the government is finally streamlining these processes and putting in, I hope, the resources they need.

I would say that, yes, this will be a taxpayer burden, and the mum of that under-age girl is a taxpayer who is probably welcoming this burden being placed on those in positions of trust. I think the government has not thought out (c) with the level of detail that it should have. I note that there was not even a response, with regard to second reading speech questions, as to why this category—a member of South Australia Police or the Australian Federal Police—was included in the bill. We had to wheedle it out of the government through a painful clause 1 questioning process. It should have been up-front, and examples should have been provided readily by the government as to why they have sought a blanket exemption for an entire category of person because of their profession.

I note that (e) will still stand, 'any other person of a class declared by the regulations to be included in the ambit of this subsection.' I know that the police and the AFP, in a proper and thoughtful manner, can likely be put in through regulation, with the due diligence done by government and the community consultation that should be required, to make sure that we do not just get this passed quickly but that we get it passed correctly. We do not want to just rush through child protection measures; we want to get them right.

The Hon. P. MALINAUSKAS: I am working through not just the recommendations for the Hon. Mr McLachlan but also the detail provided, which I am aiming to get to him as soon as I can. In the meantime, I will filibuster, but with a degree of passion because there are a few things regarding the Hon. Ms Franks' remarks that need to be checked. The first one is this: it is not the suggestion on behalf of the government that someone in the profession of an officer within SAPOL should automatically be precluded from having a level of scrutiny attached to working with children—quite the opposite.

It is the government's position that the fact that they are a police officer necessarily means that an enormous amount of scrutiny is already applied to their work. The object of the government is not to avoid additional administrative burden; the object of the government is not to avoid additional costs associated with making over 4,000 police officers have a working with children check. That is not the object of the government's opposition. It is a bit more nuanced than that. I know the Hon. Ms Franks is more than capable of understanding this.

The government's position is that, by having the working with children check, it does not add anything more in terms of comfort or security than what already exists within SAPOL's processes. It is not as if the government is saying, 'Oh look, let's try and find a group of people who we can exempt so as to avoid an administrative burden or cost.' Not at all. That is not an arbitrary cause on behalf of the government. Rather, what the government acknowledges is that for those men and women who find themselves in the service of the South Australian police force, that means they are already subject to enormous amounts of scrutiny and checking, not just at the commencement of their employ, but throughout their career.

Therefore, what would be the gain, what would be improved as a result of someone in that position having the working with children check applied, bearing in mind that it is the government's position and SAPOL's advice that it does not add anything? There is an important distinction from saying that the government is somehow trying to relieve itself of a cost or an administrative burden, versus saying the government has at its heart the objective of ensuring that those people who are subject to a working with children check are able to have that check dealt with diligently in the knowledge that there are not a swathe of people going through the process, that it is doing nothing more apart from duplicating what has already occurred within SAPOL's processes.

That is our objective, so the sort of rhetoric and tone that implies the government is somehow trying to avoid a bit of scrutiny for South Australia Police is simply not true. It is our view that that scrutiny is already in place for men and women in the service of the South Australian police force and therefore there is no added benefit of duplicating the process.

The Hon. A.L. McLACHLAN: I am seeking from the government, prior to the motion being put to a vote, additional information of which the minister appears to have just been delivered. It is critical to allow the Liberal opposition to formulate its view on how it is going to vote in relation to the motion.

The Hon. P. MALINAUSKAS: I understand and appreciate the opposition's position as articulated by the Hon. Mr McLachlan. I am currently referring to the federal Royal Commission into Institutional Responses to Child Sexual Abuse, Working with Children Checks Report. I note that page 79 of the report refers to the exemption that applies to police officers, including Australian Federal Police members. It would be wise for me to put on the record exactly what it says here at point 5:

> Police officers, including Australian Federal Police members, should be exempt. We note that police are already subject to rigorous screening practices in all states and territories, and most jurisdictions already exempt police officers. Further discussion is needed among the state and territory governments as to whether this exemption should be limited to work in an official capacity as a police officer.

It specifically states that police officers, including AFP members, should be exempt on the basis that those police are already subjected to rigorous screening practices.

The Hon. T.A. FRANKS: Does the minister have sympathy for the royal commission recommendation which said that the category of exemption should be limited to their professional work and not, for example, their volunteering and working with children?

The Hon. P. MALINAUSKAS: My advice to the Hon. Ms Franks is that the context of that remark was recommending that states and territories get together to ensure a degree of consistency across the country around what applies. That is indeed why the government has adopted the position that it has. It also goes in part to achieving that consistency, which is in the interests of all.

The Hon. T.A. FRANKS: Outside a COAG process, has the South Australian government decided that it is a blanket approach for all SAPOL officers and AFP, regardless of whether it is an overnight camp with a school, volunteering at a sports club or some other volunteering activity, and that this exemption will apply across the board and not just in the professional lives of these particular members of SAPOL and AFP? Is that the case?

The Hon. P. MALINAUSKAS: That is—

The Hon. T.A. FRANKS: I note that the minister has many times—

The CHAIR: Order!

The Hon. T.A. FRANKS: —claimed an amount of 4,000 which to me says that he is saying that it applies across the board and not to those officers who, outside of their working lives, seek to volunteer to work with children.

The Hon. P. MALINAUSKAS: I am simply stating through you, Mr Chair, that the federal Royal Commission into Institutional Responses to Child Sexual Abuse, in its Working with Children Checks Report recommended that the exemption apply. As I understand it and as I am advised, the recommendation is that the exemption apply to members of the police, including the AFP.

The Hon. T.A. FRANKS: I am simply inviting the minister to read the entirety of the paragraph again and recognise that there were still some decisions to be made as to whether or not that exemption would apply only in the working life of these particular members of the police forces or in their private lives, if you like, and in their volunteering activities.

The CHAIR: Minister, do you have anything more to say?

The Hon. P. MALINAUSKAS: I have nothing further to say.

The Hon. A.L. McLACHLAN: I thank the minister and his advisers, particularly, for their diligence. I know it is not easy bringing material to the chamber at the last minute. Whilst the Liberal opposition has great sympathy for the position articulated by the Hon. Tammy Franks, it has given a very public commitment that it will support the government in the progression of these bills. We will keep a watchful eye on this in relation to these exemptions.

The Liberal opposition, during the course of this debate, has formed the view that, given that there is no heightened risk because of this exemption at this time, and given that the commonwealth report has recommended the exemption be in place, the government has followed, I assume, that advice and has also made its own risk assessment that no child is placed at greater risk because of the exemption, given the nature of police service. On that basis, we will not be supporting this amendment.

The Hon. R.L. BROKENSHIRE: I acknowledge the good work that the Hon. Tammy Franks has done in basically flushing out further for the chamber an issue of concern that I think needed to be very carefully debated. I have now had a chance to read the minister's responses to some of the queries raised during the second reading. With my own knowledge of SAPOL being fairly extensive, and with the minister's further explanations, we will be supporting the government and not supporting the amendment of the Hon. Tammy Franks, notwithstanding that I think she has done a good job in making sure that it has been considered the way it should have been. It is on the record now for future consideration if things change.

The Hon. J.A. DARLEY: I will be supporting the Hon Tammy Franks' amendment because, if the ongoing record of the police is so good, I would have thought it was a simple matter to transport that information into the database that involves everyone else. It would not be too costly at all.

Amendment negatived; clause passed.

Clauses 10 to 43 passed.

Clause 44.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

Page 24, lines 31 and 32 [clause 44(1)]—Delete ', date of birth'

This amendment makes a change to the bill at the request of the Hon. Mr Darley. Clause 44 of the bill gives a parent the right to request certain information from a person who is performing child-related work in relation to that parent's child. Clause 44 reflects a current right, whereby a parent can request that a person provide evidence, for example, a letter from DCSI's Screening Unit, of a screening. Clause 44 allows the parent to request a full name, date of birth and a unique identifier. This information allows them to verify that a working with children check has been undertaken using the records management system.

The Hon. Mr Darley expressed concerns for a person's privacy in handing over this information, as opposed to the current provisions whereby the parent is shown a letter that contains the same information, but the parent can simply view the information, not take it away. This amendment removes the need for the person to provide their date of birth. We have been advised that it will be possible for a parent to check the records management system using a full name and the unique identifier to verify that a working with children check has been undertaken.

Please note, however, that an employer, or organisation engaging a person to volunteer to do child-related work, will still be required to obtain from the person their full name, date of birth, address and unique identifier and to use this information to verify, using the records management system, that the person has had a working with children check. The collection of this information would be part of the usual employment process in any respect. The date of birth needs to be captured in the records management system, as it is a key field in the checking process to match information such as criminal convictions that are continuously monitored.

Amendment carried; clause as amended passed.

Remaining clauses (45 to 53) and title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (12:29): 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 1 November 2016.)

The Hon. J.M.A. LENSINK (12:30): I rise to make a few remarks and raise some questions in relation to the budget bill, which is the companion to the Appropriation Bill, which has already passed. In particular, I would like to focus on the matter of the solid waste levy and the amendments to the legislation, and to the transition to Green Industries SA from what is currently known as Zero Waste SA, and to state that there are some concerns that Zero Waste has a global brand. This was actually the subject of a question that I put to the minister at some point in the current term, that

Zero Waste, being a well recognised global brand, may lose some of that branding in the change to this new title.

I will start with the matter of the solid waste levy. It was anticipated, with some concern, that the solid waste levy would be increased in the budget, and that has come to pass, and there has been quite a bit of concern, particularly from those within local government. The solid waste levy, when the Liberals were last in office, was $4.88 a tonne or $5.09 a tonne; it was to go up to $62 a tonne, but as a result of the budget it will be $76 a tonne, and it is then increasing to $87 in 2017-18, $100 in 2018-19 and $103 in 2019-20, to raise an additional $63.593 million.

I would like to express some of the concerns of, particularly, the local government sector. They were not consulted, yet again, by this government on this increase, and they hold significant concerns that there will be increased incidents of illegal dumping, but also that the funds are not being used for the purposes for which they were originally anticipated. They have provided a position paper, dated July 2016, which I assume they have sent to all members, which states:

> For many years now, the Local Government Association (LGA) has voiced concerns regarding the impost of the waste levy on councils and the community. Coupled with this has been the issue of collected waste levy funds being left unspent in the Waste to Resources Fund.

I have some comments on that particular matter, which I will comment on shortly. It continues:

> While supportive of a waste levy and its use to improve recycling and waste management outcomes, the levy rate is now such that it imposes a huge cost on councils and communities. Since 2001, the waste levy has increased by nearly 1200%.

I emphasise again, 1,200 per cent. Continuing:

> Over the past eight years, councils have paid approximately $94m in waste levy fees. It is projected that councils will pay another $122m over the coming four years. Due to the recently announced waste levy increases, this projected figure is $32m more than what was anticipated. The 1 September increase to a rate of $76 per tonne will see councils face an unbudgeted $3-$4m expense to recover through program and service cuts.

They also go on to refer to the Allen Consulting report done for the state government, which demonstrated that a waste levy rate above around $50 per tonne is an economic cost to the community.

The first matter I wish to raise is to question what new measures the government will be undertaking to deal with the anticipated problem of illegal dumping. I note that funding is being provided to local government. I think that is just a bit of a sop, really, to try to take with one hand and give back with the other. The budget release at the time, under the Treasurer's title, the Hon. Tom Koutsantonis, dated 4 July, states that:

> All extra funding…will be reinvested into waste, environmental and climate change programs including funding initiatives to help recycle waste into more valuable commodities, accelerating new business opportunities in the resource recovery sector and creating up to 350 jobs.

If my calculator works correctly, that is $63.593 million that is anticipated to be raised over four years, and if all that funding is going create up to 350 jobs, that is extraordinary—$181,694 per job. I think we have seen this government's record in relation to the recently failed Gillman exercise and also with the matter of giving preference to overseas corporate promises in the Northern Adelaide Irrigation Scheme for the sake of a headline.

The Treasurer might have had a moment of weakness when he spoke to the Mount Barker *Courier*—that certainly is the only place where I have actually seen it publicly reported—the very excellent, award-winning paper that it is. *The Courier* reported that the Treasurer had actually told the paper that:

> …the waste fund would remain mostly untouched because it would hit the 2016/17 budget too hard.

This is something, I think, that has been well known for some time, but he has finally admitted that the budget is in such a parlous state that this waste levy tax is being used to prop up his budget. He is quoted as saying:

> 'The reason I'm not taking it out is because it will hurt the budget and I need to keep a surplus,' he said. 'I'll gradually take a bit of it down. It will be about $86m I'll leave there.'

I think this somewhat contradicts his media release stating that all extra funding received will be reinvested into these initiatives. So, we have an increase in tax which is allegedly going to increase jobs at a subsidy of taxpayers of $182,000 per job, which may never actually materialise. The government does outline in the budget some of the things that it intends to expend our solid waste levy on. I would like to make some comments in relation to those.

I refer to Budget Paper 5, the Budget Measures Statement. On page 47, under 'Expenditure measures' it states 'Office of Green Industries SA'. In anticipation of minister Hunter getting all cute with me about this, while he could say that my remarks could have been made in relation to the appropriation—and that is true—the budget bill does refer specifically to Green Industries and the levy, so these are directly relevant, and the budget bill expands the purposes for which the levy can be spent to enable some of these initiatives to take place. I will put that on the record in case he tries that one on.

Under Office of Green Industries SA it says that there will be some local government programs, that is, some $13 million or $14 million over four years; waste infrastructure, investment and innovation of a similar amount; and then a scrap metal recyclers' rebate scheme of $1.2 million in 2016-17 and 2017-18. One of my questions relates to that particular item under 'Scrap metal recyclers rebate scheme'. That is not detailed in the budget papers, and I would like some comments from the minister as to what that particular item is.

I think 'Local government programs' is probably reasonably clear. I assume 'Waste Infrastructure, Investment and Innovation' relates to other changes to mass balance reporting and those sorts of matters that we have discussed in the past, but the amendments have not actually come to parliament yet. If the minister could confirm whether that is the case, I would appreciate that. It has this sort of sop to the local government sector.

There is also an item in this same budget paper at page 50 under 'Trade Waste Initiative'. That is not something that has received much publicity. I am told that people who are supporters of green industries are reasonably annoyed at the fact that our levies have been put towards trade waste initiatives which are actually being funded via SA Water. My questions for the minister on this matter are: can he explain what is the Trade Waste Initiative? Is it being managed by Green Industries SA? How much funding to date has been provided to SA Water for this particular program, whether it is under this program or under another program measure? I am surprised that the government has been able to get away with using the solid waste levy via SA Water in such a manner.

We also had the minister tell us on radio, and again it is in the budget figures, that these solid waste levy increases were to assist in the case of disasters, and I note that that is actually in the bill. I think the estimates process is for most people, particularly when you are in opposition, a rather unedifying exercise in that the minister will filibuster and deliberately be rude. That was no different this year, unfortunately.

The question which was put to him then was: what advice the government had received that disaster events are not already covered by the state government's existing programs and insurance policies? I would have thought that SAICORP would cover a lot of that. So, I put that question again to the minister. Perhaps he could try to be more constructive in this instance than he was in estimates in trying to supply us with some information on that. Those are some of the programs that have been referred to.

If I turn now to the contents of the bill, we have at part 13 how Zero Waste SA is to become Green Industries SA. As I said, there have been concerns in the community that lots of branding will lead to a diminution of recognition of that organisation. Clause 110 is where it starts. Clause 116 provides that Green Industries SA may carry out the functions referred to in subsection (1)(d), and under subparagraph (b) it provides:

> (b) indirectly via an agent that funds, administers, represents or otherwise supports other businesses in carrying out those activities.

My question for the minister is: what specifically does that clause anticipate? Further, at clause 117(2)(c), can the minister please explain what that particular clause relates to, where it says:

may make use of information obtained by the Environment Protection Authority in the administration or enforcement of the Environment Protection Act 1993…

and so forth? Part 3 raises the matter of the green industry fund, which is to be the new name of the Waste to Resources Fund. There has been some discussion on talkback radio, through estimates and also in this parliament, that the minister has seen fit to expand the purposes, I think to give him a fair bit of leeway, in relation to a whole lot of programs that should have been funded by other means.

In relation to 128(2)(b)(i), the amendment of what is to be known as the green industry fund, it provides, 'towards the payment of costs of climate change initiatives, including research and development'. When the former member for Ramsay (Hon. Mike Rann) was premier, he had quite a unit within his section to deal with climate change.

I note that for people who might happen to live anywhere in South Australia, whether it is at Port Pirie, Christie Downs, in the Riverland, or anywhere in suburbia, their solid waste levy is going to be supporting climate change efforts. I do not think that is necessarily what people would have anticipated, and the government, in its wisdom, has seen fit to limit this to the CBD. I think the minister at the time said in estimates, 'Well, you can't put a ring fence around climate change.' He undermined his own argument because limiting it to programs that are within the CBD certainly limits its application to areas that may well benefit from it. Section (ii) states:

towards the payment of costs of managing waste or debris, or harm to the environment, following an identified major incident, a major emergency or a disaster…

I think this is almost like the emergency services levy, whereby every time we see some sort of incident or event take place, the government is going to seek to raid this fund rather than fund things out of general revenue or SAICORP, as per my previous question. A number of items ought to be covered generally by government from other means, but perhaps the minister can attempt to respond to that. The clause beneath that, new clause (5a) provides:

(5a) Without limiting the form that payment of amounts from the Fund may take for the purposes of subsection (5), such payments may take the form of—

(a) a grant of an amount to a person or body;—

I think we are familiar with those—

or

(b) with the approval of the Treasurer—

(i) forming, or acquiring, holding, dealing with or disposing of, shares, units in a unit trust, interests in such shares or units or other interests in or securities issued by, bodies corporate; or

(ii) entering into a partnership, joint venture or other profit sharing agreement.

I would appreciate if the minister would expand on that to explain what he anticipates those particular things might entail. I would just like to finish in relation to this particular bill by placing on the record the way in which environmental levies now fund the environment portfolio. This of course relates to NRM as well as the Zero Waste levies. I have a spreadsheet that I have kept for several years.

In 2008-09, the appropriation from Treasury was for all the agencies, so this goes to the old DEH, the old department of water, land and biodiversity conservation, NRM funding, EPA funding and Zero Waste SA funding. In that year, 2008-09, the funding from Treasury was $258.3 million, and there were some FTEs for all of those agencies of somewhere over 2,000 people.

The funding from Treasury has slipped progressively over the years. In 2012-13, it dropped from $258 million to $188 million, and has continued to slide. Again, there was a big drop in 2014-15 to $107.478 million (and these are the government's own budget figures), and in 2016-17 that has now dropped to $75.6 million (the amount provided by Treasury).

All the rest of it comes from the solid waste levy or NRM funding, which I think is quite extraordinary and is not something that has been highlighted much in the media. I think it is acknowledged that the environment portfolio has had some very big cuts, and I outlined, several

budgets ago, the funding those agencies had undergone. The FTE count for DEWNR (as it is called), NRM, EPA and Zero Waste SA is well under 2,000 FTEs now.

I think the environment has become a taxation agent for this government in particular. I find it rather extraordinary that the minister can come in here and have any sense of proportion about his government's contribution to the environment, and we will continue to monitor those impacts that are taking place, particularly through the solid waste levy, which is now the green levy and which will continue, clearly, to provide more funding for this government to prop up its budget line. With those comments, I conclude my remarks.

The Hon. J.A. DARLEY (12:52): I rise to speak on the budget bill. This bill aims to make a number of amendments to several acts to accommodate budgetary changes. The bill will change the Education Act so that dependents of 457 visa holders will be classed as full fee-paying students and will be subject to the associated charges. I understand that the fees for the 2017 school year for these students will be $5,100 for a primary school student and $6,100 for a high school student. This brings South Australia into line with most other states and territories, which also charge dependents of 457 visa holders school fees. The fees change from $4,000 per family in Western Australia to about $7,000 for a high school student in the ACT.

The bill also introduces a point-to-point transport service transaction levy of $1. I understand that moneys raised from this levy will go to a fund where owners and drivers of licensed taxis will be able to make application for compensation. This levy is, of course, in reaction to companies such as Uber and GoGet coming into the market and creating competition for traditional taxi owners and drivers. I am sympathetic to taxi owners and drivers who have made significant investments into a taxi licence, only for this market to be stripped away seemingly overnight.

I understand that the government has been trying to negotiate with both sides on this issue, and this compensation fund was deemed to be the middle ground. The taxi industry will face further changes due to the proposal to cap surcharges for non-cash payments at 5 per cent. Given the increasing move to a cashless society, I welcome this move.

Zero Waste SA will change to Green Industries SA under this bill. I find it very ironic that a department which aims to reduce waste will create waste for the sake of changing the name. I do not disagree with the new aims of Green Industries SA but believe they could have been introduced under the Zero Waste SA branding and do not understand the need to change. With any departmental change, there is sure to be wastage in the form of stationery, business cards, promotional material, etc., and I would be grateful if the minister could advise how much is expected to be spent on rebranding and how much the budget is for the new Green Industries SA materials.

I support the provision that allows taxpayers who ask for a review of an account to pay only 50 per cent of the outstanding amount until such time as the appeal is finalised. I know a number of organisations that my office has worked with will place an account on hold whilst a review is being undertaken, and I thank these organisations for their cooperation. I understand this is beyond what is required by the law and thank those organisations for using their common sense and discretion on these matters.

The bill provides the ability for the Registrar-General to more broadly delegate administration of the act to everyone, not just public servants. I understand this is necessary as investigations are currently being undertaken to commercialise part of the Land Services group. I am concerned that so much time and effort is being put into this project when the potential financial benefit has not been calculated, yet, from my experience, the services offered by the Land Services group have been functioning well. I cannot understand why the prospect of changing the operation and administration is being entertained without investigating whether this will benefit taxpayers.

I understand that the impetus for this is partly due to the success of a similar scheme in parts of Canada, but I am concerned that this current proposal includes not only the Lands Titles Office but also the State Valuation Office. I have been advised that valuations will be outsourced and then provided back to the Valuer-General, who will approve and distribute them to rating and taxing authorities. I understand that the outsourcing in Canada does not include valuation services, only services provided by the Lands Titles Office. This move seems nonsensical to me and, again, I cannot understand why this is being entertained before any benefit to the taxpayer is shown.

Concessions for stamp duty on off-the-plan apartment purchases will be extended by a year. Initially, this concession was only available for off-the-plan properties within the inner metropolitan Adelaide area; however, this requirement will now be removed. Given the struggling economy, I welcome this and would like the Treasurer to consider further extending the stamp duty exemption for any house and land package purchased by a first home buyer or extending the exemption to any off-the-plan purchase, rather than restricting the exemption to apartments only.

I make this argument on two grounds. First of all, the market for apartments is depressed, especially when it comes to resale, and 168 apartments have been resold since 2011 in the Adelaide City Council area. Of these, 47 apartments, or 28 per cent of total apartments, sold for less than they were purchased for. Five apartments, or 3 per cent of total apartments, sold for the same amount for which they were bought, but would have lost money on the transaction due to other property transfer costs.

The second reason is that providing additional exemptions will result in boosting employment and the South Australian economy through the building sector, especially as stamp duty is one of the highest, if not the highest, of purchasing a property. Whilst the bill does not specifically speak of the first home buyer's grant, a matter has been brought to my attention recently with regard to eligibility. A constituent contacted me with concerns that people who migrate from other countries and take up residency in Australia are eligible for the first home buyer's grant, notwithstanding their financial status overseas.

The example provided to me concerned British expats who often owned a property or multiple properties in the UK and in Europe but who migrate to Australia in retirement. If these individuals are building a home, they are entitled to a $15,000 first home buyer's grant. I am sure the intent of the grant is not to target people such as these and I would be interested to hear from the minister as to whether RevenueSA has any statistics on how many grants have been given to people in these circumstances.

Exemptions for land tax will be extended for land owned by sporting and racing associations. I understand this is to address situations where a sporting or racing association may own a clubroom and there has been ambiguity as to whether these properties are entitled to the exemption that currently exists in section 5 of the Land Tax Act.

Principal place of residence exemptions will also be extended to people who own or buy a property with the view of renovating before moving in. Currently, there is an exemption for one year but this will be extended to two. The bill also allows a similar exemption for people who purchase a property but who do not move in, as they intend to renovate. I have filed amendments to this bill in relation to land tax exemptions and gambling taxes and look forward to the debate on these during the committee stage.

Finally, the bill aims to introduce a 15 per cent place of origin betting operations tax. It is estimated to raise $10 million in the first year by taxing the net wagering revenue received from persons located in South Australia. The government has committed to contributing an additional $500,000 to the Gamblers Rehabilitation Fund from this tax revenue in the first year. I commend the government of this move, although it will come as no surprise that I would like a larger contribution.

In the 2013-14 financial year, the government received $402 million from gambling taxes. In the same year, the Gamblers Rehabilitation Fund received $6.005 million, which is only 1.5 per cent of the total taxation revenue. The $6.005 million contribution to the Gamblers Rehabilitation Fund comprised contributions from the government, the Australian Hotels Association, the Casino and the leisure sectors.

The government's contribution to the Gamblers Rehabilitation Fund was only $3.845 million, which is not even 1 per cent of the total gambling revenue it received that year. Despite gambling taxes comprising almost 10 per cent of total tax revenue that year, the government gave less than 0.1 per cent of this revenue to the Gamblers Rehabilitation Fund. For the government to continue to profess that it is concerned about problem gamblers is, quite frankly, a joke. I welcome the proposed 5 per cent contribution to the GRF from the betting operations tax, but the government should contribute an equal amount from total gambling revenue.

In researching this, I could not find any information on the manner in which contributions to the Gamblers Rehabilitation Fund are calculated. I could not find any information on how it was determined who would pay what and on what basis this was decided, and I would like further information on this from the minister. How was it determined that $500,000 would be an appropriate amount to give to the GRF from the betting operations tax? What was the basis for that? How does it compare with other moneys that the government contributes to the GRF and how were those amounts determined? With that, I support the second reading of the bill.

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

Sitting suspended from 13:04 to 14:20.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports 2015-16—
Protective Security Act 2007
Witness Protection Act 1996
Board of the Australian Crime Commission—Report, 2014-15

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.T. NGO (14:20): I bring up the report of the Environment, Resources and Development Committee 2015-16.

Report received.

Ministerial Statement

EUROPE DEFENCE MISSION

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I table a copy of a ministerial statement made by my very good friend in another place, the Hon. Martin Hamilton-Smith, Minister for Defence Industries, on the topic of Europe Defence Mission.

Members interjecting:

The PRESIDENT: Order!

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

GILLMAN LAND SALE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): My question is to the Minister for Employment. Given the prediction by the Premier that the oil and gas hub development at Gillman would produce 6,000 jobs and inject millions into the South Australian economy, can the minister advise how many jobs have currently been created by the government's Gillman land deal?

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) (14:22): I thank the honourable member for his question and the opportunity to talk about some of the very good work this government is doing in employment, which stands in stark contrast—

Members interjecting:

The PRESIDENT: Order! Just relax a little bit. The minister has been asked a question. He now wants to answer it. Let him answer it. Minister.

The Hon. K.J. MAHER: Thank you, Mr President. As I was saying, it stands in stark contrast to what the opposition is serving up. They have not a single idea, and those thought bubbles they do have—I notice the Hon. Rob Lucas, with great irony, hipster sort of irony, holds up his 2036 document and I can just sense him saying, 'Can you please cost it for us? We've got some thought bubbles. We've got no idea what their effect will be, no idea what their cost will be. Can you cost it for us?', as the Hon. Michelle Lensink pleaded with the government yesterday to cost her policies.

An example of what we are doing in job creation is the Tonsley precinct, which a couple of weeks ago ticked over 1,000 people now permanently working there. Between the education sector, there are 70-odd start-ups and permanent companies that now have 1,000 people working there. When Mitsubishi finished manufacturing cars there there were approximately 800 people, so there are now more people working permanently at the Tonsley site than when Mitsubishi was last there.

The Hon. D.W. Ridgway: What about Gillman?

The Hon. K.J. MAHER: It is an outstanding result and stands as testament to the foresight—in relation to the project that the honourable member refers to, as we know, the proponent failed to meet their obligations and didn't proceed with it.

APY EXECUTIVE

The Hon. T.J. STEPHENS (14:24): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister advise whether a minority of members on the APY Executive, including the chairman, have attempted on numerous occasions to deny a quorum for meetings in an attempt to disrupt the ability of the executive to do its work? Will the minister advise whether the general manager is refusing to implement a number of resolutions as passed by the APY Executive?

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) (14:25): I thank the honourable member for his question and his ongoing interest in this matter. I don't propose to involve myself on a day-to-day basis in the internal politics of the APY and, for that matter, other Aboriginal organisations. In terms of any particular recommendations, I am happy to take that question on notice and seek a response from APY in relation to that.

APY EXECUTIVE

The Hon. T.J. STEPHENS (14:25): Supplementary question: minister, it is obvious that this group is dysfunctional. Is your department doing anything to address the situation to ensure that the APY Executive is functioning effectively?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): I thank the honourable member for his question. Certainly, my department has support officers who are regularly on the APY lands assisting the APY administration with the carrying out of their functions. Again, I am happy to go not just to the APY itself, but also to those people in my department who assist APY, and bring back an answer for the honourable member.

APY EXECUTIVE

The Hon. S.G. WADE (14:26): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister advise whether two senior officers of the APY are currently subject to workplace bullying complaints to Fair Work Australia by a senior member of the APY Executive?

An honourable member interjecting:

The Hon. S.G. WADE: My understanding is that one is a manager and one is member of the executive.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): I am not aware of that, but I am happy to take that question on notice and seek an answer from the independent APY. Again, it is a statutory body established under legislation. I don't involve myself in the day-to-day politics or management, but I am more than happy to take that question on notice for the honourable member and bring back a reply.

APY EXECUTIVE

The Hon. T.J. STEPHENS (14:27): Supplementary: will the minister now concede that the APY Executive has become so dysfunctional that he should exercise the power given to him by this parliament—and rushed through this parliament—to sack the executive and install the administrator to return effective operations to the body and look after the people who are suffering on the APY lands?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:27): I thank the honourable member for his question. Again, there is often a misapprehension about what the APY Executive is responsible for. They are a land management body. Many functions such as health, education, policing are not the providence of the APY Executive. I am, as I have said, happy to take the question on notice, seek some advice and bring back a reply for the honourable member.

Members interjecting:

The PRESIDENT: Order!

ABORIGINAL TOURISM

The Hon. T.T. NGO (14:28): I also have a question for the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the chamber about successful Aboriginal tourism ventures in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:28): I thank the honourable member for his question and his ongoing interest in this area. Frankly, there are many great tourism operations in South Australia, and it wasn't much of a surprise when the travel publication *Lonely Planet* recently listed South Australia in their top five must-see regions for 2017—the only Australian location to be mentioned.

This state has some truly diverse and exciting tourism offerings, whether it is visiting Kangaroo Island, enjoying one of our many world-class wine regions, whale watching at the Head of Bight or taking in the Flinders Ranges. In my role as Minister for Aboriginal Affairs and Reconciliation, I am often asked what cultural tourism activities are available in South Australia. Although there are a number of Aboriginal organisations, businesses and people offering unique cultural tourism activities, such as Point Pearce, Scotdesco and Camp Coorong, there is one operation I have had the privilege of visiting a number of times, which has just celebrated a major milestone.

I am talking about Iga Warta which means 'the place of the native orange tree' in the language of the Adnyamathanha people, the traditional owners of the area. I was fortunate enough a couple of weeks ago to be able to take part in their 20th anniversary celebrations—a great achievement for Iga Warta and the organisation. I think it was 12 or 13 years ago when I first visited Iga Warta with then Aboriginal affairs minister, the late Terry Roberts, and I have heard many people say that returning to Iga Warta feels a little bit like coming back home. That is certainly the feeling that is impressed upon me whenever I go back to visit.

Sometimes there can be tension between keeping Aboriginal culture strong and the need for economic development, but I think what Iga Warta have been able to achieve for two decades now shows that you can do both at the same time. One of Iga Warta's strengths is on display as soon as you arrive in the form of a sign which states: Adnyamathanha Culture…with Adnyamathanha People…on Adnyamathanha land.

Iga Warta is a business run entirely by Aboriginal people, predominantly the children of Clem and Lena Coulthard who decided 20 years ago to return home to their country to set up a tourism operation. Iga Warta is a place that allows visitors to immerse themselves in the oldest living culture in the world. There are many rich experiences that tourists can experience there such as cooking traditional bush tucker, learning about Adnyamathanha culture through music and visiting sites with art dating back many thousands of years.

Twenty years ago there wasn't a single structure, now there are cabins, bunkhouses, safari tents and even a pool. The Iga Warta vision is never complete, and every time I visit there is something new, someone is working away to add value to this tourist operation. Iga Warta's success is the result of two decades of extremely hard work and passion by the Coulthard family, and I pay tribute to their resilience and determination. I encourage anybody who has not been there to spend the time to visit Iga Warta, to enjoy and learn from this tourism experience.

ABORIGINAL TOURISM

The Hon. J.S.L. DAWKINS (14:31): A supplementary, sir: having just been in the northern Flinders, driving through the currently dormant Mount Serle Station, will the minister indicate if it is accurate that the Iga Warta organisation is about to take over the operations of that station?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:32): I thank the honourable member for his question. I will go back to check for sure, but I think that over years gone by Adnyamathanha have had interest in or at least involvement with Mount Serle Station. Of the current status, I am happy to take that question on notice to check for the honourable member.

YATALA LABOUR PRISON INCIDENT

The Hon. T.A. FRANKS (14:32): I seek leave to make a brief explanation before addressing a question to the Minister for Correctional Services on the recent death in custody of Mr Wayne 'Fella' Morrison in Yatala Labour Prison and the RAH.

Leave granted.

The Hon. T.A. FRANKS: The minister recently informed this place that he was open to offers from the family of Mr Wayne 'Fella' Morrison to meet with them. I understand from Latoya Rule and my meeting with her that the family has made that meeting with the minister conditional on the release of CCTV footage from the time of the incident or two incidents. Can the minister confirm whether this is indeed the case, and can the minister confirm whether he will be meeting with Mr Morrison's family and releasing that CCTV footage to them?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:33): I thank the Hon. Ms Franks for her question. I can advise the chamber that on multiple occasions my office has made attempts to get in contact with the family of the deceased through a desire to be able to meet with them and hear their concerns that they may have or indeed to answer any questions they may have regarding the process following Mr Morrison's passing.

I am able to confirm that I have received a request from a member of the deceased's family for access to CCTV footage that may exist. I am not in a position to be able to provide details regarding that CCTV footage because, of course, it is subject to an ongoing and active investigation by the South Australian police force, more specifically an investigation that is being conducted by Major Crime of SAPOL, and naturally my office is not privy to particular CCTV footage that is subject to a police investigation.

Since receiving the most recent contact from the deceased's family, my office has been proactively trying to arrange a meeting. I am very keen to meet with the deceased's family should they want to, and I am actively trying to arrange it, as discussed. In fact, very soon after the passing of Mr Morrison, my office had been making it clear, through Mr Morrison's family's legal representatives (the Aboriginal Legal Rights Movement) that I am very keen to meet the family, but as yet they have not taken my office up on that offer. They have recently re-established contact.

Again, I have made it very clear that I am happy to meet with them and make it a priority to ensure that we can find a time that is mutually convenient.

Regarding questions of evidence that may or may not be relevant in an ongoing active police investigation, that clearly goes beyond my remit. As I said, SAPOL are conducting an investigation. They are also in the process of preparing a report for the Coroner. In due course, I would hope that through that process, information that is able to become publicly available does so because I suspect that process would be revealing, which is of course what we want. I have been keen from the outset for nothing more than utter transparency to take place here. Naturally, due process has to take its course, and when there is a police investigation underway, I for one have no intention of seeking to intervene or do anything that would prejudice that important investigation in any way.

YATALA LABOUR PRISON INCIDENT

The Hon. T.A. FRANKS (14:36): Can the minister confirm that the family's request to receive that CCTV footage has been formally denied?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): No, I can't.

NORTHERN ADELAIDE FOOD PARK

The Hon. R.I. LUCAS (14:36): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the subject of the Northern Economic Plan.

Leave granted.

The Hon. R.I. LUCAS: In October last year, the government first announced commitments to initiatives in the northern suburbs, including $2 million for the Food Park. In January of this year, the government announced additional funding, including additional funding of $7 million for the Food Park. At that time, minister Maher, the Premier and others promised the delivery of 15,000 new jobs from the Northern Economic Plan, part of which was going to be generated by the Food Park. My questions are:

1. Now, more than 12 months after the initial announcement and about 10 or 11 months after the second announcement in January of this year, can the minister confirm that no jobs have yet been created in the Food Park?

2. Can the minister confirm that no company has yet committed to move into the Food Park?

3. Can the minister indicate when he believes the first jobs will be created from the $9 million investment in the Food Park?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:38): I thank the honourable member for his question and his interest in things to do with the Northern Economic Plan. The progress and implementation of the Food Park, as I guess the honourable member knows from his Budget and Finance Committee deliberations, rests with the Minister for Agriculture, Food and Fisheries. Very specific things about companies that are looking or moving into the Food Park, I am happy to take on notice.

Members interjecting:

The Hon. K.J. MAHER: I do understand they have been out of government a very, very long time. I think the Hon. Rob Lucas is the only member of the opposition in either house in the shadow ministry that has any experience whatsoever serving in government, if you don't count my good friend the Hon. Martin Hamilton-Smith—he had some time serving in government. Even the Hon. Rob Lucas has forgotten how government works, and how ministers are responsible for certain areas. I will certainly—

Members interjecting:

The Hon. K.J. MAHER: I will certainly take that on notice and find out exactly where the Food Park is up to with the responsible minister, but he does raise a good point about the thousands and thousands of jobs that have been—

Members interjecting:

The PRESIDENT: Order! There is no debate here. There is no debate; somebody has asked a question and the minister wants to answer it. Answer the question, minister.

The Hon. K.J. MAHER: The Hon. Rob Lucas does make a good point about the thousands and thousands of jobs that are being created in the north through projects like the Northern Connector, through the future naval defence shipbuilding that happened partly as a result of the fantastic work of people like the Hon. Martin Hamilton-Smith and the Premier of South Australia and the incessant pressure they put on the federal Liberal government who, make no mistake, were committed to having these ships built offshore wholly in Japan until the campaign forced them to do otherwise.

RENEWABLE ENERGY AND CLEAN TECHNOLOGY

The Hon. J.M. GAZZOLA (14:40): My question is to the Minister for Climate Change. Will the minister inform the chamber about how South Australia is positioned to take—

Members interjecting:

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

The Hon. J.M. GAZZOLA: Will the minister inform the chamber about how—

The Hon. D.W. Ridgway interjecting:

The Hon. J.M. GAZZOLA: Did you say something?

The PRESIDENT: No, you are being rudely interjected by the Leader of the Opposition, so could you please ask your question?

The Hon. J.M. GAZZOLA: Will the minister inform the chamber about how South Australia is positioned to take advantage of the global transition to renewable energy and clean technology?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I thank the honourable member for his most important question. Last week the Conservation Council and the ACTU released the Jobs in a Clean Energy Future report. The report found that cutting carbon emissions in line with the Paris climate goals could generate more than one million extra jobs by 2040. It showed that, for our state, this would mean an additional 68,000 jobs. The report, based on modelling by the National Institute of Economic and Industry Research, demonstrates how the right set of carbon reduction policies—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Will the leader of the government please allow your colleague and fellow minister to complete his answer?

The Hon. I.K. HUNTER: The report, based on modelling by the National Institute of Economic Industry Research, demonstrates how the right set of carbon reduction policies would generate far more jobs than were lost in an economy. A landmark report by Ernst & Young and the Climate Council echoes these findings, I am advised. It found that a 50 per cent renewable energy target across Australia by 2030 will create almost 50 per cent more jobs in the sector than the current trajectory, or around 28,000 jobs nationally. Ernst & Young's state-of-the-art modelling finds that around 3,600 jobs will be created in our state from Australia adopting a 50 per cent renewable energy target by 2030 and that:

> On a per capita basis, South Australia is likely to experience the greatest net growth in jobs…around four times the number of jobs per capita compared to Victoria.

This is quite an exciting opportunity for our state. We have already seen $7.1 billion invested in renewable energy projects. More than 40 per cent, or some $2.94 billion of this investment has been

in regional South Australia, and globally there is a race on for renewable energy investment. This is an industry that employs almost eight million people around the world, I am advised, and is rapidly expanding. In 2015, $329 billion was invested globally in renewable energy. It was a record year for renewables last year.

In 2015, according to the International Energy Agency, renewables overtook coal-fired power generation and, for the first time, there was more renewable energy capacity added than any other source. Honourable members might do well to reflect on the following quote from the *Financial Times* reporting on these IEA findings:

> About 500,000 solar panels were installed every day last year as a record-shattering surge in green electricity saw renewables overtake coal as the world's largest source of installed power capacity. Two wind turbines went up every hour in countries such as China, according to the International Energy Agency officials, who have sharply upgraded their forecasts of how fast renewable energy sources will keep growing. 'We are witnessing a transformation of global power markets led by renewables,' said Fatih Birol, Executive Director of the Global Energy Advisory Agency. Part of the growth was caused by falls in the cost of solar and onshore wind power that Mr Birol said would have been unthinkable only five years ago.
>
> Average global generation costs for new onshore wind farms fell by an estimated 30 per cent between 2010 and 2015, while those for big solar panel plants fell by an even steeper two thirds, an IEA report published on Tuesday showed. The Paris-based agency thinks costs are likely to fall even further over the next five years, by 15 per cent on average for wind and by a quarter for solar power. It said an unprecedented 153 gigawatts of green electricity was installed last year, mostly wind and solar projects, which was more than the total power capacity of Canada. This was also more than the amount of conventional fossil fuel or nuclear power added in 2015, leading renewables to surpass coal's cumulative share of global power capacity, though not electricity generation.

You would think that those occupying the opposition benches would be doing a lot more to show support for an industry that is delivering jobs, investment and opportunity, particularly in regional South Australia, but that is perhaps too much to expect of them.

Yet, we have seen renewal energy embraced by both businesses and households. I recently spoke in this place about Yalumba, the iconic South Australian winery, installing a 1.4 megawatt solar system, the largest solar system installed in any winery in the country, for a short time at least. We also got it at Adelaide Airport, with a solar PV system totalling 1.28 megawatts. This includes 1.17 megawatts of solar PV on the rooftop of the short-term car park, which offsets the entire electricity consumption of the car park, making it Australia's largest solar car park, I am advised. Nearly one in three homes in SA have rooftop solar and we are installing solar panels on hundreds of Housing SA properties.

The rest of the world is looking to South Australia. They are seeing that a subnational government can be bold and put bold and ambitious climate change policies in place and create long-term jobs and investment opportunities. We have just down the road today 350 delegates at the Convention Centre coming directly to South Australia to see what we have been doing in terms of renewables and the three Rs. This is a UN Asia-Pacific convention—the first time this body has ever met outside a national capital, just down the road here, and they have come to Adelaide—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! Minister.

The Hon. I.K. HUNTER: They have come to Adelaide because of our reputation and our leadership in these sectors. Our policy framework runs in stark contrast to the inconsistency shown by the federal government, which placed the entire renewable sector in limbo by first trying to remove the national RET altogether, before then opting for a significant cut.

The response from industry was swift, of course. Investment in the renewable industry sector fell about 90 per cent, I am advised, due to the uncertainty created by the Abbott/Turnbull government, soon to be the Abbott government again. We have the same uncertainty created here from those opposite and from the Leader of the Opposition, Steven Marshall, member for Dunstan. While South Australians were standing together in the face of the extreme weather events last month,

we had these images of the Leader of the Opposition, Steven Marshall, member for Dunstan, on talkback radio and TV whining about renewable energy.

In a rare foray into public policy, Steven Marshall, Leader of the Opposition, member for Dunstan, attacked an industry that directly and indirectly employs thousands of South Australians. It was a chance for the Leader of the Opposition in the other place to stand up for South Australia when his federal colleagues were attacking our jobs, our industry and our investment. Instead of standing up for his state, instead of standing up for South Australia, he jumped on the bandwagon full of climate change deniers. It would be nice, for once, if the Leader of the Opposition—before the Hon. Mr Ridgway and the Hon. Mr Lucas and others relegate him to the back bench—took this opportunity to stand up for South Australia.

Renewable energy generation should not ever have been a political issue. Former Liberal leader, John Hewson, recently said that we must move beyond the short-term politics, learn the lessons of the South Australian crisis—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —initiate a redesign—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —of the National Electricity Market and, very importantly—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: —agree on a national renewable energy target by 2030 that is consistent with our Paris commitments, those commitments that the federal government signed up to in Paris last December.

There is an opportunity to support a transition to clean energy, whilst creating local jobs for the South Australian community, creating the economic opportunities right here in South Australia that all the members of this place should be backing. I implore the opposition to put aside partisan politics and get on board with the renewable industries of the future that will create jobs in South Australia for South Australians.

DRUG DRIVING

The PRESIDENT: The Hon. Mr Hood.

Members interjecting:

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

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD (14:49): I seek leave to make a brief explanation before asking the Minister for Police a question about drug driving, particularly in school areas.

Leave granted.

The Hon. D.G.E. HOOD: SAPOL's recently released figures, which revealed that more than 50 motorists, including parents and carers with child-aged passengers in their cars, have been caught driving with drugs or excessive alcohol in their system near schools. It was revealed that drug driving overwhelmingly accounted for the majority of cases with one in 18 drivers tested returning a positive result to methamphetamine or cannabis. In contrast, only one in 651 tested for alcohol returned a blood alcohol reading above the limit. My questions for the minister are:

1. How often does SAPOL conduct operations to target drug driving, particularly in school areas?

2. Was the operation recently conducted throughout September a response to the rise in reports of dangerous driving in school zones and/or statistics which show increased drug driving throughout the state or for another reason?

3. Can the minister provide any further reports or statistics or reveal any further SAPOL initiatives in relation to drug driving, whether near schools or not?

4. Will the government support an increase in penalties for drug driving in school zones and drug driving in general in addition to what currently exists?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): I thank the Hon. Mr Hood for his questions. I will start with the first part of his questions regarding SAPOL's activities. I cannot speak with any authority on some of the reasons behind SAPOL's specific operations that are conducted from time to time in this area. What I will say, though, is that I share Mr Hood's concern and, indeed, that of the community at large, at the prospect of people driving under the influence of drugs or alcohol in any environment, let alone in an area where children are present, crossing roads and getting picked up by mums and dads, and the like.

It is extremely concerning that on more than one occasion now, SAPOL has conducted operations testing for drug driving in and around school zones and have picked up people driving under the influence of methamphetamine or cannabis in those particular areas. It is just as concerning that often the perpetrators of these crimes are indeed parents themselves dropping their own children off to school, which represents an even more substantial risk in terms of, obviously, having children in the actual car where a person is under the influence.

Approximately 24 per cent of road deaths that occurred last year—24 per cent of those people who died on the roads last year had a form of drug in their system, whether that be methamphetamine or cannabis. That is an astonishing statistic that almost a quarter of all people who died on our roads last year had some form of drug in their system. I think that alarming number makes it clear that there are lots of people who are not getting the message and, as a direct consequence of their behaviour, are losing their own lives, and while they are at it, putting the lives of other road users, who are utterly innocent, at risk.

I have said on one more occasion, and this goes to the second part of Mr Hood's question, that I do think there is reason to review the penalty regime that is in place in respect to drug driving laws. I can now say that this is something that I suspect the cabinet will consider in due course, and we are always looking at ways in which we can improve our legislative framework in and around driving penalties to see if we can make sure that the South Australian public are well aware that it is unsatisfactory, indeed unacceptable, for people to be driving on our roads under the influence in such a way that not only, as I said, jeopardises their own lives, but also the lives of others, and that is particularly true in and around environments where children are regularly using roads.

We have lower speed limits in place around school zones not just for appearances, but because it dramatically reduces the risk of a child who does inadvertently escape the supervision of their parent and bolts out and crosses the road, because speed contributes to risk. No differently would drugs and alcohol in such an environment heighten the risk of a child getting hurt in the event that they were to, like I said, run across the road as a result of temporarily leaving the supervision of a parent or a teacher. So, this is of concern, it is an issue that is being looked at, and I look forward to, in due course, being able to report back to this place and the Hon. Mr Hood the outcome of that ongoing piece of work. I might add that I hope that that will be done before the end of the year.

DRUG DRIVING

The Hon. T.J. STEPHENS (14:54): I have a supplementary question. Can the minister explain to the chamber the process of testing for drug driving? There was a time when a specific unit had to be available. Has that changed or have we increased the number of drug-testing units?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): That is a good question and I will attempt to answer it from memory. I think I can do it with a degree of confidence because

it is something I have discussed on more than one occasion with members of SAPOL. However, I will qualify that I am making these remarks from memory and acting on advice.

I am advised that there is a clear distinction in terms of process between drug driving and drink-driving. The breathalyser test that occurs for drink-driving can detect the presence of alcohol in such a way that demonstrates that it has an inhibiting effect on someone's capacity to make decisions in the course of driving. That is distinct from what happens in the case with drugs. Drug tests do not test the level: they test the presence. There is a fundamental distinction.

The technology put in place for drug driving is evolving and it is something that I have asked SAPOL to keep abreast of because, if SAPOL has recommendations about what we can invest in to improve drug-driving tests, that is something that the government is very keen to know about. The process as it stands now, as I understand it, is that a person is pulled over and takes an oral test at the roadside. If that oral test delivers a positive result, then that is double-checked through another analysis that is done through a completely different machine that can be had roadside within a unit or in a drug-driving testing vehicle or facility. That is a secondary test.

Should that test confirm the positive result, that then necessitates a third part of the process, which is an actual blood test, as I understand it. There are three separate tests along the way to confirm a positive result, which is far different to what occurs with drink-driving. That is the process as I understand it currently, but I have asked SAPOL to keep abreast of any technological developments that occur anywhere around the world that might change that process or increase the level or accuracy or, indeed, allow us to test for the level of drugs in the system as distinct from just the mere presence.

DRUG DRIVING

The Hon. T.J. STEPHENS (14:57): Can the minister confirm: does that mean that each patrol car has the ability, if they pull someone over, to conduct the oral test as a first step or do they still have to have a specific drug-testing unit before they can test for drugs in drivers?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): I will have to take that question on notice, as to whether or not every patrol vehicle has that initial oral test. I am not completely certain about that but I am more than happy to take that on notice and come back to the honourable member.

PRISONER MAIL SCREENING

The Hon. J.S. LEE (14:58): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question.

Leave granted.

The Hon. J.S. LEE: As reported in an article on page 5 of *The Advertiser* yesterday, can the minister explain how a letter was able to be sent by a convicted paedophile, Mark Trevor Marshall, from gaol to the mother of one of his victims?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): I thank the honourable member for her question because I have to say that I was rather disappointed on learning about the particular letter that the honourable member refers to. I can advise that the Department for Correctional Services conducts both targeted and random screening of prisoner mail in an effort to protect victims and intercept criminal behaviour and gather intelligence.

In relation to the particular prisoner in question, I am advised that all outgoing mail was flagged for checking by the department's Ethics, Intelligence and Investigations Unit. It appears that, in this particular instance, a third party may have been involved by forwarding the letter to the victim, making it particularly difficult to detect even with flags in place. The Department for Correctional Services is looking at ways to strengthen its systems to provide greater protection to victims of crime.

I understand that the prisoner in question has a scheduled court appearance and, as such, I am limited in any further comment I can make. What I would say is that, if indeed my advice is correct

and a third person has been involved in forwarding the letter to the victim, obviously that is a very different proposition and far more difficult to police.

PRISONER MAIL SCREENING

The Hon. J.S. LEE (15:00): I have a supplementary question for the minister. When will the department's investigation be completed and will the investigation report be made public?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): I will have to take that on notice. I am not necessarily advised of any specific investigation at this stage. What I would say is that already the department has been undertaking a piece of work to establish what has happened in this particular instance and has established, as far as I am advised, that it may have been the case that a third party was involved in the forwarding or transmission of this particular letter.

PRISONER MAIL SCREENING

The Hon. S.G. WADE (15:01): I have a supplementary question. Can the minister advise the nature of the third party? Was the third party another prisoner or a visitor to the prison? Might they have committed an offence under any relevant legislation?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I haven't received any advice that would specifically answer the Hon. Mr Wade's question but, again, I am happy to go back and seek that information from the department.

PRISONER MAIL SCREENING

The Hon. K.L. VINCENT (15:01): I have a supplementary question. Pending investigation, would the normal process be the potential loss of any privileges and rights relating to being able to send further mail? Is the prisoner likely to lose any privileges in that regard?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): It is always an option available to Corrections that, if the good order of the facility has been compromised, it is within the purview of Corrections staff to change the prisoner's routine or indeed separate the prisoner. One of the most severe penalties that can be applied to a prisoner is to have them separated—that is, to put them in a completely different unit with a different regime altogether. That, of course, is an option that is available to Corrections staff or the department where a prisoner has clearly done the wrong thing.

PRISONER MAIL SCREENING

The Hon. K.L. VINCENT (15:02): Supplementary. I wasn't talking about isolation; I was talking about whether he might lose his rights to send further mail.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I am not aware, and I haven't received any recent advice regarding whether or not sending mail is a privilege or a right. Clearly, there would be occasions where prisoners having regular contact through written correspondence with family and the like is appropriate and, indeed, to be encouraged so that they can maintain social links with the outside community, which will assist with their transition back to the community. I am happy to go back and, along with Mr Wade's specific question, seek advice as to whether or not in this instance the prisoner's ability to send mail has been withdrawn, if indeed it can be.

ROAD SAFETY

The Hon. G.E. GAGO (15:03): My question is to the Minister for Road Safety. Can the minister update the chamber about the Motor Accident Commission's low-level speeding campaign?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): Thank you to the honourable member for her question because, of course, I would be very happy to update the house on this incredibly important subject. Speeding is one of the major killers on South Australian roads

and many people underestimate the increase in crash risk and injury severity that come from even low-level speeding.

Whilst it is pleasing that the majority of drivers are doing the right thing, this campaign has been designed to target those who are putting themselves and other road users in hairy situations. Attitudes about the dangers of low-level speeding need to change. Just as driving under the influence of alcohol and drugs increases your likelihood of a crash, each 5 km/h over the speed limit in a 60 km/h zone doubles your crash risk.

The Motor Accident Commission's new campaign targets low-level speeding with a tagline 'There's nothing normal about speeding.' It aims to debunk a widely held belief that everybody speeds, that there are no real dangers to low-level speeding and that speeding will get you to your destination quicker. MAC research has shown low-level speeding is considered to be common behaviour among both regional and metropolitan drivers. It is a misconception that normalises the behaviour. In reality, around 80 per cent of drivers on our road network are doing the right thing and sticking to, or driving below, the speed limit at any given time. This campaign targets the 20 per cent that are not getting the message.

In 2015 speed was a contributing factor in 30 per cent of fatal crashes, consistent with the five-year average. Low-level speeding poses much more of a danger on our roads than many people realise. Many people underestimate the increase in crash risk and injury severity that comes from even low-level speeding. Every 5 km/h over the speed limit in a 60 km/h zone doubles your risk of being involved in a crash. When travelling 10 km/h over the speed limit in a 60 km/h speed zone drivers are approximately four times more likely to be involved in a casualty crash, which is a similar risk to driving with a blood alcohol concentration of around .01 grams per 100ml, twice the legal limit.

Low-level speeding is really not worth it. MAC research shows that on a 10-kilometre journey you would only save 46 seconds by going 65 km/h in a 60 km/h zone, but, again, your crash risk doubles. The faster you travel, the less time you have to react to hazards. In 2010, the Centre for Automotive Safety Research conducted a study into speeding and crash reductions to identify which groups of speeding drivers present the greatest casualty risk and reduction potential if their speeds could be lowered. The research confirmed that the greatest potential gains for reducing injuries will come from targeting low-level speeding on low-speed roads.

Pre-campaign research for this campaign identified that when the low-level speeding argument was framed in a particular fashion, it resonated and had the potential to change behaviour. It should encourage people to slow down and stick to the legal speed limit, not out of fear of having a crash or getting a speeding ticket, but out of a desire to play their small part in reducing road trauma on our roads. It is from this perspective that this campaign line, and underlying strategy, was designed. The campaign features the 'hairy-fairy', a fictional character who helps drivers recognise moments when they may be tempted to speed, and encourages them to avoid situations that could get hairy. The campaign is currently airing on television, radio and digital channels, as well as featuring on bus backs, bus stops and regional billboards across the state.

ROAD SAFETY

The Hon. R.L. BROKENSHIRE (15:08): A supplementary based on the minister's answer: does the minister agree that traffic police are significant in reducing road crashes and fatalities, based on the information that he has just given the parliament, and, if so, will the minister address the reduction in traffic police numbers that has occurred over the last two years in SAPOL?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:08): I would like to thank the honourable member for his important question. In answer to the first part of his question, yes, I do accept that police play a fundamental role in safety on our roads in South Australia. I do accept that. I think that the men and women who serve in the South Australian police force, in our traffic branch or our general patrol officers, who are regularly policing our roads, make an outstanding contribution to preserving the law and order on our roads and ensuring that people comply with the law on our roads.

With regard to the second part of the Hon. Mr Brokenshire's question, as I have stated repeatedly in this place before, this government's commitment to having a well-resourced, well-funded, modern and professional police force is second to none. We have the largest police force of any state in the country on a per capita basis. We are increasing the number of police in this state—we have contributed more funds to be able to do that. In terms of where all those additional resources are allocated is a matter for the police commissioner—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: It is not up to me, it is not up to the Hon. Mr Brokenshire and it is certainly not up to the Hon. Mr Ridgway to determine which way the police commissioner should allocate where to put the resources. I will not be attempting to tell the police commissioner where to put all the additional resources this government has provided him with. We want him to be able to have the flexibilities to make the operational decisions that he is adept at in being able to deliver the law and order of the state. We want to make sure the police commissioner has the ability to use all the additional resources we provided him with to be able to make the best decisions to preserve the community's safety generally, and that includes in the area of road safety.

ICE ADDICTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:11): I have a supplementary question—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! One more time and I will warn you.

The Hon. D.W. RIDGWAY: Given that the minister says (and repeated) that we have record numbers of police in the state, can he explain why our regional towns and communities are being overtaken with an ice epidemic?

Members interjecting:

The Hon. D.W. RIDGWAY: I'm sick of frivolous. Go and talk to the mums and dads in our regional areas.

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

The Hon. D.W. RIDGWAY: Their lives are destroyed and you're laughing. You're a disgrace.

The PRESIDENT: The honourable Leader of the Opposition—

The Hon. D.W. RIDGWAY: I can't believe it. People's lives are being destroyed and he's laughing about it, Mr President.

The PRESIDENT: The honourable leader will sit down and listen to the answer.

Members interjecting:

The PRESIDENT: Order, all of you! The next person to speak and interject will be warned once; if they continue, they will be named. Minister, please start your answer, and try to be quick.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:12): I am happy to answer the question, because it is an important one, and it would be good to be able to do it without interjection from the person who asked the question before I have even said a single word. The issue of ice in regional areas is something that is of enormous concern to SAPOL, the community and, of course, the government, which is exactly why we are doing everything we can, from a policing perspective, to make sure that SAPOL has the resources it needs to be able to deal with various challenges that exist within the community around community safety. Ice in regional areas is no different.

If we were to slice up and actually analyse the context of the question from the honourable member, it would imply that, somehow, addressing the issue of ice in regional communities was the sole responsibility of the police. That is clearly not the case. This is a very substantial challenge to the community. There is no one single silver bullet policy that will address this. Even people from SAPOL will tell you that you could double the number of police in a particular town, and it would not necessarily solve the problem of ice. There is a whole range of other contributing factors that lead to higher levels of ice consumption within a particular community.

On more than one occasion—I am happy to repeat them, if the honourable member would like it—I have outlined to this chamber the operations that SAPOL has in place in regard to dealing with drugs at a number of different levels, whether it be operations dealing with low-level supply of drugs or operations dealing more with the elements of organised crime that find themselves in drug proliferation or, indeed, operations that deal specifically with the manufacturing and supply of products and chemicals that contribute to the manufacture of drugs on a large scale. This is something that SAPOL takes incredibly seriously, and this is something the government takes seriously.

However, the suggestion or the inference in your question that dumbs down and turns a complex public policy issue into a silly question that implies that SAPOL or the government are not doing their job when we are increasing SAPOL's resources so substantially, is quite frankly disingenuous.

ROAD SAFETY

The Hon. K.L. VINCENT (15:14): A supplementary, sir, arising from the original answer: given that, from what the minister said, it is a desire to keep people safe that most targets people and their tendency to speed, how is the hairy fairy character arrived at and not an advertising campaign, for example, featuring families or friends affected by speeding?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:15): I thank the honourable member for her question. When the Motor Accident Commission develop various campaigns, they go through a market research process to determine what message is likely to best be adept at addressing the market that they are targeting for a particular message. I think that we should take confidence as a government and a community that MAC by and large gets that balance right.

If you look at the success of various campaigns over the years, and many of them take time, and some of them have been more successful than others, but by and large I think the Motor Accident Commission has done a pretty good job of getting campaigns right to be able to address the key messages that they have aimed to put out there into the community to make our roads safer.

In respect to this campaign, along with others, rest assured that the level of scrutiny that I place upon them as minister is always to satisfy myself that that research and that work has been undertaken prior to a campaign being developed, and then of course the ads being aired and invested in. I am not an expert in this particular field. What we have to do is have trust in those people who are experts in the field who are developing campaigns that are most likely to be able to have an impact in terms of delivering key messages.

ICE ADDICTION

The Hon. A.L. McLACHLAN (15:16): I seek leave to make a brief explanation before asking the Minister for Police in his capacity as Minister for Correctional Services questions regarding SAPOL and the Department for Correctional Services procedures for dealing with detainees who are addicted to ice.

Leave granted.

The Hon. A.L. McLACHLAN: It was revealed by the Australian Institute of Criminology that Australian prisoners are using amphetamines at record rates and in its most potent form, methamphetamine, which is on the rise. In South Australia, it has been reported that under the watch of the Department for Correctional Services, prisoners have been reported as having ice in their

system. Can the minister advise the chamber what the police and DCS procedures are when a person being detained has been identified as being under the influence of ice?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): Yes, it is an unfortunate reality that there are people within our prison population who have drugs. Recently, I was at an international corrections conference and one of the subjects that was being discussed and regularly referred to during the course of the conference was the issue of drugs in prison systems generally.

I learned—and I have to say I am not aware of any prison in the world that is completely free of contraband, whether that be drugs or other forms of contraband that exist within the prison system. Of course, it would be naive to say that South Australian facilities were any exception. By and large, I think it is fair to say that contraband, including drugs, are relatively rare commodities in our prison systems, but again it would be naive to suggest that our prisons are contraband or drug free.

Regarding the issue of ice generally, as was referred to earlier, ice is a concern within the community for a range of reasons, but one of the reasons why it is of particular concern is that it is a drug that leans towards particularly violent behaviour, which is of grave concern to anybody, but of course that is a risk that we want to mitigate in our prison system. Prisons by their nature can be inherently violent places.

We try to reduce the level of violence, and I think by and large that is something that correctional services has achieved good results in, in reducing violence in prison systems, but again, like in any facility in South Australia, we are vulnerable to acts of violence within the prison system. Having ice in the system of any particular prisoner elevates the risk of violence, which is why it is something that needs to be worked on diligently, to ensure that its presence is minimised.

Regarding particular procedures, if a prisoner is found to have contraband in their cell—whether that be drugs or other forms of contraband—they are subject to the internal disciplinary procedures which can occur within a prison. I mentioned earlier that if the good order of a prison is compromised, it is an option available to DCS staff to separate the prisoner, which is one of the more severe punishments that can occur within a prison system. Having seen cells that are used for this separation, I can assure you that this is not somewhere that I would have thought any prisoner would want to find themselves, actually, within the prison system.

For those people who are under the influence of drugs within the prison system then, of course, safety protocols are put in place to preserve the safety of staff—not being subject to an act of violence that may be sought to be rendered upon them as a result of a prisoner being under the influence of ice. If a prisoner is particularly affected by a drug in such a way that it presents a health risk then they could receive treatment, in the context of it being a health issue, through South Australian Prison Health. There are systems in place that Corrections use. If the honourable member wanted more particular details regarding how those policies and procedures operate, I would be more than happy to provide him with a briefing, if he is interested in having one.

YATALA LABOUR PRISON INCIDENT

The Hon. T.A. FRANKS (15:21): My question is to the Minister for Correctional Services on the topic of calls for an independent inquiry into the recent death in custody. As the acting minister for Aboriginal affairs, did the Minister for Correctional Services find that he was in a conflict of interest when vetting the Commissioner for Aboriginal Engagement's press release on this issue, and does the minister have any explanation as to why that press release took some days to make it through that vetting process?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:22): I am not aware of vetting any particular press release and I don't believe there were any issues around conflict of interest when I was acting in the capacity of Minister for Aboriginal Affairs. In any event, I was in contact with the full-time Minister for Aboriginal Affairs during the course of the event.

Regarding calls for an independent inquiry, I want to be very clear about this: we have one, and it is called the Coroner's inquiry. I don't think there would be anyone in the Department for Correctional Services, I don't think there would be anyone within police and I don't think there would

be anyone in the community, who pays any attention to the way the Coroner operates in this state, who would suggest anything apart from the fact that the Coroner is utterly independent. I think the Coroner in South Australia has done an outstanding job in making sure that his office is not just acting independently but is also seen to be acting independently.

I have every confidence that the Coroner will conduct a thorough investigation into this matter and will be able to determine the cause of death. I have to say that is an exercise that I am genuinely looking forward to, because if there is a necessary policy response out of the incident that led up to or occurred in and around the passing of Mr Morrison, I want to know about it. The best way to find out about that is through an independent inquiry, and that is exactly what the Coroner will do.

YATALA LABOUR PRISON INCIDENT

The Hon. T.A. FRANKS (15:23): Supplementary: does the minister therefore infer that the ALRM is an organisation of no substance or consequence, which has called for an independent inquiry—as has the Commissioner for Aboriginal Engagement—independent of the coronial process?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I am conscious of the fact that there have been some calls for an independent inquiry, and I think that the best way to respond to an independent inquiry from my perspective is to ensure that one is taking place. I know for a fact that an independent inquiry is taking place because that is what the Coroner is—an utterly independent body.

There is nobody within the Department of Correctional Services, SAPOL or anybody else who has paid attention to the way the Coroner operates who thinks for a second that the Coroner is not going to be acting utterly independently. I have total confidence in the Coroner of South Australia being independent, fulfilling his mandate for thoroughly establishing the cause of death. I have a lot of respect for the Aboriginal Legal Rights Movement and their questions and queries, but they should have confidence that an independent inquiry is taking place.

That said, another form of independent inquiry is taking place and that is being conducted by SAPOL. South Australian police are totally independent from the Department for Correctional Services. Let me give you a hot tip: they are utterly separate from each other. SAPOL of course is conducting its own inquires and one of the most elite units within SAPOL, in the form of Major Crime, is conducting it. I am very confident that what we will have, once all these investigations and inquiries have concluded, is the knowledge about exactly what took place regarding Mr Morrison.

Matters of Interest

GENDER PAY EQUALITY

The Hon. G.E. GAGO (15:26): As many in this chamber would know, I have a very proud background as a nurse and a longstanding association with the Australian Nursing and Midwifery Association. I was out to lunch recently with a young woman who lamented that many of her peers do not believe that feminism is necessary any more, yet she as a young woman entering a female-dominated field like nursing would earn substantially less than if she were to enter a male-dominated field, such as engineering.

This holds true across the board for female-dominated industries—teaching, child care, hairdressing, hospitality, retail, social work—all of which earn less than typically male-dominated industries, such as mining, construction and engineering. It is also interesting to note that male-dominated occupations, like engineering, are amongst the highest paid occupations in Australia, according to the ABS, while hospitality workers and hairdressers are amongst the worst paid occupations in Australia.

In 2014 Christopher Pyne, as the federal education minister, argued that university fee deregulation would not hurt women as they study occupations such as teaching and nursing, which earn less, as opposed to dentistry or law, meaning that the fees for those courses would be lower. He seems to have forgotten, in that statement, that women make up of 61 per cent, for instance, of law graduates, and I suppose he was correct, though, in that they still would not be earning what a

typical male lawyer would earn, as the gender pay gap in the legal sector is amongst the largest in any industry—a whopping 36 per cent.

The other industry that was once male dominated and is now fairly equal in terms of gender is financial services. Like the legal industry, it has one of the largest gender pay gaps. The fact that industries that are male dominated are paid at such higher rates is often brushed off as their being more skilled industries, but the notion that teaching or nursing are not skilled industries is certainly a slap in the face to those incredibly capable and dedicated professionals. Social workers do some of the most gruelling work in this nation, yet their income rarely reflects the importance of their work.

At a certain point we have to ask why this is so. It is because society just does not value what is seen as women's work as much as what is seen as men's work. Across the board, Australia has a gender pay gap of 16.2 per cent. This has been supported by research and reports from many organisations, from the ABS to research organisations such as the Workplace Gender Equality Agency. This figure of 16.2 per cent means that, on average, men receive $27,000 more per year than women in remuneration and superannuation. Management positions are held overwhelmingly by men, with only 15.4 per cent of CEO positions and 27.4 per cent of senior management roles being held by women.

An October 2016 report by KPMG found that gender discrimination continues to be the largest contributing factor to the gender pay gap. This is the blatant discrimination that occurs when equally skilled workers who are employed in similar jobs earn different incomes and have different opportunities. Gender discrimination, as a component attributable to the gender pay gap, rose from 35 per cent in 2007 to 38 per cent in 2014. The second largest contributing factor was industrial and occupational segregation, which showed that incomes in occupations and industries with a larger share of males are on average higher than incomes for female-dominated occupations and industries.

The report also found that career and work interruptions were responsible for 21 per cent of the gender pay gap compared with 9 per cent in 2007. It is startling to think that this gap continues despite the reduction in the gap in skills, tenure and education. While Australian women are completing higher education at record high numbers, they are not progressing up the ladder at the same rate as Australian men.

We are in a situation in this country where industries that women dominate are generally less valued in monetary terms compared with male-dominated industries. Industries with near equal representation of women have the highest pay gaps in the nation and women are hugely under-represented in senior and executive levels. For all these things to continue to exist at the same time as some young women think that we do not need feminism is devastating and speaks to one of the reasons we need feminism most—women are told to be grateful for what they have already achieved, rather than to continue calling for true equality.

WASTEWATER ALLOCATIONS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:31): The Labor government has left the local horticultural industry in a state of absolute limbo. The arrogance and incompetence of both minister Hunter and minister Bignell is once again on display for all South Australians to witness. The Labor government has made a complete mess of the Northern Adelaide Irrigation Scheme proposal. Following the recent floods in the northern Adelaide Plains region, at a time when over 300 local growers are recovering from a $60 million loss in produce, the Labor government has nothing with which to provide security for the local industry.

On the contrary, the Labor government has caused a great deal of uncertainty and angst among the local horticultural industry. The proposal seeks to unlock 20 gigalitres of additional water from the Bolivar Wastewater Treatment Plant. The opposition strongly supports the principle of making this additional water available to the horticultural industry but not in the way the Labor government intends. Access to additional water needs to be fair and equitable. Local existing growers should have equal access rights under any proposal.

Through SA Water, the Labor government has progressed to a feasibility stage a proposal from a Spanish consortium. This proposal will apparently create up to 1,000 hectares of new greenhouses and apparently all the additional produce is set for export markets. What a load of

rubbish! The local horticultural industry is very concerned and rightly so. There is no way to ensure that 100 per cent of this new greenhouse produce is exported. In an ABC radio interview on 5 October, minister Bignell conceded that no new export markets had been identified. The reporter asked the minister:

> Are there any direct markets or perhaps new lines that have been opened up that will mitigate some of the issues that were raised there?

'No,' was the reply from the minister. The incompetence of minister Bignell is well and truly on display for our horticultural industry to see. The local industry is rightly very concerned about this proposal and the lack of plans from the Minister for Agriculture.

I have been contacted by a number of horticultural groups, including AUSVEG SA, the Horticultural Coalition and HortEx Alliance, expressing deep concerns, and they have written to minister Hunter and minister Bignell as well. The local industry has not been consulted and they are deeply concerned about their future. Under this proposal, if this additional produce cannot be exported, it will further saturate domestic markets, forcing local and existing growers out of business and costing local jobs.

The Labor government is very happy to puff its chest and talk about the potential of new jobs to be created under this proposal, but what is the point of creating new jobs if it is at the expense of existing local jobs, which would effectively result in a net gain of zero jobs? AUSVEG SA are so concerned that they have launched their own campaign, #saveourfoodbowl. AUSVEG SA are also in the process of conducting a survey with the local industry. This is a work in progress but I understand that, to date, local existing businesses have put their hands up for at least 5 gigalitres in additional water allocations. They believe this would result in $130 million of investment in our local economy and create an additional 500 jobs. Yet this continues to fall on deaf ears. The Labor government refuses to listen.

Local growers in the Northern Adelaide Plains are still recovering from the recent devastating flood and they will be for many months and years to come as they continue to clean up their properties and start work on decontaminating their soils and freshening up their soil. The future for some growers is very uncertain, to say the least. It is irresponsible and reckless for this government to create even more uncertainty for these growers, cause them more anguish and more stress at a time when they need support and reassurance.

We have had zero representation from the Labor government and their local member for Taylor, Ms Leesa Vlahos. In fact, she is a member of cabinet these days, so not even a cabinet minister is showing any interest. She has remained silent on this proposal and refuses to stand up for the community that she represents. This is what she was elected to do: she was elected to stand up for her local community. It appears that the local member is happy to sit by and let her cabinet colleagues progress a proposal that could destroy the local Virginia horticultural industry, an industry which has long formed the backbone of the Virginia region and her electorate. I dare say, the electorate will have something to say about this in the 2018 election.

ARTS, EDUCATION AND LIFESTYLE CHOICES

The Hon. T.A. FRANKS (15:36): I rise today to talk about the arts, education and lifestyle choices—three things that are very dear to my heart. Creative industry is integral to society, diversity, tourism, mental health, entertainment, education and so many other factors that keep us functioning. But, the Minister for Education and Training at a federal level, Mr Simon Birmingham, last week showed that he does not agree. He believes that people studying jewellery design, mass communication, Aboriginal and Torres Strait Islander visual arts industry work, and professional writing and editing, among many other courses, do not deserve VET student loans to help pay for these courses. The minister said:

> There are far too many courses that are being subsidised that are used simply to boost enrolments or provide lifestyle choices but that don't lead to work.

I realise that not every single person who studies an Advanced Diploma of Performing Arts will end up earning money directly from that work, but many will. I ask the minister: who is he to determine who should and should not take that chance? Almost 60 arts diplomas will no longer be eligible for

student loans. Instead, the priority is on training more gasfitters, diesel motor mechanics, bakers and other trades and professions where industry has already identified a skills shortage. I note on that, however, that the minister's words in announcing this policy were that no state had identified creative industries and arts industries as a skill that they were prioritising.

That is something where the South Australian government needs to step up, and I hope that they will. It is, of course, important for all of these other trades to have more skilled workers, but it is just as important for those tradies to be able to access the arts, to read the musings of a journalist who completed a course with the help of a student loan, to buy flowers from a florist who might not have been able to complete their course without the help of that student loan, or to improve their business marketing strategy with the help of a social media professional who could only afford to do that because there was a VET course loan available.

Yet again, however, after so many great cuts to the arts in recent times, the Abbott-Turnbull government is telling Australia that they do not value the creative industries, and they are showing us that education, in their view, is only for the well-off. Creative industries are a vital part of our world and for minister Birmingham to say that VET student loans will only support legitimate students to undertake worthwhile and value for money courses at quality training providers is to not understand that these creative students are, of course, legitimate students, and the arts and the creative industries are legitimate industries worthy of our investment.

Last week, the Adelaide Festival launched, offering a diverse program of theatre, dance, film, music, literature and visual arts. Among the program is a dance company showcasing the work of people with disabilities: Restless Dance Theatre, right here from Adelaide; a performance concept from France, featuring ordinary South Australians; indigenous art and music; and a strong focus on giving young people under 18 and schoolchildren an opportunity to get to the theatre, many of whom, without the new program offerings by the Festival, would not be able to do so, without that financial assistance. They would never experience this snapshot of the world that Adelaide gets to enjoy and experience each year through the Adelaide Festival.

Closing the door on funding to creatives who simply want to study their craft is closing the door on an industry that benefits not only society but, of course, the economy and our community in so many more ways. Choosing which restaurant to go to for dinner is a lifestyle choice; playing Pokémon GO is a lifestyle choice; studying animation because you have the talent and desire to create and perhaps even go on to develop the next Pokémon GO phenomenon is not a lifestyle choice: that is a career and that is a vocation.

Wanting to be an actor to perform great works to inspire and educate is not a lifestyle choice: it is a vocation. Yes, of course these industries can be tough to crack but there is so much potential here. The courage to hone and perfect a craft at a tertiary level shows commitment and demands talent. Such commitment should not be punished by withdrawing fee help because a minister does not value it and thinks that it is a lifestyle choice.

The arts give back in spades, so much more than they need in the fee help that we provide in this funding. Creative industries help us to see things differently, they teach us empathy, they make the world brighter and they help to explain things more clearly. These qualities are not lifestyle choices. I think the minister needs to have this explained to him.

TWU SAFE RATES CAMPAIGN

The Hon. T.T. NGO (15:41): I rise to draw the attention of members to the Safe Rates campaign, a campaign devised by the Transport Workers Union (TWU) that aims to improve the safety of our truck drivers here in Australia and through which the TWU expresses solidarity globally, with colleagues who transport the goods and the materials that communities and economies rely upon.

The support of the TWU is vital because every working day professional freight drivers run the real risk of injury or death. This unacceptable risk is due in large part to gruelling schedules and taxing delivery deadlines. These schedules and deadlines put pressure on people to drive for longer in adverse conditions and while battling fatigue, and to drive heavy vehicles that might not be properly maintained. Add to that low pay and incentive rates and the result is risk for all road users.

The TWU, truckies and their fellow workers in the supply chain have long advocated for a fairer road transport industry; an industry that comprehends that safe pay rates for truckies will mean safer roads for all. This push is not confined to just our Australian drivers. It is a worldwide movement underpinned by the declaration of the United Nations International Labour Organization (ILO) which has recognised drivers' rights to safe and fair remuneration and their rights to fair working conditions and union representation.

Despite this, workers continue to be exploited both here and around the world. Efforts to secure and maintain fundamental rights are not confined to our country, nor is resistance to them. For example, South Korea is a major regional trading partner and a country where heavy vehicle transport is one of the keys to continued prosperity. The TWU has continually expressed solidarity with its counterparts there, condemning violence against drivers peacefully striking for basic entitlements.

The issues in contention are the same as those faced locally: low and stagnant pay rates and safety risks including injury and death due to long hours and unrealistic deadlines. TWU officials have visited gaoled union leaders in South Korea and attended drivers' protests. These drivers desperately need the support of their colleagues around the world. Just last month, protesters in Sydney called on South Korea to respect the rights of workers to protest and called for the withdrawal of laws allowing workers to be paid less and to be easily sacked.

The TWU also condemned the attacks, injuries and arrests suffered by workers and members of the Korean Federation of Public Services and Transportation Workers' Union, who oppose the government's plan to deregulate the truck transport sector. Shockingly, it appears that the mandating of oppressive measures against South Korean workers is receiving official support. I am told that officials have threatened punishments, including suspension of fuel subsidies, criminal charges and licence cancellations for these strikers. Unions around the world have condemned these threats. The TWU says:

> The fight in South Korea is important in the worldwide effort to win a global standard…for truck drivers—which is also the best way to improve road safety.

We have seen that, both in Australia and in countries like South Korea, the only shield protecting heavy vehicle drivers from repression, unsafe work practices and exploitation is their union. I commend the support being given to South Korean workmates by the TWU. Without their constant campaigns for better pay, working conditions and occupational health and safety of truck drivers here and around the world, the consequences would be greater in scale and complexity than we can contemplate. I therefore thank the TWU for their continuing campaign to fight for basic workers' rights, not only for truck drivers here but also around the world, especially in developing countries.

PLASTIC FREE JULY

The Hon. J.A. DARLEY (15:46): I rise today to speak about Plastic Free July. Plastic Free July started in 2011 as a local initiative of the Western Metropolitan Regional Council in Perth. The purpose of the campaign was to raise awareness about the amount of single-use disposable plastic that is used in our lives and to challenge people to think about the impact this plastic has on the environment. Campaign participants are encouraged to refuse single-use plastic for the month of July. If participants are unable to commit to refusing all single-use plastic for a month, they are able to sign up for a shorter period, such as a week or a day, or they can commit to refusing the top four single-use plastic items for a week; that is, plastic bags, takeaway coffee cups, bottles and straws.

According to the Plastic Free July page, it is estimated that by 2050 there will be more plastic in the ocean than fish. Worldwide, 10 billion plastic bags are used on a weekly basis. That is more than one plastic bag per person per week for every single person on the planet. Every hour in America, 2.5 million plastic water bottles are used, and 500 million straws are used daily. Many plastic products will only ever be used once and then disposed of, but they are made of material that lasts almost indefinitely.

A quick glance at a typical day will highlight how many items of single-use plastic a person encounters every day. Daily morning coffees are usually served in single-use cups made of a composite of plastic and paper. Newspapers are wrapped in plastic as protection from weather elements. Lunches brought from home are often in ziplock bags or Glad Wrap to avoid contamination,

and bought lunches often come in plastic containers with plastic cutlery. Drinks to go with lunch are often purchased in plastic bottles with a plastic straw, and snacks come prepackaged in small single serves.

Grocery shopping involves even more plastic, as nearly every item at the supermarket is wrapped in plastic. Even fresh produce such as fruit, vegetables and meats come either prepacked wrapped in plastic, often on styrofoam, or put into a thin plastic bag. Although South Australia is a leader in banning plastic bags from being given away at the point of sale, many people still purchase plastic bags as they forget to take their reusable bags into the supermarket.

There are many alternatives available to plastic bags and many of them hark back to the day of when I was a boy. Plastic bags did not exist for fresh produce and shopping; instead we used recycled sugar bags made out of hessian. Lunch sandwiches were wrapped in baking paper and put into a brown paper bag, which was used over and over again.

Whilst hessian bags may not be readily available these days, there are reusable alternatives for nearly all single-use plastic products. Lightweight washable bags can be used in place of produce bags. Instead of Glad Wrap, paper or beeswax wraps can be used, and carrying your own knife and fork can result in a significant reduction of disposable cutlery. Whilst convenient, single-use plastic has had a significant effect on the environment and is simply no longer a sustainable option. A little preparation can go a long way to limiting the amount of single-use plastic that is used.

NEPAL DELEGATION

The Hon. J.S. LEE (15:50): It is a great privilege to rise today to speak about the South Australian delegation to Nepal. I was incredibly honoured and humbled to be the first South Australian member of parliament to lead such a delegation to Nepal. The Nepalese community in South Australia informed me that the economic and social conditions in Nepal have not fully recovered after the devastating earthquake in April 2015. Many travellers are still concerned about the safety and uncertainty in the affected areas of Nepal.

I asked them what I can do to best help the communities in need. They said if I can make a personal trip to Nepal that it would mean a lot to Nepal and the Nepalese community residing in South Australia. With the valuable advice from the community, I made a decision to embark on a study tour with the aim to help rebuild Nepal by visiting Nepal. I am very grateful that 12 delegates from various businesses and professional backgrounds were able to join me on the mission.

The passionate team consisted of the Honorary Consul of Nepal in South Australia, Dipak Dhamala, the Nepalese youth leader, Nabin Panth, Eddie Liew, Yean-nee Shortland, Rita Coleman, David and Roz Chow, Craig Swingler, Renee Figallo, Carissa McCarthy, together with my two lovely staff, Haley Welch and Grace Paterson, who joined the trip. With an age range that spans across six generations, with diverse backgrounds, everyone embraced the wonderful diversity. 'Unity in diversity' stood out as a brand to describe our team.

In just eight days our itinerary was jam-packed and we certainly covered lots of ground across Kathmandu, the nation's capital, Chitwan, known as the 'heart of the jungle', and Pokhara, the second largest city in Nepal, and arguably the prettiest tourist attraction.

Being the very first trip for everyone, we honestly did not know what to expect. We discovered Nepal in a rather unique way that combined official meetings with political and business leaders, government officials, humanitarian visits to an orphanage and disadvantaged school by way of donating books, stationery and gifts to children, blankets to the homeless and also tourism exploration in Kathmandu, Chitwan and Pokhara.

Being in Nepal allowed us to experience firsthand how naturally beautiful the country is, a country that is full of friendly people, with a rich history and culture, remarkable and magnificent heritage sites, breathtaking scenery, including the natural wonders of the world, the Himalayan mountains, including Mount Everest, the highest peak of the world, and much, much more.

I would like to highlight some of the official meetings in Nepal. On the eve of Diwali, a Saturday night, never in a million years would anyone expect a high-level meeting like this to be arranged. Through the great efforts by Ms Lucky Sherpa, an influential former MP, we were given the privilege to have an up close and personal encounter with the highest ranking official in the

country. It was truly a great honour to meet the Prime Minister of Nepal, the Rt Hon. Mr Pushpa Kamal Dahal. I place my sincere appreciation to the Prime Minister for welcoming all of us in such an honourable way.

Special thanks to the Hon. Rajeev Bikram Shah, a distinguished member of the Nepali parliament, for welcoming us at the airport. We also met his beautiful wife and family, his wonderful mother, who is the district governor of the Rotary Club there, where he generously hosted a magnificent dinner at his historical homestead. The Hon. Rajeev also invited a number of MPs for the dinner, including the Minister for Commerce, the Hon. Romy Gauchan Thakali.

I would like to acknowledge Dave Gordge, South Australian State Director of DFAT, for his interest in my Nepal delegation. Thank you to our Australian ambassador, Glenn White, for his insightful country briefing about Nepal. Special thanks also to Mr Gahendra Rajbhandari, Joint Secretary from the Ministry of Foreign Affairs in Nepal for his kind and generous assistance. The Nepal Minister for Culture, Tourism and Civil Aviation, the Hon. Mr Jeeban Bahadur Shahi, a very knowledgeable and delightful MP, hosted a wonderful cultural dinner program for us. He even danced with us on stage. The whole Nepal Tourism Board was fantastic. It was a great pleasure to meet Mr Deepak Raj Joshi, CEO, Mr Sunil Sharma, publicity director of the Nepal Tourism Board, and their lovely team.

I am proud to report in the Parliament of South Australia that the South Australian delegation to Nepal was an amazing, rewarding, meaningful and successful initiative. It provided us with a deeper appreciation of the beautiful places, culture and traditions of Nepal and created a platform for lifelong friendships and building bilateral relationships between South Australia and Nepal. For those who are thinking about travelling to Nepal, I can reassure you that Nepal is a safe country to visit. There is an old saying my parents always shared with me, and it goes like this: if you never, never go, you will never, never know. With that in mind, go forth, honourable members. Nepal is waiting for you!

BRUMLEY SONGWRITING EXCHANGE

The Hon. J.M. GAZZOLA (15:55): I congratulate South Australian songwriters Dan Crannitch, Taasha Coates and Kelly Menhennett for being selected to represent Adelaide in a once-in-a-lifetime international songwriting exchange in Austin, Texas. This unique project presented our talented songwriters with the opportunity to contribute to unfinished material recently unearthed from the estate of the late Albert E. Brumley, one of the greatest American gospel songwriters in history. Some of you may be familiar with Brumley's *I'll Fly Away*, his best-known track and one of the most recorded songs of all time.

The Brumley songwriting exchange was made possible by the collaborative forces of the Music Development Office (MDO) and the Texas Music Office, who led the MDO to Troy Campbell of The House of Songs. Founded in 2009, The House of Songs is a songwriter exchange program based in Austin, Texas, which hosts artist residencies with a focus on relationship-building and international collaboration. House of Songs pairs talented artists from different countries to facilitate unique songwriting experiences and brilliant original work.

The exclusive element to this project came when Troy introduced the South Australian songwriters to Betsy Brumley, granddaughter of the late Albert E. Brumley and founder of the I'll Fly Away Foundation. Betsy was excited by the idea of the international partnership and was able to present the artists with the last of Brumley's unfinished material. To gain perspective on how significant this achievement is, Brumley's original music has been performed or recorded by the likes of Bob Dylan, Keith Urban, Elvis Presley, Aretha Franklin, Johnny Cash and, more recently, Mumford & Sons and Kanye West.

Brumley Music has received 25 GRAMMY nominations, nine GRAMMY Awards and many Dove and Americana Awards. Brumley's music has appeared in a number of movie soundtracks, including *O Brother, Where Art Thou?* starring George Clooney, *The Curious Case of Benjamin Button* and *The Apostle*. TV shows featuring Brumley's music include current HBO hit *Treme* and *I'll Fly Away*, which features not only the song title, but influenced the show itself. This TV series won three Golden Globe Awards, three Emmy Awards, a Peabody Award and four NAACP awards.

Allowing our songwriters access to the much-revered Brumley's music is noteworthy recognition from one of America's music capitals.

Adding a unique twist, the project and subsequent live performance was documented by Adelaide film company Closer Productions and will premiere in Austin next March at the South by Southwest (SXSW) Festival. We will have to wait a bit longer for the Australian premiere, however, with the Adelaide Film Festival presenting it, along with live music performances by the featured artists, in October 2017. It is hoped that the Austin musicians involved in this project will also be in attendance that night.

The completed collaborations have since been presented and performed live. Musicians from Austin and Adelaide performed together on the Health Alliance for Austin Musicians benefit day on 13 September. The songs created in the Brumley House of Songs project have also been showcased in Arkansas and this year's Americana festival in Nashville. During the Americana festival, the artists were also given the opportunity to share their experiences on a conference panel. The Premier visited Austin recently to attend the South by Southwest festival and connected with the Texas Music Office. The Premier understands and acknowledges the benefits provided by the music industry to this state, and those who work in the industry appreciate his support.

I congratulate singer-songwriter Taasha Coates on her appointment as an Australian Performing Right Association Ambassador. She is the first woman artist to be appointed APRA Ambassador for South Australia. I am sure we will see many more talented international collaborations showcasing South Australia's UNESCO Music City status. Our gratitude and accolades must also go to Karen, Becc and Elizabeth and the Music Development Office (or KBE of the MDO) for their work on and facilitation of this project. An additional thank you to Channel 7 for taking an interest.

On a sadder note, I wish to offer my condolences to family and friends of Patrick Nicholas O'Grady. Patrick was often described as an eccentric and a passionate supporter of the arts. Patrick filmed, recorded and documented many South Australian artists through at least the last three decades. Patrick may not have been famous or made a fortune through his work in the arts community, but he was certainly loved and supported by his friends and family. Those of us who worked with and for Patrick appreciated his support and were inspired by his commitment and passion for the arts. To us, he was a trailblazer, a legend, and he will be sorely missed. Vale Patrick Nicholas O'Grady.

Motions

PRESCRIBED SCALE OF COSTS

The Hon. A.L. McLACHLAN (16:00): I move:

That the regulations under the Criminal Injuries Compensation Act 1978 concerning Prescribed Scale of Costs, made on 11 August 2016 and laid on the table of this council on 20 September 2016, be disallowed.

I speak to this motion partly in my capacity as Acting Presiding Member of the Legislative Review Committee. The committee had regard to these regulations and noted that the consolidation of the Criminal Injuries Compensation Regulations 2002 that was relied upon to prepare the regulations was not a correct consolidation. As a result, the regulations do not operate as intended.

I note that the Attorney-General in a letter to the Presiding Member of the Legislative Review Committee, dated 16 October 2016, has indicated his support for the disallowance of the regulations. I read his letter, addressed to the Hon. Gerry Kandelaars, into *Hansard*:

I understand that the Legislative Review Committee is currently considering the following regulations, which relate to the Criminal Injuries Compensation Regulations 2002 ('CIC Regulations'):

- the Criminal Injuries Compensation Variation Regulations 2016 (No 191 of 2016), which were made on 11 August 2016 ('CIC Variation Regulations No 191'); and
- the Criminal Injuries (Scale of Costs) Variation Regulations 2016 (No 224 of 2016), which were made on 8 September 2016 ('CIC Variation Regulations No 224').

As noted in the Report to the Legislative Review Committee in relation to the CIC Variation Regulations No 224, the consolidation of the CIC Regulations that was relied upon to prepare the CIC Variation Regulations No 191 was not the correct consolidation. The result is that the CIC Variation Regulations No 191 did not have the policy outcome that

was intended, namely to increase fees payable to lawyers in relation to victims of crime matters under the Criminal Injuries Compensation Act 1978.

To address this issue, the CIC Variation Regulations No 224 were prepared. The CIC Variation Regulations No 191 had purported to make amendments to the schedule in the CIC Regulations. The CIC Variation Regulations No 224 deleted and substituted that schedule.

I understand that there is potential for some ambiguity in relation to the transitional provision in the CIC Regulations having regard to the CIC Variation Regulations No 191. For this reason, and given that the Regulations did not achieve the policy outcome that was intended, I would support the disallowance of the CIC Variation Regulations No 191.

Motion carried.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: AMENDMENT TO THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION REGULATIONS 2011 TO ENABLE THE RECOGNITION OF DE FACTO RELATIONSHIPS ON THE REGISTER RECORDING THE DEATH OF A PERSON (DEATH CERTIFICATE)

The Hon. A.L. McLACHLAN (16:04): I move:

That the report, entitled Inquiry into an Amendment to the Births, Deaths and Marriages Registration Regulations 2011 to Enable the Recognition of De Facto Relationships on the Register Recording the Death of a Person (Death Certificate), be noted.

I rise as the Acting Presiding Member, in the absence of the Hon. Gerry Kandelaars, who is on leave. I acknowledge his work on the committee as Presiding Member and look forward to his return. This inquiry was referred by the other place to the committee on 6 May 2015. After publicly advertising the inquiry and writing to a number of relevant stakeholders, nine submissions were received. In response to those submissions, five public hearings were held. The Births, Death and Marriages registration regulations provide, amongst a number of other matters, for the provision of information to the Registrar of Births, Death and Marriages, which is necessary for the purposes of the registration of the death of a person.

Regulation 10(1) requires the provision of information with respect to all marriages of a deceased person, as well as information regarding the parents and children of a deceased person. There are currently no requirements to provide information with respect to other relationships of deceased persons and no requirement to record the same. In the course of conducting the inquiry, the committee considered a number of issues with respect to the recording of de facto relationships in the South Australian register of deaths and consequently, upon death certificates, including:

- the purpose of death certificates;
- the accuracy of death certificates;
- the risk of misuse of death certificates;
- whether the recording of a de facto partner on a death certificate may reverse the onus of proof as to the existence of the relationship for the purposes of claims against a deceased estate;
- the definition of relationships to be recorded;
- the potential for the registration of relationships;
- the potential for declared domestic partnerships to be recorded on death certificates; and
- the recording of relationships on death certificates in other Australian jurisdictions.

I will expand briefly upon each of these issues. After considering the provisions of the Births, Death and Marriages Registration Act, the committee concluded that the purpose of a death certificate is to accurately record all death registration information required by the regulations, provided the information is known, and to certify the accuracy of the same. The committee did not consider the purpose of a death certificate extends any further.

The potential for inaccurate facts to be recorded on death certificates was also considered. The current process for providing death registration information to the Registrar was of concern to the committee, as it appeared there was a potential for informants to provide inaccurate death registration information to funeral directors without the capacity for informants to be held legally accountable for accuracy of the same. The Registrar does not, as a matter of routine, independently verify death registration information received. The committee was concerned by the potential for the recording of inaccurate information as well as the risk arising from misuse of the same.

The first recommendation of the report proposes a review of the laws and administrative procedures which apply to the obtaining and processing of death registration information. In making this recommendation, the committee in no way intended to be critical of the practices of the Registrar. In contemplation of the potential for misuse of information recorded on death certificates, the second recommendation of the report suggests that limiting the information they record, with certificates to note only that a person is deceased, the person's date of birth, the sex of the deceased, when and where the person died, and the cause of death (if known).

These were considered by the committee to be the minimum and essentials required to established that a person is deceased and the circumstances of the person's death with minimal risk of inaccuracy or likelihood of misuse. It was considered that other information, such as with respect to any relationships or family of the deceased, might then be made available by way of a separate, uncertified extract from the registrar.

In the alternative, the second recommendation of the report proposes the placement of a statement upon death certificates to the effect that users of any recorded information, other than the fact that the named person is deceased, should verify the information before it is relied upon. It was accepted that this recommendation may not be to the satisfaction of members of the community, who would like to see death certificates record all death registration information, and to be expanded to include de facto relationships.

Whilst the committee was sympathetic to these views, the committee resolved to recommend what it considered to be the most efficient and effective reform options available for consideration by the Parliament of South Australia in all of the circumstances.

In the case of disputes regarding deceased estates of alleged members of relationships, the evidence led the committee to be concerned by the potential for a death certificate that inaccurately records the existence of a relationship to shift the evidential burden of proof to the family of a deceased, and leaving the family to prove that the relationship did not exist.

The committee also considered the need for any reform to clearly define the nature of the relationships to be recorded. It was noted that de facto relationships have been proven difficult to define, and that the definition of domestic partnerships, set out in the Family Relationships Act, is wider than would typically apply to de facto relationships. As a result of these matters, the committee accepted the evidence and submissions suggesting that establishing a register of relationships would be suitable reform for the parliament to consider.

It followed that registered relationships might then be recorded in the register of deaths. No submissions or evidence raised concerns in this regard. The Law Society of South Australia stated unequivocally that it was supportive of this reform. Mr Dini Soulio, Commissioner for Consumer Affairs, Liquor and Gambling, also generally supported this reform in the interests of certainty.

The committee also noted that the Relationships Register Bill remains to be debated after being read for a second time in the other place. Members will note that these matters are reflected in the third recommendation of the report.

The committee also noted evidence raising the option of domestic partners under the Family Relationships Act to obtain a declaration as to the existence of the relationship from a South Australian court. As an alternative to recommendation 3, the committee was of the view that this also had the potential to be prescribed as a qualifying criterion for the recording of a relationship in the register of deaths, and this formed the basis of the fourth recommendation of the report.

Finally, the committee considered the information which is entered into the register of deaths of persons in other Australian jurisdictions, noting considerable variation between approaches of the

jurisdictions and finding little consistency from which to draw guidance. The committee would like to thank the committee secretary, Mr Matt Balfour, and the committee's research officer, Mr Ben Cranwell, for providing valuable assistance to the committee throughout the conduct of the inquiry.

In conclusion, I thank the other members of the committee for their contributions to the inquiry: the Hon. Gerry Kandelaars, the current Presiding Member of the committee, who remains on leave; the Hon. John Darley; the member for Little Para, Mr Lee Odenwalder; and, the member for Fisher, Ms Nat Cook. I also thank members who resigned from the committee during the course of the conduct of the inquiry, including the member for Heysen, Ms Isobel Redmond, and the member for Elder, Ms Annabel Digance. I commend the report to the council.

Debate adjourned on motion of Hon. J.A. Darley.

Motions

HIV

The Hon. T.A. FRANKS (16:14): I move:

That this council—

1. Notes that–

   (a) the South Australian government is a party to a Council of Australian Governments shared target to end new HIV infections in Australia by 2020;

   (b) in 2013, there were 69 diagnosed HIV infections in South Australia;

   (c) each new infection and lifelong treatment brings significant health and personal impacts, with lifelong costs estimated at $200,000 to $300,000 per person;

   (d) there is now strong evidence that pre-exposure prophylaxis (PrEP) is a highly effective addition to the HIV prevention tools currently available; and

   (e) state governments in Victoria, Queensland and New South Wales are currently running clinical trials involving the provision of PrEP to high-risk groups;

2. Calls on the state government to demonstrate leadership on HIV by trialling PrEP among high-risk groups in South Australia.

This is a timely motion for this month, leading up to World Aids Day on 1 December. I gave notice of this motion on the last sitting week to give members ample time to deliberate, and I indicate from the outset that I intend to take this motion to a vote on 30 November, the day before World Aids Day. This motion notes that the South Australian government is a party to the Council of Australian Governments shared target to end new HIV infections in Australia by the year 2020.

It also notes that, according to the most recent data available via the Kirby Institute, there were 69 new diagnoses of HIV infections in South Australia in 2013. It also notes that each new infection and lifelong treatment brings significant health and personal impacts but, of course, with cold, hard, lifelong costs financially in terms of our health budget of some $200,000 to $300,000 per person. It observes that there is now strong evidence that pre-exposure prophylaxis (PrEP) is a highly effective addition to the HIV prevention tools currently available.

PrEP (pre-exposure prophylaxis) is something we should be looking towards, and this motion calls upon the South Australian government to take the lead of the governments in Victoria, Queensland and New South Wales, and to ensure that we are doing all that we can to meet that target of zero new infections by 2020 by allowing a trial which would enable access of PrEP to high-risk groups in South Australia without an undue financial burden to those people.

We know that the heyday of hysteria, if you like, and indeed action around HIV AIDS was over 20 years ago. Certainly, when I was in high school, I remember the grim reaper ads, and I am sure many in this chamber, although not all, will vividly remember those particular ads. The truth is that in 2012, Australia recorded its highest infection rate in those 20 years with 1,253 new cases recorded, so despite the great active and proactive measures that Australia took, and I think we were leaders in the world in that eighties period, we still have a problem we need to address, particularly when it comes to this pandemic.

Community health organisations have set a deadline to stop new cases of HIV transmission by 2010, the United Nations declaration has called on zero new transmissions by 2020, and our government, along with the Australian government and other state and territory governments, is a party to that. One major part of the fight against this epidemic is, of course, PrEP (pre-exposure prophylaxis) which is the term used to refer to HIV negative people taking antiretroviral (ARV) drugs to reduce the risk of acquiring HIV. PrEP is the protection offered by a single pill, that when taken daily reduces that risk of infection by 90 per cent.

PrEP is currently created and sold as the drug, Truvada. The efficiency of Truvada has been demonstrated in clinical trials amongst men who have sex with men (MSM), transgender women, heterosexual men and women, and injecting drug users. I note that the UK PROUD study and the French and Canadian IPERGAY study have reported an 86 per cent reduction in risk of HIV infection amongst participants using PrEP to prevent those new HIV infections.

In Australia late last year, my former Greens colleague, former senator Robert Simms, moved a motion in the Senate calling on the government to remove regulatory barriers to HIV prevention tools, including PrEP and rapid HIV tests and home tests, and explore all options to expand trials, and that motion passed the Senate. In May 2016, Truvada was approved by the Therapeutic Goods Administration (TGA) for availability in Australia but the price is still prohibitive without it being listed on the PBS. In August 2016, PrEP was denied PBS listing.

So, we now have a situation where we have approved the drug under the TGA as appropriate but it is financially prohibitive for those who should be seeking its protection to be able to do so. We have a situation where the wealthy or those with access to wealth can afford protection, but others cannot. Indeed, we have a situation where in the states of New South Wales, Victoria and Queensland if you do not have that access to wealth you can take part in a trial that allows you to access PrEP. It is a proactive public health measure that is both sensible and practical.

However, South Australia, yet again, lags behind in the area of these types of public health outcomes. We know that the lifelong cost for treating somebody who has acquired HIV in this state is estimated at $200,000 to $300,000 per person after the infection is diagnosed. Do the maths. Ensuring that we have no new infections, certainly by the year 2020 but earlier if we can, is actually within our grasp and the trial that this motion proposes is a way to get there.

There are, of course, off-brand alternatives to Truvada that are cheaper and are becoming available. Indeed, you can get online and order them but even they are a minimum of $100 a month, and I note that Truvada is roughly $1,000 a month. These are still prohibitive costs for those communities who seek to use these proven methods to reduce HIV infections.

The Greens have been leaders in this debate and our recent federal election campaign saw the release by the Greens of a fully costed plan to make this drug available for high-risk groups across the country. I point out to both this state government and again to the federal government that that is there for either of those governments to take up at any point, should they wish.

There is an enormous human cost, of course, to HIV above and beyond the financial burden on our health system. While it is no longer a death sentence in our country and those people who are HIV positive are able to live long and often healthy lives with effective treatment, an HIV diagnosis is something that can still have a huge and profound impact. It also requires ongoing management and it can have a large impact on a person's relationships. We know that, despite the development in the treatments available, there is still a stigma associated with somebody who is HIV positive.

Governments around the world have been working towards ensuring that we reduce the transmission of HIV and the aim is to end new HIV infections by the year 2020. South Australia can step up and play its part in reaching that global goal. PrEP is a tool that will bring us closer to realising that ambition, along with other sexual health measures.

There seems to be an argument that certainly has been made informally by the minister's office to me in recent days, having seen that this motion would be put on the *Notice Paper*, that somehow South Australia has too small a population to run a trial. I say that surely that would make the trial smaller and less expensive; surely, by servicing a population and preventing them getting sick, the Department for Health would actually be doing the very job that the Department for Health was set up to do: being the department to make people healthy rather than standing idly by and

watching people become unnecessarily sick. It is not the 'department for doing nothing'; it is the Department for Health.

I note that while we do not have an AIDS council in this state anymore, the Victorian AIDS Council has come out in support of this motion. The chief executive of the Victorian AIDS Council, Simon Ruth, has pointed out that South Australia has, like other governments in this nation and nation-states around the world, committed to the global goal and we have a commitment to reach that target. However, Mr Ruth quite rightly says that:

> This target is unachievable unless all evidence based prevention options are made available. PrEP is by far the most effective form of prevention for those at high risk of HIV and needs to be made available as quickly as possible.

While PrEP has been approved by the TGA, a submission to subsidise it under the PBS was denied earlier this year.

This is the way forward on this issue. If it is going to be made financially unavailable for those in the community to access it, the health minister must step up and ensure that we provide access to a proven pill that can simply help us reach that global goal, change lives dramatically and ensure that he is the Minister for Health and not the minister for doing nothing. With those few words, I commend the motion.

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

ENVIRONMENT PROTECTION AUTHORITY (AIR QUALITY) POLICY

The Hon. J.M.A. LENSINK (16:25): I move:

> That the Environment Protection (Air Quality) Policy 2016 pursuant to section 28 of the Environment Protection Act 1993, made on 21 July 2016 and laid on the table of this council on 26 July 2016, be disallowed.

This motion relates to a disallowance of an environment protection policy (EPP). Please allow me to explain. It is the Environment Protection (Air Quality) Policy relating to burning in the open, which has caused some concern in the Adelaide Hills, where it is going to have the biggest change to the regulations. I must declare at the outset that, as a resident of Bridgewater, I am one of the people who is affected by this particular change.

The EPA has been reviewing various drafts of an environment protection air quality policy which will, among other things, replace the existing Environment Protection (Burning) Policy of 1994. The new policy came into effect on 23 July. Under the previous rules, domestic burning was allowed, under section 5(3), between 10am and 3pm from Monday to Saturday within certain council areas which were not prohibited by schedule 1 or, under section 5(5)(d), by a permit provided specifically for reducing fuel loads.

The EPA states that the intent of the policy is to better protect and improve the health of the community in the environment by regulating and managing air quality in line with contemporary practices, and streamlining and clarifying administration. Other than the matter of burning in the open, the policy contains standards about solid fuel heaters, smoke and the types of fuels that can be burned. A range of public meetings was organised, but the feedback is that they were not well known about, particularly by a number of locals, so there were meetings during November and December last year and then a further consultation phase, which took place in March and April of this year.

The main change that has caused confusion with the new rules is this issue of burning in the open. Burning in the open was previously captured in a separate policy, which stipulated that councils could opt in to a permit scheme, and a majority of metropolitan councils did choose to participate in that particular policy. The Adelaide Hills Council had chosen not to participate and therefore was exempt from the rules, and local residents did not actually require a permit.

The new policy provides that, if you are located within metropolitan Adelaide and within townships, councils may choose to issue individual permits, or they may also issue a general notice to allow burning off for bushfire hazard reduction and disposal of agricultural and forestry waste. If you live outside the metropolitan area, burning off for bushfire hazard reduction and disposal of agricultural and forestry waste may occur at any time outside of the fire season. It is up to each individual council to determine which system they adopt.

I think it is fair to say that a number of residents have contacted members of parliament who are located within the Adelaide Hills Council catchment. Those include the members for Morialta, Heysen and Bragg. The Adelaide Hills Council is undergoing its consultation process and has placed some information on its website. The minister has been asked about this issue in this place and he has confirmed that councils will not be required to advise the EPA of their preferred method. I think it has been taking some time for the Adelaide Hills Council to determine what rules it will apply and what criteria it will use for providing permits and so forth.

The Mount Barker *Courier*, which has clearly been following this issue quite closely, reported in its weekly paper of 27 July 2016 that rural landowners around Stirling, Mylor, Piccadilly and Norton Summit will be allowed to burn off before the fire danger season. However, those living within township boundaries will not be allowed to burn off for bushfire prevention purposes, unless there are exceptional circumstances. I think that has caused quite a bit of concern. Clearly, the Adelaide Hills is a very highly bushfire-prone area in terms of the topography and the amount of vegetation and a large population area.

I think there is ongoing concern for people who are located within townships as to whether or not they will be allowed to burn off on their blocks. The reason for this disallowance motion is that this matter is currently before the Environment, Resources and Development Committee. Given that the policy was gazetted in July, we were running out of time to move a disallowance motion, so this is, in effect, a holding motion under section 30 of the Environment Protection Act.

We have 14 sitting days, after which we can move a disallowance motion, so this holding motion is to allow debate in the Legislative Council. Our Environment, Resources and Development Committee is still hearing from witnesses and is yet to determine what recommendation it will make to the minister once we have concluded taking evidence. For that reason, I needed to move this motion so that we at least have the opportunity in the Legislative Council, if we so determine, to disallow these regulations at a later date. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE: ANNUAL REPORT 2015-16

The Hon. R.I. LUCAS (16:33): I move:

That the report on the operations of the committee, 2015-16, be noted.

I rise to speak briefly to this standard motion that is moved each year to note the report of the operations of the Budget and Finance Committee. Members will be aware of my views on the important work of the committee. I trust that, in some form or guise, it might continue post-2018—as a standing committee of some form or another, I hope. I will be surprised if whomsoever shall be in opposition post-2018, together with any minor parties and Independents, would not see the value in the work of the Budget and Finance Committee, whoever might be in government.

Certainly, my view is that, should the Liberal Party be fortunate enough to be in government after 2018, it will be a very useful and important discipline on the operations of governments, ministers, and, more particularly, senior public servants and officers in government departments and agencies, that the ongoing scrutiny of, hopefully, a standing committee of the Legislative Council continue to conduct its operations.

That will, of course, be a decision to be taken by whichever party is in the next government, but even if the government does not take that position, it remains the power of the Legislative Council, the majority in the Legislative Council, to continue the operations of this committee in the form that it already exists. There is nothing that a government could do to prevent the operations of the Budget and Finance Committee in exactly the same format that currently exists.

I thank the members of the committee who have served, the Hon. Tung Ngo, in particular, who has been an assiduous and interested member of the committee from the government side; always attentive and asking pertinent and apt questions on occasions. Occasionally the senior public servants want to know which side of the political fence he has actually come from. I think it demonstrates the importance of the work of the Budget and Finance Committee.

I thank the Hon. Mr Darley who has been, again, an assiduous participant in the operations of the Budget and Finance Committee. Without his contribution we would not have been able to continue doing the sterling work that the committee has done. I thank the committee secretary, Guy Dickson, for all the hard work that he has done. He should have been joined by a research officer, as a motion of this Legislative Council has called on the government of the day to provide, but Guy, nevertheless, has done the hard work and assisted the committee in terms of organising an appropriate schedule of witnesses, and chasing up answers for questions taken on notice.

I might just note that one comment I will make, in thanking Guy, but also thanking the members of the committee, is that I think there has been in the last 12 to 18 months slightly worrying trends for some agencies to become tardy in their responses to questions, and the committee has resolved that we seek responses within 28 days. I think the committee, when there have been many, many questions, has been reasonable in terms of the pursuit of that. I would flag that certainly perhaps the committee might resolve, in the not too distant future, to give some curry to one or two agencies that are snubbing their nose at the committee and, indeed, through that, snubbing their nose at the parliament, by delaying their responses by up to four or five months.

I would be hopeful that the Hon. Tung Ngo, in supporting transparency and accountability, would support other members of the committee—I am sure he would—to ensure that we are going to correspond with those agencies to remind them of their responsibilities. The advantage this committee has is that if it so chooses, and someone decides to be recalcitrant, it can be a quick motion of the committee to bring that agency back before the committee for another appearance.

It is unlike the annual appearance at estimates committees in the House of Assembly, where they appear once and they know that they do not have to come back until next year, and that is generally the case, except for the bigger agencies, with the Budget and Finance Committee. But I think if there were to be a persistent offender in delaying the provision of responses to answers to questions on notice, reasonable questions, then the committee would have the capacity to call that agency back to see why they have not responded to the questions, and to subject that particular agency to further questioning for a second or, indeed, a third time, if need be, during any 12-month period.

The Budget and Finance Committee has that flexibility, if it so chooses, and for the public record I put that personal view, at this stage, on the public record and I would hope that when the committee secretary, over the coming period, chases up agencies for responses that they will be mindful of the decisions that the committee has taken on behalf of the parliament in giving them a 28-day period to provide answers to questions on notice. With that, I support the motion standing in my name.

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

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: WORK, HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

The Hon. J.A. DARLEY (16:39): I move:

That the 25th report of the committee on the Referral of the Work, Health and Safety (Industrial Manslaughter) Amendment Bill be noted.

The committee's 25th report is the result of an inquiry undertaken in response to the Work Health and Safety (Industrial Manslaughter) Amendment Bill, which was referred to the committee from this place. The purpose of the bill, which was introduced by the Hon. Tammy Franks MLC, was to provide for stronger penalties for employers and corporations whose negligent work practices result in work-related fatalities.

Work-related fatalities are unacceptable and not only end the life of an innocent worker, but also have far-reaching consequences for the families, friends and others close to the deceased. While one workplace fatality is one too many, the committee notes that there has been a continued downward trend in workplace incidents, injuries and fatalities, which are the responsibility of everyone to prevent. In the last 12 years there have been three previous attempts to introduce a

similar bill to prosecute individual employers who recklessly disregard the health and safety of their workers, where that disregard has resulted in the death of a worker.

The Hon. Nick Xenophon introduced a private member's bill in 2004. The committee itself investigated the possibility of introducing such an amendment to the then Occupational Health, Safety and Welfare Act and, in 2010, the Hon. Tammy Franks again introduced a bill to amend the Occupational Health, Safety and Welfare Act. Since these attempts, the Work Health and Safety Act, which is based on the national model legislation, has been adopted. It places a duty of care on a person conducting a business or undertaking (a PCBU) rather than the employer.

This reflects the changed relationship between workers and businesses. Workers are now engaged in many different arrangements, such as on contract, through labour hire organisations and as subcontractors, and there has been an increasing casualisation of the workforce. A person conducting a business or undertaking has a duty of care and its officer has responsibilities to any worker on the worksite, regardless of the employment relationship. This change reflects the complex arrangements on large worksites such as construction sites.

On these sites, it is possible for an employer to take every reasonable measure to protect the health and safety of workers from a contractor or someone else who may enter the site and create an unsafe situation. Imagine a construction site like the new Royal Adelaide Hospital, which has many contractors, subcontractors and others working on site with different employment relationships. The example can easily be imagined where builder erects a barrier around a void on a construction site, only to have it removed by a contractor to gain access to the site for different reasons.

An inexperienced worker who falls through the void and is killed does not do so because the employer is negligent, but because of the actions of a third party. In this scenario, the Work Health and Safety Act places the obligation on the contractor, who has a duty of care to all those who are working on the site (the person conducting a business or undertaking). An investigation would reveal who had the duty and how the failure had occurred. However, under the Work Health and Safety (Industrial Manslaughter) Amendment Bill, it would be difficult to prosecute the guilty party if they were not the employer. It was also brought to the committee's attention that the bill may prevent the prosecution of any person who had aided and abetted a work-related death.

Submissions to the inquiry from legal and policy interest groups including the Law Society, the Director of Public Prosecutions and the Flinders University Centre for Crime, Policy and Research all raised concerns about conflicting language, definitions and other aspects of the proposed bill compared to the Criminal Law Consolidation Act and the Work Health and Safety Act. A major difficulty with the bill is that it focuses on the employer and employee relationship rather than the now more complex work and supervision arrangements that are in place. The bill also attempts to adopt some aspects of the Australian Capital Territory Criminal Code and Britain's Corporate Manslaughter and Corporate Homicide Act which do not align with the Work Health and Safety Act.

Employers voiced a common view that it is far better to prevent fatalities than to prosecute individuals after the death of a worker. There was also a common view that the increased penalties in the Work Health and Safety Act, particularly the category one offence which has a maximum penalty of $3 million for corporations and up to $600,000 and/or five years in prison for officers who expose a person to a risk of death or serious injury or illness is a significant penalty improvement on the former Occupational Health Safety and Welfare Act. The Work Health and Safety Act does not wait for a fatality to occur before a prosecution can be taken. It is the risk exposure which will be prosecuted which is aimed at prevention of work-related injury, illness and fatalities.

The committee heard from a number of sources that there are legal difficulties with holding employers in large complex organisations accountable for a workplace death. Many levels of management accountability often make it difficult to identify the directing mind of the corporation when decision-making is diffused through the organisation. However, the committee notes that it is currently possible to prosecute an employer or any other individual for manslaughter under the Criminal Law Consolidation Act as has occurred in the recent case of Colbert.

Colbert showed reckless disregard for his employees by not maintaining the brakes on a truck which ultimately resulted in the death of an innocent man leaving a distraught family without a

husband and father. These prosecutions are made possible because of the closer relationship between the decision-maker and the work that is performed. The committee recommends that the Crown Solicitor and the Director of Public Prosecutions consider a protocol to ensure due consideration is given to prosecuting a manslaughter charge in the case of a work-related fatality where it is appropriate to do so. The committee also recommends that this should not prevent the Crown Solicitor from prosecuting a corporation under the Work Health and Safety Act.

Based on the evidence presented to the committee, members maintained that there are adequate legal systems in place to deal with industrial death arising from negligent disregard. On this basis, the committee does not support the proposed amendment to the Work Health and Safety Act. I would like to thank all those who made submissions and gave evidence to the committee. My thanks also go to the Presiding Member, the Hon. Steph Key, from the other place and hardworking committee members: the member for Fisher, the member for Schubert, the Hon. Gerry Kandelaars and me. My thanks also go to the committee's executive officer, Sue Sedivy.

The Hon. J.S.L. DAWKINS (16:48): I rise briefly to support the noting of this report and to endorse the remarks made by the Hon. Mr Darley. Certainly, following the referral of this bill to the Occupational Safety, Rehabilitation and Compensation Committee, I think there was a thorough examination of the bill by the committee. We had a range of witnesses who provided submissions and gave evidence to the committee.

I think the Hon. Mr Darley has actually outlined the findings of the committee very well. In essence, the committee found on its evidence that there are adequate legal systems in place to deal with industrial death arising from negligent disregard. Certainly he has outlined more of the reasoning behind our finding, but I and all members of the committee supported the eventual position that we did not support the proposed amendment to the Work Health and Safety Act.

I would also like to thank all those who took part in the inquiry and my fellow members of the committee. The Presiding Member (Hon. Steph Key) always runs a very good meeting. Thanks also to our executive officer, Sue Sedivy, who has been working alone for some time and in the very near future will have some welcome assistance provided to her. With those few words, I support the motion.

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

NATURAL RESOURCES COMMITTEE: ALINYTJARA WILURARA REGIONAL FACT-FINDING TRIP

The Hon. J.S.L. DAWKINS (16:51): I move:

That the report of the committee on the Alinytjara Wilurara Regional Fact Finding Trip be noted.

From 4 to 7 April this year, the Natural Resources Committee visited the Natural Resources Alinytjara Wilurara (NR AW) region as part of its regular schedule of visits to the state's eight Natural Resource Management regions. On the visit during that period were fellow committee members: the Presiding Member, Hon. Steph Key MP; Mr Jon Gee MP; Mr Peter Treloar MP; the Hon. Robert Brokenshire MLC; the Hon. Gerry Kandelaars MLC; and Mrs Annabel Digance MP, who has since resigned from the committee.

The visit provided us with the opportunity to meet with a wide range of Department for Environment, Water and Natural Resources staff, AW NRM Board members, traditional owners and community members. Alinytjara and Wilurara are the Pitjantjatjara words for north and west respectively, reflection the region's location in the state. With more than 11 million hectares, NR AW comprises more than half of South Australia's public land, and more than half of the region's area is dedicated Aboriginal lands owned or in trust of three major landholding authorities: APY lands, Maralinga Tjarutja lands and Yalata.

Due to the large size of the region and the challenges and costs inherent in undertaking a visit to remote parts of the state, the committee visited only the southern portion of the AW region on this trip. Three years ago, the committee visited the northern portion, the APY lands. The findings of that visit are contained in a separate report tabled in this house in September 2013.

Accompanying the committee on the visit and providing comprehensive background information and commentary were AW NRM Board Presiding Member Mr Parry Agius and NR AW Community Engagement Manager Mr Bruce Macpherson. Over the course of this four-day visit, the committee also met with many other regional and community staff and board members whose knowledge and presentations helped to inform this report, and I extend my thanks to them.

The committee observed firsthand many excellent projects undertaken with support from the NRAW staff and of course the AWNRM Board. On day 1, the committee saw the recently completed Oak Valley water supply system, comprising 48 kilometres of pipeline installed by a team of 12 men from the community and using a special cart designed and built at Oak Valley expressly for this project.

Water is supplied through the new pipeline from six bores via solar pumps to a tank facility near the community, and the members were impressed to learn that this system replaced the former arrangements, which incorporated a truck carting 2,700 litres of water into the community every day—a four-hour round trip.

As well as providing this critical water supply, the project provided training and paid meaningful employment to members of the Oak Valley community. The water supply project was implemented in partnership with SA Water's Remote Communities group and funded through both state and federal governments.

Later that day the committee flew from Oak Valley to Maralinga, where we met with incoming village caretaker, John Harrison, and toured the area with the outgoing caretaker, Robin Matthews, who is a long-time resident of Maralinga and very knowledgeable about the area's history and culture.

The committee heard that, although local people were, understandably, still wary of the area, their confidence and desire to be involved with telling the story of Maralinga was growing, underpinned by support from the commonwealth, the state Environment Protection Authority, the AWNRM Board and the roll-out of the state's co-management policy. This desire was reflected in the decision to support a tourism venture, Maralinga Tours, run by Mr Matthews with traditional owners' permission.

Having moved to Ceduna, on day 2, the members of the committee drove from that township to Googs Lake via Googs Track. At the lake's camping area, the committee met with local traditional owners and NRAW staff to hear about the remediation of public areas and how the introduction of statewide co-management policy assisted the project. The committee also heard that the combining of AW and Eyre Peninsula NRM staff in a single NRM office in Ceduna was beneficial.

It was explained to us that the rehabilitation project at Googs Lake had helped to reduce negative visitor impacts and reverse the damage already done to protect the area's cultural heritage and environmental values. A community meeting to start the project reportedly resulted in a strong and diverse turnout, reflecting widespread support for the project from all sections of the community.

The take-home message seems to be that solutions are found within communities and that the co-management works. The committee was very impressed with co-management in the AW region, and strongly encouraged its ongoing support. It was great to be at Googs Lake when it actually had a significant amount of water in it. I had not been there before. I know many people who have travelled up Googs Track on a number of occasions who had never seen any water in Googs Lake, so it was a rare sight for those of us who were there that day to see the lake largely covered with water.

On the third day of the trip, members visited the Yalata community and, following that, the Aboriginal Lands Trust-run visitor centre at the Head of Bight, where tourists can view whales seasonally. While we were at Yalata, it was interesting to learn of the work of many of the community involved in the management of the Head of Bight and their interest in safety in that area.

Over the last two years, the Aboriginal Lands Trust has invested just over $250,000 in the cultural centre at the Head of Bight, with support from the Indigenous Land Corporation and the state Department of Planning, Transport and Infrastructure. Improvements include a solar photovoltaic power system for reliable energy supply for the centre and the caretaker's house and resealing the

car park and access road. A grant from the Indigenous Land Corporation funded the construction and refurbishment of the boardwalk and shelters, which had been degraded through harsh weather.

We were told that there had been concerns about the effects of recent seismic testing on whales in the Bight, with surveys indicating lower numbers of whales visiting the Bight while that seismic testing was ongoing—more so than in previous years. The committee also heard that Curtin University had been engaged by the oil and gas industry to conduct an analysis of whale migration to the Bight. The previous annual visits were about 160 whales but the 2015 migration season had seen only about 90 whales. However, I am pleased to note that the Curtin University researchers have recently recorded a record high number of whales returning in 2016 since the seismic testing concluded.

On day 4, the committee visited the Murrawijinie Caves on the Nullarbor Plain where we heard about tourism and the protection of cultural heritage. Following that, we visited the Bunda Cliffs and we heard and saw evidence of the track rationalisation project, which was improving the local environment and also increasing visitor safety by making it more difficult for visitors to access tracks to the cliff area. Members then travelled back to Ceduna where we visited the arts and culture centre and the very impressive language centre that is part and parcel of that facility, before we flew back to Adelaide.

I commend those who made that trip possible. It was a terrific opportunity to see a great deal of that part of South Australia ranging from Oak Valley, Maralinga, the Head of the Bight and Ceduna in that Googs Lake region including Yalata. We covered a great deal of that AWNRM region. I thank those members who took part in the trip and our staff, Patrick Dupont and Barbara Coddington. I commend the report to the house.

The Hon. R.L. BROKENSHIRE (17:02): I will be brief. There is a lot of business to get through in the next 60 minutes. I rise with pleasure to support the Hon. John Dawkins' presentation of the report on behalf of the NRC. I was not able to attend the whole of that field trip, but I did learn a lot in the time I was there with the committee. It is important that we continue to go on these field trips and get out there with the real people. Oak Valley was one of the few Aboriginal communities that I had not had the chance to visit before, having previously attended and visited Yalata with the former minister for environment, the Hon. David Wotton.

I had the privilege of going to Oak Valley and I commend the Aboriginal community, the management and particularly the teachers on the great work that they are doing there. It is an impressive community. Likewise, in Maralinga, a few dedicated men and women are determined to keep the history of Maralinga and develop the tourism opportunities there. Flying over the Bight, those white sandhills and the magnificent cliffs of the Great Australian Bight, which I had not been able to do for some time, is an enormous privilege and shows how pristine and natural that region is.

I commend the NRM for the work they do there to keep it pristine, as well as the pastoral and grain-growing operators and farmers of that area. Whilst we desperately need economic expansion and development in this state, the trip highlighted to me the risks of BP exploration to the whales and the Bight, had it gone ahead in that region. That is enough from me at this point in time but it was a worthwhile trip and I commend the report to the house.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2015-16

The Hon. J.S.L. DAWKINS (17:05): I move:

That the report of the committee, entitled Annual Report 2015-16, be noted.

The 2015-16 year was another busy one for the Natural Resources Committee. The membership of the committee was similar to the previous year with all members of the 53rd Parliament First Session continuing into the second session. However, Mr Chris Picton MP resigned on 8 February 2016 and this vacancy was filled by Ms Annabel Digance on 9 February 2016; however, Ms Digance subsequently resigned her membership on 7 June 2016 after being appointed to another committee. At the end of the reporting period and as of today the vacancy remains unfilled. The committee's staff

is unchanged and, as I referred to in my remarks to the previous report, we are well served by our research office, Ms Barbara Coddington and executive officer Mr Patrick Dupont.

Over the reporting period the committee undertook 28 formal meetings, totalling more than 64 hours and took evidence from some 64 witnesses. Ten reports were tabled: the Inquiry into Unconventional Gas (Fracking) Interim Report; the Annual Report 2014-15; the Regional Report for March 2014 to April 2016; and seven reports on NRM levy proposals for 2016-17.

Meetings were held with the Minister for Sustainably, Environment and Conservation, the Minister for Agriculture, Food and Fisheries and also with the Clerk and Deputy Clerk of the House of Assembly. The committee has annual statutory responsibilities to consider NRM levy proposals. Over this reporting period many of the proposed NRM levy increases were greater than in previous years resulting in increased witnesses seeking to raise concerns with the committee, and 26 witnesses presented with regard to the levy increases including the members for MacKillop, Hammond, Chaffey, Finniss and Bragg and the former South Australian premier the Hon. Rob Kerin in his position as chairman of Primary Producers SA.

The committee takes its NRM levy oversight responsibility seriously and members spent considerable time deliberating on how best to respond to concerns raised regarding the proposed levy increases. Those matters were certainly canvassed in this house previously so I will not go into that any further, other than to say that there was a majority decision of the committee to support those levy increases. However, the member for Flinders, the Hon. Mr Brokenshire and I did not support that.

The committee endeavours to visit all eight NRM regions over the course of a four-year parliamentary term in order to meet with NRM managers and community members and to observe the work done by the regional NRM boards and also the staff of DEWNR. During the reporting period, the committee visited the Adelaide and Mount Lofty Ranges and Northern and Yorke regions as part of its Pinery fireground fact-finding visit. We also undertook a four-day extended visit to the AWNRM region, as referred to at some length in the previous report today.

In addition to attending to its statutory responsibilities, the committee generally aims to undertake one or more inquiries. The committee continued its inquiry into unconventional gas fracking, hearing from 32 witnesses plus making fact-finding visits to the region including Roma, Dalby and Chinchilla in Queensland, and also to Robe in the South-East and Moomba in the Cooper Basin. The committee also continued to gather evidence for its sustainable fishery management inquiry from four witnesses, and received a briefing from Biosecurity SA regarding the South Australian infestation of Russian wheat aphids (we heard from two witnesses on that topic).

This reporting period saw the committee piloting the use of videoconferencing for its hearings. In total, six witnesses gave evidence to the committee via Skype. One witness was heard via teleconference and the remaining 57 witnesses presented to the committee in person. The access to this videoconference technology has been an excellent way to increase the range of expertise available to the committee. In particular, we have heard from at least two witnesses on the fracking inquiry from the United States on opposite sides of the argument, so to speak, by that method.

I acknowledge the valuable contribution of committee members during the reporting period. I think the committee has always had a record of working together very well, and I thank the members, as previously mentioned, for their contributions to the work that makes up this report. Once again, I thank the members of staff and commend the report to the council.

The Hon. R.L. BROKENSHIRE (17:12): I rise to support the Hon. John Dawkins' overview of the annual report of the Natural Resources Committee. I commend the chair, the Hon. Steph Key, and all my colleagues on the committee. It is the most hardworking committee, I believe, of any of the standing committees of the parliament, without doubt. We do get our hands dirty and we do spend a lot of time, with limited resources, getting out where we possibly can to do the work of the parliament when it comes to the Natural Resources Committee.

I commend the great work of both Mr Patrick Dupont and Ms Barbara Coddington. I just want to say that the Hon. John Dawkins is absolutely correct: three of us were opposed to the massive increases in natural resources management, which is going to hurt the government, make no doubt

about it. Come next election, it will be one of the big election issues. There is nowhere I go across the state where people are not complaining.

I think the minister for the environment should take note of what the committee has said in its report about the concerns they have with these exorbitant cost shifting rises in each individual property owner's accounts as a result of the Treasury clawing back $6 million into general revenue and the department then copying them and clawing back about $6 million: 300 full-time equivalents at $22,000 per full-time equivalent for so-called corporate services.

This is an important committee. You can see that the work is being done, and I commend the report to the house.

Motion carried.

Motions

PRISON ADMINISTRATION

The Hon. T.J. STEPHENS (17:15): I seek leave to move my motion in an amended form.

Leave granted.

The Hon. T.J. STEPHENS: I move the motion as set out, but in paragraph 1(d)(iv) leave out the words 'is now dying' and insert the words 'has died'.

1. That a select committee of the Legislative Council be established to inquire into the government's administration of South Australia's Prisons with particular reference to—

   (a) the costs and impacts (upon prison officers, prisoners and the South Australian community) of the combined prison system operating continually above approved capacity;

   (b) the government's forecasted prison capacity in relation to its forecasted prisoner population;

   (c) the correlation, if any, between prison overcrowding and the breakdown in proper administration of prisons;

   (d) the following incidents which occurred between July and October 2016:

      (i) a prisoner given leave to attend a funeral but was prevented from re-entering the Yatala Labour Prison at the appointed time;

      (ii) a prisoner convicted of murder and rape was allowed to umpire an amateur football match;

      (iii) two prisoners were able to tunnel under a prison fence and gain access to a prohibited area at Port Augusta Prison, then start a truck with the intention of driving it through a perimeter fence and, when noticed, held officers at bay within the prohibited area for four hours;

      (iv) a prisoner has died and three prison officers hospitalised following a violent altercation at Yatala Labour Prison;

      (v) a prisoner convicted of murder disappeared from a Corrections supervisor;

      (vi) the recent seven-hour siege at Port Augusta Prison; and

   (e) any other relevant matter.

2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

I move this motion to establish a select committee into the administration of South Australia's prisons. It was not so long ago that I moved a similar motion establishing a select committee into the culture

of the Department for Correctional Services, and many disturbing revelations came to the fore. Whether workplace culture in the department has any effect on the actual administration of our prison system in South Australia remains to be proven. This is something that the select committee may wish to look at, should this motion be successful.

The Corrections system is clearly in crisis and there are no solutions from the government. As late as Friday last week, there were negative media reports linking prison overcrowding to the use of home detention. Home detention sentences have been criticised as too lenient, when compared with incarceration in prisons and the lack of freedom this brings.

It is this reason, that of prison overcrowding, that has prompted this motion. We had the Hon. Kevin Foley's policy of rack 'em, pack 'em and stack 'em, which quickly became an overcrowding crisis. Only a few years ago, we had the Hon. Mike Rann's plan for a new prison at Mobilong, which was abandoned. Then the government's flashy plan, using shipping containers, was short lived, even though it was billed as a cheap way to solve overcrowding issues. The result is the government has no plan and prisons are operating regularly at well above capacity.

This investigation is needed so that, as a state, we can solve these problems once and for all. I would like to see a permanent solution to the overcrowding crisis, so we do not see home detention as being a panacea. This is too important a policy area to be neglected for so long and we can see from recent events listed, over the last four months, that this neglect is having a real effect on the administration of South Australia's prisons. This is a crisis which can no longer just be attributed to the normal risks associated with administering prisons.

Honourable members do not have to take my word for it. The secretary of the PSA, the union representing prison officers, has linked overcrowding with the increase in behavioural incidents in South Australian prisons. On this point alone an inquiry is needed. If common sense of having enough room to accommodate prisoners is not enough, then surely the fact that it increases the risk of violence and other incidents should be enough to spring any government into action. It will be the committee's task to gather this evidence.

To remind the council, I will detail the recent incidents which have led me to the point of moving this motion today: the violent incident at Yatala Labour Prison on 23 September, which led to the death of an Aboriginal man (known as Mr Morrison) several days later; five guards were also hospitalised, at least two of whom sustained serious facial injuries. Neither the minister nor the PSA could link this specific incident to overcrowding, but that is a very hard conclusion to reach—the effect of overcrowding on the behaviour of the general population—and it would take an inquiry, such as this one, which I aim to establish with this motion, to reach that conclusion.

The effects are general and of course it would be very easy to determine that it does not have an effect on one specific incident, as the effects are not tangible on such a level. However, common sense dictates that overcrowding increases tensions, regardless of the setting—prisons even more so, with the sorts of maladjusted personalities within them. It is worth noting that Mr Morrison was actually on remand and yet was being kept at Yatala Labour Prison, a maximum security facility, with the state's most hardened criminals.

The overcrowding problem leads to prisoners and remandees being shuffled around to best suit capacity issues. This leads to those in custody being housed in less than ideal facilities, harming rehabilitation and resulting in recidivism, which is counterproductive to the intentions of the government and the minister. Overcrowding is a far more complex issue than it appears.

A week prior to this incident, on 13 September, at least three dangerous inmates attempted to escape from Port Augusta Prison by tunnelling under a fence and hot-wiring a truck—which they intended to ram through a perimeter fence—before being discovered by prison authorities, held at bay and taken into custody the next morning. Earlier last month, on 14 October, at least 16 prisoners barricaded themselves into the gym at Port Augusta Prison, which led to the prison being locked down and a seven-hour siege arising.

In early September, it arose that, via the minister's new program for reintegrating prisoners into society by having them umpire amateur football matches, a convicted murderer and rapist was allowed to umpire a match. The minister explained on radio that the scheme was instigated by the South Australian Amateur Football League as a means of covering a manpower shortage when it

comes to umpires and that there is no doubt that ex-prisoners must be reintegrated in order to limit reoffending.

Questions are raised about the safeguards of such a program and ministerial competence in overseeing such a program. It is inconceivable that coaches and administrators require police checks and good characters, especially when there are minors playing in teams, yet the umpires are not required to meet similar thresholds. This program is something the select committee should be looking at in more detail.

Further examples include the farcical situation where a prisoner was given leave to attend a funeral, yet was prevented from re-entering after presenting, at his own will, at the appointed time. This was put down to administrative error, yet this prisoner remained at large for weeks before being brought into custody. A similar incident occurred in which a convicted murderer escaped supervision of correctional staff whilst on a work detail.

As can be seen from these recent incidents and the many others over the years, coupled with the chronic overcrowding of the prison system, a parliamentary inquiry is urgently required, and I commend the motion to the council.

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

Bills

RETURN TO WORK (WEEKLY PAYMENTS UNDER TRANSITIONAL PROVISIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 July 2016.)

The Hon. T.A. FRANKS (17:22): I rise on behalf of the Greens to make a second reading contribution to the Return to Work (Weekly Payments Under Transitional Provisions) Amendment Bill 2016. From the outset, I say that the Greens will be strongly supporting this bill. The Hon. John Darley has introduced this bill because the Xenophon Team believed there was a simple loophole created unintentionally by this Labor government within the Return to Work Act 2014. The Greens agree.

This bill merely seeks to ensure that injured workers who returned to work on 30 June 2015 are eligible for income support. There is a solid argument for why these injured workers should be eligible for income support, and I will lay it out for the understanding of the Minister for Industrial Relations and members of the government benches in this place and in the other place: one, if an injured worker had returned to work on 29 June 2015, they would be eligible for income support; two, for a worker who is injured in the days leading up to 1 July 2015, but who takes no time off work before 1 July 2015, the Return to Work Act does not provide a mechanism for that worker to receive any form of income support payments at all. There is no way to overcome that outcome without this amending bill being passed.

Because of this loophole, my office has received numerous cases of injured workers from lawyers who have no way of representing their clients' cases. These injured workers returned to work on 30 June 2015 and are no longer qualify for income support. They returned to their workplace on 30 June 2015 for a number reasons, including not wanting to be a burden on their employer by leaving them short-staffed, and not realising the extensive injury that they had sustained at work.

Through no fault of their own, despite returning to work, having sustained a significant workplace injury, these people are now worse off than they would have been if they had stayed away from work that day. Surely, this completely counters the objectives of the Return to Work Act under section 3(1)(a) in realising the health benefits of work, and (c) in returning to work, including if required, after retraining. I have some examples for the information of those here in this debate today, and I also put these on the record.

Aaron Gaston of Munno Para West, sustained a workplace injury on 28 June 2015 and was forced to remain at work by the Adelaide Casino. Aaron had no ability to take time off work before

1 July 2015. The extent of his injury resulted in him becoming unfit for work after 1 July 2015. Just because of the dates of enactment, Aaron is now not eligible for income support, because he returned to work. Could it be that the lawyers working for the Adelaide Casino, knowing that this loophole existed, suggested to the employer that Aaron must be kept at work so that he would not be eligible for income support? Perhaps not, but this is, indeed, the case that we find ourselves with.

Wayne Schroeder of Morphett Vale was injured in 2012. He underwent surgery in 2012 and successfully returned to work. Wayne was supported by his employer, who valued their employee's contributions to the workplace but, as a result of this, Mr Schroeder did not claim income maintenance after the section 36 discontinuance was issued in 2013 and before 1 July 2015. Wayne underwent surgery on 30 March 2016. This required a neurostimulator implant in his right leg, yet he is not eligible to be paid for time off work whilst recovering from his injury. Wayne has exhausted his sick leave, annual leave and personal leave.

Despite all the evidence suggesting that the worker has achieved the objects and principles of both the prior act and the current act, he remains precluded from protection of the system because of the arbitrary wording of clause 37. The interpretation of clause 37 has now been affirmed by the employment tribunal in two decisions: Pennington and Watkins. Due to this set precedent, Wayne has extreme difficulty and it may be impossible that he will be able to succeed with his dispute without an amendment to the act.

Another case of an injured worker who is now ineligible for the protection of the act is Bianca Sutton of Munno Para West. Bianca worked four to five days and was losing one day per week from her pre-injury earning, as of 1 July 2015. In May 2015, she received a notice ceasing top-up payments, subject to section 35B. At that time, unfortunately, the worker did not understand the significance of that notice and sought no legal advice. She returned to work and achieved the objects and principles of the act by achieving the best possible return to work she could and relied upon the system in a responsible manner. Without amendment to the current act through this bill, her claim for top-up payments is in jeopardy and will likely have to be fought all the way to the Supreme Court.

Another injured worker, whom I believe lives in the electorate of what was formerly Ashford, a teacher by trade, and who was employed by the Department for Education and Child Development, was injured in 2011. That worker took minimal time off work and received a notice ceasing payments under section 36 of the previous act, advising that the teacher must return to work. Due to the significance of the worker's injury, this worker was unable to return to work on a full-time basis between 2011 and 2016 whilst accessing medical treatment that supported the worker's pain management.

In 2016, the worker suffered a change of capacity and sought workers compensation payments for a short period of time. This was denied on the basis of the wording of clause 37. This is yet another example of a worker who had returned to work before 1 July 2015 and is being prejudiced, solely by reason of the wording of that clause 37, simply because this worker achieved the objects of the previous Workers Rehabilitation and Compensation Act 1986, despite suffering ongoing pain and reduced capacity from a workplace injury.

As of 30 June 2016, this worker has no right to claim medical expenses associated with the work injury and this compromises the worker's ability to seek medical treatment and maintain work capacity. Yet, we are told and advised by minister Rau that we should ignore all of this and simply bring these cases to his office's individual attention so that they can possibly sit in an abandoned filing cabinet with all the other cases of injured workers who have been unfairly treated by the draconian Return to Work Act.

We are told, I believe ill-advisedly, to simply trust the minister to sort this mess out. We are told that the minister believes this particular section of the act does not really impact on injured workers. If that is the case, then this government should have no problem in supporting this bill before us because this government should be standing up for injured workers. If they are to believe the current minister's word that he can sort this mess out individually, case-by-case, through referrals to his office, then indeed while the members of the government may well be happy to trust that word, the members of the Greens in this place certainly do not trust this minister on workers compensation

and will not take his word for it that he will sort this mess out because he created this mess in the first place.

I note that ReturnToWorkSA's 2015-16 annual report has submitted a $325 million surplus. It states that the scheme's net assets, which are the amount by which the scheme's assets exceed the liabilities, is at $325 million for this financial year. That is on page 7 of that particular annual report. I cannot help but observe that, given we are here facing debate on a bill which fixes what I believe kindly to be unforeseen outcomes of the changes that we saw to this legislation—I guess we will test it today and see whether they were unforeseen outcomes or deliberate outcomes. Were these outcomes accidental, or was a Labor government in the business of doing over injured workers?

It is disheartening to see a minister for industrial relations from a Labor government act in this way. It is not appropriate for that minister not to address a systemic issue, and certainly to offer an option of individual members of parliament referring individual cases to his office where we know for example in the case of the Casino it is not possible to resolve that, that is not an acceptable solution. That is why we commend the Hon. John Darley for bringing this bill before us today. We have worked closely with his office and strongly support it. With those few words, I commend this bill to the chamber.

The Hon. R.I. LUCAS (17:32): I rise on behalf of Liberal members to speak to the second reading of the bill. As other members have noted, in part this legislation has been driven by a response from opponents to the legislation as a result of some recent tribunal decisions, and in particular the tribunal ruling in relation to Pennington versus ReturnToWorkSA where lawyers who have lobbied members of parliament on this particular issue have cited the fact that the employment tribunal described the outcome of one of its rulings as unfair and unfortunate for the injured worker. I note that the tribunal judgement actually states on its cover page:

> Although the construction urged upon us by Return to Work SA produces a seemingly unfair outcome in this case the statute evinced an unequivocal intention of Parliament to draw a line in terms of the continued receipt of weekly payments in connection with workers injured under the WR&C Act.

I think in part that responds to the rhetorical question the Hon. Ms Franks put to the Minister for Industrial Relations as to whether or not it was a loophole or whether indeed it was a deliberate act by the government, and ultimately a majority in the parliament. The tribunal notes that in their view this was an unequivocal intention of the parliament to draw a line in terms of the continued receipt, that it was not a loophole. It was a deliberate and unequivocal decision of the minister, the government and ultimately the parliament in supporting the legislation. A note from HWL Ebsworth to its client group, signed by David Johns and Kimberley Miller-Owen at the bottom, summarises the decision in the following words:

> The Tribunal decided that the wording of clause 37(6) was so clear that it must mean that only workers who immediately prior to 1 July 2015 were receiving weekly payments or had not received a section 36 Notice to discontinue weekly payments could continue to receive benefits after 1 July 2015.
>
> The Tribunal said:
>
> > 'Parliament intended that workers who were not in receipt of weekly payments as at 1 July 2015 due to those weekly payments being discontinued under [section] 36 of the [Workers Rehabilitation and Compensation] Act, are not entitled to receive weekly payments under either the [Return to Work] Act or the [Workers Rehabilitation and Compensation] Act.'
>
> Therefore, despite having an ongoing incapacity, Ms Pennington had no entitlement under the [Return to Work] Act.

What the tribunal has said, and what lawyers who are interpreting the decision have said, is that there was an unequivocal intention from the minister, from the government and from the parliament to, in essence, draw a number of lines in the sand, but this is one line in particular. The reality is that when the minister, the government and ultimately the parliament draws a line in the sand, there will inevitably be very powerful arguments about people who just miss out and people who just are included.

You will not hear about people who are just included because they happen to be on the right side of the line that the minister, the government and the parliament have supported. The ones who

are just on the other side will inevitably have some concerns which are expressed directly by themselves and by those who advocate on their behalf. I might say that this particular cut-off provision is not the only one that the minister, the government and the parliament have constructed in the new legislation. There are a number of others where periods of time are set, and there will be people who will be included and people who will not.

As members would know, there are also significant arguments about whole-person incapacity measures—that is, percentages of WPI. If you happen to be just under a level or just over a level, you are treated differently, and there have been significant issues raised about the unfairness of the cut-off in relation to that. Whilst I was not a minister or in the government that introduced it, I was a member of parliament who supported it on behalf of our party. We have to accept our responsibility for these inevitable arguments and disputes about the unfairness for the people who just miss out.

As I understand it, that is part of the government's response. That is certainly the response they have put to us when we have raised these issues. Another part of their response, which I understand the Hon. Ms Gago is going to give on behalf of the government, is that there is a review built into the legislation. That will enable a review of some aspects but it will not assist some of the people who have concerns about the impact of the legislation prior to the introduction of the review.

The Liberal Party has not only received that argument from the government and its advisers, together with others. A number of industry association employer organisations have expressed very strong opposition to the provisions of the legislation. They certainly argue that it is not just going to resolve the issues of Ms Pennington and others that have been referred to, but will open up many other significant provisions in the legislation as well. I put on the record the views put to the Liberal Party by the Self Insurers of South Australia.

Rightly, I accept the cynicism of some members about the minister saying, 'Well, don't worry about the legislation, I'll sort these things out myself.' I too would have some degree of scepticism about that claim from Minister for Industrial Relations. Clearly, the minister has no control over those who are covered under the self insurers association of South Australia. They are self insured and the minister has no direct control other than through any parliamentary change to that legislation. Self Insurers of South Australia have been very strongly opposed to it, and they have corresponded in part, and I quote their opposition:

> The effect of this particular Bill would be to:
>
> 1. Provide an entitlement to weekly payments to transitional claims where weekly payments under the repealed Act were not ceased by way of a s.36 notice, and the worker becomes incapacitated for work due to the injury after 1 July 2015. An example of the effect of this would be to create an entitlement if a worker's claim had been accepted under the repealed Act for a closed period without that period being terminated by a s.36 notice (a fairly common practice as I understand it).
>
> The bill, if enacted, would seem to have an open-ended transitional effect in that it does not set an expiry date—a worker could revive an entitlement to payments for up to two years at any time. The Bill is also retrospective in effect (see clause 2, which sets a commencement date of 1/7/15).

They advised, back in July, their very strong opposition to the bill. Subsequently, by way of an email to my office, the Self Insurers association again corresponded with my office and again repeated:

> SISA remains strongly opposed to the Bill because it goes far further than simply helping out the Penningtons of the world. It would open us [that is, the Self Insurers] and the Corporation up to two years of payments to anyone who had a closed period claim acceptance at any time under the repealed Act if they did not receive a discontinuance notice. There would be thousands of them. We consider the bill cynical in its ill-conceived attempt to use the Pennington decision as a Trojan horse to rip a wide hole in the transitional provisions.

The Self Insurers association were trenchantly opposed, as that particular email indicates, to the legislation, and they certainly want to make quite clear that they do not believe that the legislation will only apply to a small number of injured workers; it would apply in their view to many thousands of workers, when they say that the minister, the government and the parliament had drawn a clear line in the sand, and the tribunal's decision has repeated that decision as well.

That position from SISA was supported to my office by a number of the other industry associations—the Motor Traders Association and one or two others—which indicated by way of email that they had seen the views of the Self Insurers association and certainly supported the position the

Self Insurers association was putting in relation to the legislation. So, for those reasons the Liberal Party has indicated that it is not prepared to support the second reading of this bill.

The Hon. G.E. GAGO (17:43): I rise on behalf of the government to oppose this bill. As you are aware, parliament passed the Return to Work Act in October 2014, with the new scheme coming into effect on 1 July 2015. The new return-to-work scheme ushered in the most substantial changes to work injury insurance in nearly 30 years, and are vital for the benefit of workers, employers and the state.

The return-to-work scheme is designed to improve health outcomes for people injured at work, and this will be achieved by face-to-face case management, lifetime care for seriously injured workers, simple and effective dispute resolution and a strong focus on recovery and return to work—just some of the key features of the scheme.

Although the scheme is still in its infancy, disputes are down, return-to-work rates are up, non-economic loss payments are up, new economic loss payments have been introduced and the cost of the scheme is significantly less. The government's position is that the average premium rate should be between 1.5 per cent and 2 per cent of remuneration. That allows the scheme to balance the interests of workers and employers, while having high-quality, personalised services available.

This amendment bill, introduced by the Hon. John Darley, should be opposed on the basis that it is inimical to the balance of these interests, as I have outlined. The intent of the Return to Work Act's traditional provisions is to transition workers from a WorkCover scheme to a return-to-work scheme, while drawing a clear line between the two schemes. There was never any intention that the return-to-work scheme would operate in the same way as its predecessor, nor was it envisaged that an entitlement to income support, properly discontinued under the old scheme, could be revived to establish an entitlement in the new scheme in the absence of a new claim made under the new scheme.

Under the new scheme, workers receive much earlier, intensive face-to-face support to ensure services are tailored and person centred. This approach is intended to eliminate or, at the very least, significantly reduce the small number of injured workers who have not returned to work within the two-year entitlement period. If, for whatever reason, a person reaches the two-year cap for income support they will continue to receive financial support for another year to cover medical expenses and return-to-work services.

A review of the amendment bill undertaken by ReturnToWorkSA indicates that the amendment bill, if passed, would virtually neutralise the intended effect of the transitional provisions of the act and would come at a cost of over $50 million. The associated cost of any reversion to the old act must either be offset against other entitlements provided for in the Return to Work Act or see a return to higher premiums. Among other things, the transitional provisions of the Return to Work Act set the threshold for transitioning from the old WorkCover scheme to the new return-to-work scheme.

If a worker was entitled to receive weekly payments immediately before the commencement of the new scheme on 1 July 2015, then they remain entitled under the return-to-work scheme. However, a person who before 1 July 2015 had ceased to have an entitlement to weekly payments on account of a discontinuance under section 36 of the old act, is not entitled to weekly payments. This amendment bill, if passed into legislation, seeks to wipe out this threshold. In his second reading speech, the Hon. John Darley, included four examples of injured workers he considered would be adversely impacted by clause 37. The first example reads:

> …if a person was working on 30 June 2015, even if it was only for a few hours, they are completely ineligible to receive income support payments. If the same worker worked on 29 June 2015 but did not work on 30 June, that worker would be entitled to income support payments.

I am advised that income support payments are calculated on a weekly not a daily basis. If a worker was entitled to income support payments in the week before 1 July 2015, they meet the transitional provisions requirement of clause 37(1) and transition to the new scheme. The amendment bill has no application to this first example of the Hon. John Darley. The second example is:

> …if a worker was first injured on 29 or 30 June 2015 but they did not take time off work until 1 July 2015, they are not entitled to claim income support payments due to this provision.

It continues:

> Similarly, take an injured worker who had continued working, despite ongoing incapacity, before 1 July 2015. If they later required medical treatment, including surgery, which rendered them incapacitated after 1 July 2015, they would not be entitled to claim income support for the time off required to recover from the treatment.

I am advised that the worker in these scenarios, subject to the usual eligibility provisions, would have a claim under the Return to Work Act 2014 for income support in respect of incapacity which occurred on or after 1 July 2015. Therefore, the amendment bill has no implication to this scenario outlined by the Hon. John Darley. The third example is:

> Also, an injured worker who was on voluntary leave on 30 June and was not entitled to a weekly payment due to being on this leave, is not entitled to payments.

I am advised, under the repealed act, that the taking of leave by an injured worker does not automatically result in them not being entitled to weekly payments. I am also advised that the Minister for Industrial Relations' office is unaware of any examples of workers taking leave, not having consented to a discontinuance and then being prevented from recommencing weekly payments. An amendment to the Return to Work Act for a hypothetical scenario is obviously totally inappropriate. The fourth example is:

> If a worker who previously had a compensable injury returns to work on a one day a week basis and happened to be working on 30 June, they are unable to receive weekly payments for the other four days they are unable to work due to the injury they suffered.

I am advised that, as with the first example, if the worker was entitled to income support payments on the week before 1 July 2015 they meet the requirement in clause 37(1) and transition to the new scheme. Therefore, the amendment bill has no application to this scenario.

This amendment bill represents an erosion of one of the clear boundaries established by the Return to Work Act and comes at a significant cost to the scheme. The amendment bill does not operate to address the examples cited by the Hon. John Darley in his second reading speech. In addition, it should be highlighted that the cost of any reversion to the old act must necessarily be either offset against other entitlements to workers provided for in the Return to Work Act or result in a return to higher premiums for employers.

It is worth noting that the Return to Work Act requires a review of the new return-to-work scheme to be undertaken three years after its commencement, at which time issues raised by the Hon. John Darley present an opportunity to be considered. However, having said this, minister Rau has indicated a commitment to consult with unions and to also look at those individual cases referred to him where it is believed that these transitional anomalies have occurred, and attempt to address those anomalies where possible. So, it is for these reasons that the government cannot support this bill.

The PRESIDENT: I would like to welcome little Mitchell to the parliament; it is lovely to see him here.

The Hon. J.A. DARLEY (17:51): I would like to thank all honourable members for their contributions. As I said during my second reading contribution, this bill is not to give people an opportunity to have a second bite at the pie; it is merely to fix a gap that has been created by the new act and will only affect those who rightfully had a claim to entitlements had it not been for the wording of schedule 9.

I have met with the Attorney-General to see if this issue could be addressed without having to amend the act; however, I understand that the government will not be supporting this bill. I recognise that the Attorney and his office have undertaken to examine the examples that I have provided, which the Hon. Tammy Franks spoke of in her second reading contribution, and gave a commitment to look at other cases I am aware of; however, this relies on people speaking up and approaching me. Not everyone who is affected by this will know to speak out and they will be unfairly disadvantaged.

The Attorney has also indicated that he is willing to consult with the unions on these matters and consider other ways of addressing any anomalies. I applaud this but do not see why this could not have been done while the bill was between houses; however, I am aware that I do not have the

numbers. I again thank the Hon. Tammy Franks and her staff for their assistance with this bill and now move that the bill be read a second time.

The council divided on the second reading:

Ayes.....6
Noes 14
Majority 8

AYES

Brokenshire, R.L.	Darley, J.A. (teller)	Franks, T.A.
Hood, D.G.E.	Parnell, M.C.	Vincent, K.L.

NOES

Dawkins, J.S.L.	Gago, G.E. (teller)	Gazzola, J.M.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Maher, K.J.	Malinauskas, P.
McLachlan, A.L.	Ngo, T.T.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

Second reading thus negatived.

Sitting suspended from 17:57 to 19:46.

STEEL INDUSTRY PROTECTION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 June 2016.)

The Hon. R.I. LUCAS (19:46): I rise on behalf of the Liberal members to speak to the second reading of the Steel Industry Protection Bill. In doing so, I reflect the views of all of my Liberal colleagues to say that our thoughts are with the ongoing battle of industry and workers, in particular in Whyalla, but nationally as well—those in the steel industry: an important industry for the future of the nation, in particular, but also an important industry for the future of the state. The bill we are being asked to speak to today is introduced by the Hon. Mr Parnell on behalf of the Greens, similar to bills introduced by other Greens members in other jurisdictions as well.

All governments, whether they have been Liberal or Labor, state or federal, have generally shared the view of trying to respond to the challenges of the steel industry internationally in the best way they see possible, in terms of assisting the industry. In South Australia, the state Labor government has implemented a steel industry participation initiative to ensure that all South Australian government projects include contract conditions specifying that steel must be sourced from mills with Australasian Certification Authority for Reinforcing and Structural Steels (ACRS) third-party certification, and that steelwork must be sourced from steel fabricators independently certified to the recently created National Structural Steelwork Compliance Scheme.

The government, through the steel task force, has provided $4.3 million in funding over four years to assist the South Australian steel fabrication sector to become compliant with Steelwork Compliance Australia's requirements. In doing so, the Liberal opposition is supportive of the initiatives that the Labor government has taken, insofar as they go.

In looking at what the state government has done, and what this bill seeks to do, there are clearly some significant differences, and I guess because we are in opposition we are not privy to the legal advice that the government would have received. On my recollection, many years ago when we were in government, in relation to any decisions that state government sought to take which might or might not be seen to be in conflict with national or international agreements, I suspect the way the state government's response has been structured is based on the legal advice as to how far they are

able to go in terms of favouring Australian producers—steel manufacturers—as a result of international agreements.

As I said, being in the opposition we are not privy to the latest legal advice that the government would be privy to, and I am assuming that, whoever speaks—I think the Hon. Mr Ngo speaks on behalf of the government—it is possible that part of his contribution may well include the government's legal advice in relation to this bill and what the state government has done already in terms of trying to assist the steel industry.

The federal government and the member for Sturt, in the various portfolios he has held in the last 24 months, have been prominent in terms of seeking to assist. They have introduced import duties of between 11.7 per cent and 53 per cent on Chinese-made steel products. As they describe it, this antidumping action was designed to ensure that Arrium could compete on an even ground with imported steel. I do not have the exact detail, but they did bring forward a major rail contact to try to provide increased work activity for Arrium and its workers at an earlier stage to assist Arrium in its ongoing battle for financial viability.

Both the federal Liberal government and the state Labor government have sought, in their different ways, given the levers available to them, to do what they can to assist the steel industry and Arrium in particular. In looking at the other state governments, the Liberal government in New South Wales, for example, sought to provide assistance in a different way. They recognise the importance of local steel manufacture there, but they maintain their commitment to trade agreements and being globally competitive. They sought to reduce regulation, business taxes and red tape as it applied to the steel industry located in the state of New South Wales.

The Victorian Labor government introduced an industry participation policy, we are told—back a number of years ago now, this is not a recent initiative, and I will not go to the detail of all of that—but the point that is being made is that it appears that whether it is a Liberal government or a Labor government, whether it is a state government or a federal government, everyone has been seeking to do what they could to try to ensure the ongoing viability of the steel industry in the nation in particular, but from our viewpoint in the state of South Australia.

One of the key issues in relation to the bill that is before the house this evening—and I indicate on behalf of Liberal members that we will support the second reading of the bill—is that we will be moving amendments, which I think have been filed in my name. As I understand it, should the bill get through the second reading this evening, we will delay the committee stage to enable members to have a good look at the amendments that we have crafted, or the party room has approved, for consideration.

Essentially, those amendments are seeking to ensure that, whatever steel is being used in South Australian government projects, the origin of that steel would be disclosed contemporaneously—I think that is the appropriate word, although it is not used within the drafting of the amendments as I have seen them. However, the intention is that there be early advisement of the origin of the steel that is being used in the state government funded projects.

There has been recent controversy—I have not been actively engaged in it, but in a number of the state government funded projects I know that members of my party, Independent members and members of the media, have raised issues as to whether or not the steel being used in the O-Bahn project, for example, and in various other projects, was Australian steel or not.

The question has been raised as to whether the Royal Adelaide Hospital project or the Festival Centre project or the Adelaide Oval project, etc., whether the steel being used was Australian steel or not. Because of the confidentiality of both the approach of the government and also the confidentiality of the contracts which have been entered into between the government and the lead contractors, that information is not made public, or is not always made public, and we are not left in a position of knowing whether or not Australian steel has being used, assuming that there was Australian steel available for the sort of project that was being funded by the government.

I will be interested to see the government's response delivered at the second reading in terms of the compliance of the legislation with international trade agreements and procurement agreements. The other interesting thing is—in terms of the drafting of the bill—I think as the Hon. Mr Parnell, as a man with a legal background will know, there are lots of interesting variations of what

we might refer to as publicly funded projects. So, the easiest one is where it is completely public funded and it is on our balance sheet and taxpayers' money clearly has paid for it. I suspect the closest of that in the examples I have given would be the O-Bahn extension.

The Adelaide Oval one is an interesting one in that, for example, the state granted money; the football associations and others—cricket associations—borrowed money. There was a vehicle called the Stadium Management Authority which managed it. It was not what I would call a traditional public sector funded procurement project. So, I think when we get into the committee stage, these are the sorts of issues I am sure the Hon. Mr Parnell, if he has not addressed, will address in terms of how he sees his draft bill applying in that sort of circumstance.

The next level of complication we have, of course, is what we now call the PPP project. Let us take the new Royal Adelaide Hospital project, where at this stage, the vast bulk of the money that has gone into the approximately $2 billion that has been funded for the project, which obviously includes some for steel, is actually all private sector funded, and there is a legal case going on at the moment before the building is handed over to the state. The taxpayers will not start paying for that building until—who knows—2018, 2019, or whenever it is that we start making annual lease payments of approximately $396 million a year for the next 35 years, or whatever it is, for the project.

So, with the money that has been expended on the steel, etc., that is going in there, there is an interesting legal question. Clearly, there is a contract. Technically we do not have to take control of the project: we can write it all off and say, 'Too bad, we're not going to take the hospital.' It is highly unlikely but I guess that is the game the Minister for Health is currently playing with the builders and others through the court system at the moment. Technically, in the end, that is a legal possibility, not a probability but a possibility.

So, the money that has been expended on the steel at the moment is obviously private sector money and it will eventually be paid for, if the contract is concluded and it is handed over, so there is the applicability of the drafting of the legislation to that sort of circumstance. The PPP, of course, has, as the Auditor-General has noted, become a more common procurement device in recent times. We then have the much more complicated and difficult area of the debate about an interconnector.

There is a bucketload of steel that is used in an interconnector, and there is a half a million dollar or a million dollar study going on at the moment about potentially a new interconnector between South Australia and New South Wales, with an estimated price of maybe $500 million-plus for an interconnector, and a lot of steel involved if that interconnector goes ahead. That is a private sector company. It may or may not undertake that particular project. If it does it in the way currently envisaged by the National Electricity Market rules, it would be funded by electricity users in New South Wales and South Australia.

I have seen, however, the state government raise the possibility that maybe the state of New South Wales and the state of South Australia might make payments towards it. There is no commitment, I am not suggesting that, but that particular option has been flagged. If the state governments were to make a contribution towards an interconnector to a private sector company would that comply with the requirement? Certainly, on my advice, the cost differential between Australian steel and steel from overseas which might comply with the state government's requirement of the national Australian standard, would be, potentially, tens of millions of dollars difference.

It is an interesting issue because if in the end it costs more, then the electricity users of South Australia and New South Wales pay the differential of the increased costs through their electricity bills over the next 30 or 40 years, if that is the case. I do not profess to have sought to apply the Hon. Mr Parnell's legislation to each of those procurement options, really because at this stage I am saying I am interested to hear the state government's position and legal advice in relation to it and I will be interested to hear the Hon. Mr Parnell's views in relation to how it might apply.

For those reasons, and for the other reasons that I have ready indicated, the Liberal Party's position is supporting what the state Labor government has done thus far, and what the Federal Liberal government has done thus far, and certainly by way of amendments seeking to put in an additional requirement that we are aware of the origin of the steel that is being used in publicly funded projects, however that might be ultimately defined, which might assist transparency and accountability in the public debate.

Ultimately, the position the party adopted was not to, in essence, enforce, as is envisaged in the legislation, a requirement on state government procurement that Australian steel has to be used in all circumstances irrespective of the cost penalty that that might impose upon the taxpayers of South Australia.

In conclusion, on behalf of Liberal members, I indicate that the Liberal Party supports the second reading, but we do so with the intention of, when next we discuss this in the committee stage, moving the amendments which have been circulated only today or yesterday in my name.

The Hon. K.L. VINCENT (20:03): Just to assist the council, I only wish to indicate that Dignity for Disability supports the bill.

The Hon. J.A. DARLEY (20:03): I want to thank the Hon. Mark Parnell for this bill. I have spoken before about the government's unwillingness to support local South Australian businesses when awarding tenders. I understand that the economic benefits of awarding a tender to a South Australian business is very rarely, if ever, considered when these decisions are made. We have seen this on multiple occasions, but I especially remember the effect that awarding the whole-of-government stationery contract to a large multinational had on South Australian businesses.

We saw local companies having to let people go and face closure because of the government's kneejerk reaction to the actions of a small group of individuals. I understand that prior to winning the tender for the whole-of-government stationery contract the multinational company opened a local distribution centre in South Australia to demonstrate their commitment to assisting with local employment; however, shortly after winning the tender, all local operations were wound up and all stationery is now being shipped from interstate.

There has been no real benefit to the local economy and employment, and it is little wonder that we now have the highest unemployment in the country, given that our own government does not want to support our own businesses. I always find it curious that the government goes to some length to promote our products overseas, and is the first to blow the trumpet if a South Australian company is successful interstate or overseas. However, when it comes to what really matters, that is, supporting the businesses, they are nowhere to be seen.

I appreciate what the Hon. Mark Parnell is trying to do with this bill, but I cannot support it. It is not because I do not agree with the idea, but rather it is because I am concerned about the implications it may have. If this bill is passed, other countries and states may retaliate by refusing to purchase South Australian goods. Instead, I hope this bill is used as an impetus to the government to look at doing things differently, and to have a wider scope of considerations when it comes to awarding tenders.

The Hon. T.T. NGO (20:05): I rise today on behalf of the government to assure the chamber that economic contribution is already central to the major projects managed and awarded by state government agencies. The South Australian government welcomes the Steel Industry Protection Bill, and I also commend the Hon. Mark Parnell for his interest in what is a vital industry for the state.

I understand that the Treasurer, the Hon. Tom Koutsantonis, has been to Whyalla on many occasions recently, and I also understand both the intent of the Save Our Steel campaign and how effective it has been. The government backs a move to strengthen support for the steel industry through government procurement. However, it is of the view that this can be better achieved by leveraging off the already very successful South Australian Industry Participation Policy.

A key objective of this government through its procurement activities is the development of the steel industry and other industries of strategic importance to this state. The government's requirement to use Australian standard steel and steelwork is being incorporated into the Industry Participation Policy. This will continue to apply in conjunction with the Industry Participation Policy's requirement for tenderers to commit to providing economic benefits to the state.

The Treasurer, Tom Koutsantonis, has been pushing for all states and territories, and the commonwealth as well, to adopt these policies. There has been progress and the campaign benefits Whyalla most when there is broad endorsement. I have been told that this approach has been put in place through rigorous advice to ensure that it meets both the objectives and tests on this government under free trade agreements. This makes obtaining that broad endorsement simpler.

The government also has broader objectives to gain market access that benefits trade exposed sectors, such as primary industries and mining in particular, as well as newer markets in services trade. The government has been mindful of their trade access as well: this is why the policy has met the difficult balance needed to succeed.

The time is right to think more broadly than just steel, to leverage further off the Industry Participation Policy and support other government policy objectives, such as Aboriginal economic participation, and also innovation and growth strategies and support for special economic zones in areas such as the northern suburbs and the Upper Spencer Gulf region. This has already been effective under recent changes to the Industry Participation Policy.

I want the Save Our Steel campaign to continue its success, and a major part of this is to ensure the balance between requiring Australian standards and consistency with our broader international obligations under the free trade agreements. I am proud of the leadership the government has taken so far to help Whyalla. I believe the government has made a $50 million grant to improve the productivity and efficiency of whoever the new buyer is.

The government has also made $10 million of interest-free loans to mainly small businesses affected by the administration of Arrium. This will help those small businesses with cash flow problems, and hopefully they will get past this difficult stage. The government is committed to examining the bill between houses and will consider the bill's potential shortcomings once it goes to the other place.

The Hon. M.C. PARNELL (20:10): In summing up the second reading debate, I would like to thank the Hon. Rob Lucas, the Hon. Kelly Vincent, the Hon. John Darley and the Hon. Tung Ngo. I thank the Hon. Kelly Vincent for her brief—

The Hon. K.L. Vincent: Succinct.

The Hon. M.C. PARNELL: —succinct contribution of support. I also acknowledge that the Hon. John Darley has given this some thought. Perhaps when we come back in two weeks' time there might be some aspects of the bill that he is able to support. I will just make a few brief observations about the Liberal Party position. I appreciate that in a spirit of cooperation they are allowing the bill to go through the second reading, and we will debate the detail of the Liberal amendments and any others when we come back in two weeks' time.

The Hon. Rob Lucas did refer to potential legal difficulties, and he made the point that he is not privy to any latest legal advice. I am always willing to provide the Liberal Party with legal advice, and I do not charge. One thing I did notice, and it has occupied me as well, is the idea that there are international trade agreements that people are nervous a bill like this might infringe. I will make one brief point: treaties that Australia signs, by virtue of a very peculiar law we have in South Australia, do not have as much force as people might think.

Members might recall that, I think three times now, I have tried to repeal the Administrative Decisions (Effect of International Instruments) Act, unsuccessfully. Maybe I should be grateful that I have been unsuccessful because that is the bill that says no state ministers or public servants can be held to account for failing to comply with an international treaty, unless of course it has been implemented into domestic legislation. I put that in as an extra point.

Certainly, I think the flavour of this debate is one around governments trying to pretend that they are in favour of free trade whilst at the same time wanting to protect local industries, as the Hon. Rob Lucas and the Hon. Tung Ngo and others have said is also their agenda. The Hon. Rob Lucas referred to the federal Liberal government and the state Labor government being in step in terms of local procurement policies.

It was, in fact, very timely. I do not know if members have caught up with the news today, but the Arrium steelworks at Whyalla has just announced that it is putting an extra shift onto its steel rolling mill, and that will result in the creation of 44 new jobs. According to the steelworks' executive general manager, Mr Theuns Victor, there are a number of factors contributing to the greater demand for steel. These include a strong pipeline of rail work stemming from this year's federal budget, changes in government planning and procurement policies, support from the steelworks' current customer base and a new customer on the order book.

That is great news for the people of Whyalla and for the 44 workers. Maybe they are previous workers who were laid off who will get their jobs back; maybe they will be new workers. Someone might be tempted to think that, clearly, we do not need a bill like the one before us because we have some people re-employed without it, and I think that is the debate we are going to have in two weeks' time about whether we can rely on policies which can change as the wind changes or whether the best protection we can offer workers is the guaranteed local procurement in legislation.

As to the amendments that the Liberal Party has tabled and that we will debate in two weeks' time, I guess the question they pose is whether it will be sufficient to shame governments for poor performance and for not complying with local procurement policies or whether we need to mandate and punish non-performance and non-compliance with local procurement policies. I guess that is at the heart of those amendments, but we will deal with those in two weeks' time.

The Hon. Rob Lucas referred to the potential question about the scope of projects that are caught and, yes, that is tricky because not everything is a straightforward government build, by a government department, paid for with government money. There are more convoluted ways that public infrastructure is provided. I will point out that to the best of my ability I have included definitions of designated public works and the definition of public authority, which includes an ability to use regulations to catch some of these other circumstances. Even if it is not a direct payment out of consolidated revenue by a government department or a minister, we can use regulations to catch other types of projects, and I think that may or may not be the best we can do. I am open to sensible amendments on those grounds.

The Hon. Rob Lucas mentioned that it may well cost more to buy Australian steel, and I guess to a certain extent that is the point, just like it costs more to build submarines in Australia than to buy them off the shelf from somewhere else, but from a public policy point of view people see that there are benefits from doing things locally. I point out that my bill does not include open slather where a local steel producer can charge what they want and the government must buy their steel. There is a 20 per cent price buffer built in, and on my calculations, that should be more than enough to ensure that 90 per cent of steel used in infrastructure projects is Australian steel.

The Hon. John Darley made the point again in relation to international trade agreements that we are entering that area where there is a fear of retaliation by other countries when nations or states try to implement local procurement policies. I guess we will have a bit more of a debate on that when we come back, but it just seems that this area is so full of backdoor methods that countries use. We have even heard the Hon. Tung Ngo refer to antidumping tariffs, so there are other methods which effectively can be seen as protectionist or local procurement policies but they are done through the back door. My bill does it through the front door.

The Hon. Tung Ngo's contribution reinforced that this government supports procurement, but he says that they prefer to leverage their industry participation policies. Again, the question is whether those policies are enough or whether they need to be mandated. I thank members for their contribution. I am pleased that this bill will be read a second time tonight. We have two weeks to consider the Liberal amendments, and I suggest that if other members have amendments they think could prove improve this bill, we could have those tabled in the next two weeks. I look forward on Wednesday week to continuing the debate on this bill.

Bill read a second time.

Motions

ADELAIDE UNITED FOOTBALL CLUB

Adjourned debate on motion of Hon. T.J. Stephens:

That this council congratulates Adelaide United Football Club for claiming the A-League premiership and championship in season 2015-16.

(Continued from 25 May 2016.)

The Hon. T.T. NGO (20:19): I rise on behalf of the state government to congratulate the Adelaide United Football Club for its historic FFA Championship and A-League premiership wins. Adelaide United Football Club, also known as 'the Reds', is one of the most successful teams in the

history of the Australian Hyundai A-League. The Hyundai A-League commenced in 2005 with Adelaide United Football Club the inaugural premiers. Adelaide United Football Club has also been a grand finalist in the 2006-07 and 2008-09 seasons.

The 13-year wait for Adelaide United to become A-League champions is over after their convincing 3-1 win over the Western Sydney Wanderers, with the visitors disappointed by their third grand final defeat in four seasons. The club came into being at the end of the National Soccer League to unite the city behind one set of colours and, this year, they achieved a dream ending to their season.

The head coach of Adelaide United Football Club, Guillermo Amor, is a Spanish retired footballer and Barcelona legend who played as a versatile midfielder. Building on the work of his coaching predecessor, Josep Gombau, in his first year as head coach of the club, Amor coached Adelaide United to finish the 2014-15 Hyundai A-League season in third place.

In the 2015-16 season, Amor proved his credentials by turning around a season and taking the Adelaide United team all the way to the very top. Guillermo Amor was recognised as the coach of the season for his exceptional leadership and skill in bringing out the very best in his young team. Amor's passion for his team and his sense of responsibility to Adelaide United's fans shone through vividly in the team's respect, trust, affection and commitment to each other and to their coach.

Amor's gift as a coach is the way in which he put the 'united' in Adelaide United's team. The results speak for themselves with the club's win in front of more than 50,000 fans. The fans arrived at Adelaide Oval in their thousands, creating a sea of red as they walked along the city streets. After a predictably tense and physical start, the game burst into life with two goals to the home side midway through the half, handing the Reds a clear advantage going into the break.

The Reds won the game in the first half, going ahead on 22 minutes through Bruce Kamau and then again on 34 minutes after an inch-perfect, world-class free kick by Isaias. It was an exceptional performance by the Reds. Marcelo Carrusca brought the creativity, Kamau provided the spark and Craig Goodwin gave a solid defensive performance at left back. The Reds had the better of the match and, in the final moments of the game, as Adelaide fans prepared to celebrate, Pablo Sanchez, Adelaide United's supersub, drove in a strike which put the result beyond doubt.

Adelaide United Football Club became champions in front of a record crowd for a domestic game in South Australia. As the final whistle blew and the Reds won their first title with a 3-1 triumph over Western Sydney Wanderers at the Adelaide Oval, Adelaide United skipper, Eugene Galekovic, and many other Adelaide United players dropped to the ground in tears. Galekovic credited the influence of head coach, Guillermo Amor, as the Reds celebrated their first Hyundai A-League championship

It has been a remarkable turnaround by the side, which was winless after eight rounds but went on an incredible run to clinch a historic double this season both as FFA champions and as A-League premiers. Adelaide United's achievements teach other sports teams a valuable lesson: never give up even when times are tough because, with hard work and perseverance, everything can turn around. With plenty of changes and opportunities for exciting new dynamics, Amor will now be looking to build on the existing team and unearth diamonds in a new Adelaide United line-up for the 2016-17 season.

The government of South Australia is delighted to have played its part in giving so many fans the opportunity to enjoy this incredible moment in our state's sporting history at a fantastic venue. Since the Adelaide Oval was redeveloped two years ago, South Australia has hosted the cricket world cup, the AFL draft, the SANFL grand final, the Rolling Stones concert, a match showcasing Liverpool United and Adelaide United football clubs and now a brilliant moment of football glory for our state, which will go down in Australian soccer history.

Adelaide Oval has even hosted monster truck races. I am glad to tell the house that a few weeks ago, I went to the monster truck races at Adelaide Oval with my son Jayden. He only lasted half an hour because we went up so high that he felt sick and puked over everyone in front of him. People surrounding me were nice enough to help me out and, eventually, I had to take him home early. That was my $200 worth—15 minutes of monster trucks.

The state government's successful Adelaide Oval upgrade has made major events accessible to a new audience of South Australians and visitors, and so, revitalised the CBD. On behalf of the state government, I congratulate the entire Adelaide United Football Club team, coaches, support staff and fans. I wish everyone an exciting season in 2016-17.

The Hon. J.S.L. DAWKINS (20:28): I rise to commend the Hon. Mr Stephens for bringing the motion to the chamber. I will bring to the council some different matters in relation to the Adelaide United Football Club, particularly in relation to the establishment of their training centre and administration offices in the City of Playford. It is particularly interesting to me that the training centre has been developed at Ridley Reserve in Elizabeth—a relatively basic supporting facility where I have played and watched cricket and also watched softball in the past.

In 2012, the City of Playford commissioned the Playford sports precinct master plan. The plan was endorsed by the council in June 2013 and set out a vision to create high-level facilities for a range of sports while also catering for active recreational opportunities. The plan is consistent with the Playford Community Vision 2043. The master plan provided direction for a regional level football facility featuring four pitches and a club facility but did not identify a specific tenant club. The existing football club located in that precinct at the time was a lower-level amateur club, which was not affiliated with Football Federation SA.

In February 2014, Michael Petrillo, the then Adelaide United Football Club's CEO, held a press conference outlining the challenges the club faced on a weekly basis trying to secure training pitches. The club did not have a home base and was training at multiple locations each week. This was detrimental to their ability to foster an elite training environment. The logistics of moving each day was a challenge and the quality of the pitches varied significantly.

Following the press conference, Mayor Glenn Docherty of the City of Playford and his council administration, invited the Adelaide United Football Club CEO to Ridley Reserve and outlined the City of Playford's vision for the sports precinct. Football or soccer, as many of us have called it, is a huge sport in the northern suburbs and has a high number of clubs and players. This led to ongoing discussions about AUFC's requirements.

In August 2014, the City of Playford and AUFC signed an MOU, which enabled both organisations to work collaboratively together on a proposal to establish the AUFC training centre at Ridley Reserve, and administration offices at the nearby Aquadome. A council report was prepared and in January 2015 council endorsed the allocation of funding to construct both facilities. The council report included an economic analysis of the project and illustrated how attracting the premier football (soccer) club in Adelaide would raise the profile of the Playford City Sports Precinct and increase community pride.

The AUFC training centre was officially opened in September 2015. The training centre features two full-size pitches—of the same dimensions as Hindmarsh Stadium—a meeting room for match analysis, a gym, separate change rooms for players and coaches, a recovery facility, coaches' offices and a laundry. The modular buildings were supplied by local business Ausco. The training facilities were delivered by the City of Playford in approximately 12 months from the first initial meeting with AUFC.

Ausco has been in operation at Elizabeth West, now known as Edinburgh North, for over 50 years. The project provided over 3,000 equivalent working hours for the business, which usually employs about 120 people, many of whom are residents of the City of Playford. The lease agreement for the training centre was established between the City of Playford and AUFC. That lease is for five years, with extension options out to 20 years. The lease agreement includes a community partnership component, which outlines how both parties will work together to benefit each other. This includes a range of community outcomes. Under the lease agreement AUFC is responsible for maintaining the pitches, which ensures they can be maintained to a very high standard suitable for an A-League level team.

In September 2016, the administration offices were completed at the Aquadome. This allows up to 20 staff to be located within the City of Playford's northern CBD development area, while only being 1.5 kilometres from the training centre. This enables staff from the football department to be located close to the training centre, while also creating economic activity in the northern CBD.

In October 2016, the City of Playford applied for funding from the state government to construct female change facilities at the training centre. This will allow both the W-League and A-League teams to train alongside each other. If council is successful in attracting external funding, it aims to construct a synthetic pitch adjacent to the existing AUFC training centre. This vision is for the facility to be shared between local clubs and AUFC youth and women's teams.

Certainly, the presence of the Adelaide United Football Club has raised the profile of the Playford Sports Precinct and this assists in attracting grant funding from both state and federal governments. Having the premier football, or soccer, club in Adelaide call the City of Playford home has contributed to local community pride. Adelaide United is now the third highest profile team in South Australia. Some from the cricket fraternity might argue with that, but I think, in relation to the football codes, that is certainly the case.

The growth of the A-League and participation rates in the sport suggest that this is likely to consolidate or improve. The transfer of staff to the Aquadome will provide significant economic benefits to the city centre. The associated construction activities also resulted in a rise in the output of the City of Playford economy. In addition, Adelaide United Football Club and Playford International College are in the process of formalising a partnership which benefits both parties. This will include an annual tournament and the establishment of a football academy at Playford International College.

Students will also be able to tour the facilities and learn about high-performance sports which link to their classroom activities. Adelaide United runs its professional football schools within the City of Playford, providing participation opportunities for local children. The club has also hosted a family day adjacent to the training base and has held open training sessions for the community. I have witnessed the activities in that area and seen the quality of the development there, and there is no doubt that Adelaide United's presence at the Playford sports precinct has created a continuing and integrated football pathway within the City of Playford and the northern suburbs of Adelaide.

Of course, in the first season that Adelaide United was using its training centre, they won both the Premier's Plate and the A-League championship, and that was a wonderful result. Adelaide United Football Club staff, players and coaches have confirmed that the training centre contributed to this success, as it fostered an elite training environment which was a key ingredient missing from the club's set-up for many years.

In conclusion, I do want to commend Mayor Glenn Docherty and, of course, the entire City of Playford and Adelaide United Football Club for actually working together. It seemed that one had a need and the other had an opportunity, and it has worked very well. I recommend that members, if they have the opportunity, deviate slightly off the Main North Road in Elizabeth and have a look at the precinct, because it is looking very good. Obviously, if the further facilities that I have mentioned are developed there, it will only add to a very good sporting asset for South Australia and particularly for the northern suburbs of Adelaide. I commend the motion to the chamber.

The Hon. T.J. STEPHENS (20:38): I would like to thank honourable members—the Hon. Tung Ngo and the Hon. John Dawkins—for their contributions and indications of support. I know that all in this chamber wish Adelaide United, both their men's and women's teams, every possible success in the coming season and congratulate them for what they have done in the past. Onwards and upwards for the mighty football club!

Motion carried.

Bills

SURVEILLANCE DEVICES (ANIMAL WELFARE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 April 2016.)

The Hon. J.M.A. LENSINK (20:39): I rise to make some remarks on the second reading of this bill. The bill seeks to amend the Surveillance Devices Act, which was dealt with by the parliament last year. Among other things, that act provided for the prohibition of a person knowingly using,

communicating or publishing information or material derived from the use of a surveillance device. This was in relation to privacy concerns. There are exceptions to this, such as if the use, communication or publication is made by media organisations and if the use, communication or publication is in the public interest.

The bill before us amends that particular piece of legislation, and I note that there were clauses in the substantive act last year which provided a specific exemption to the general rule that such information or material relating to issues of animal welfare that is used, communicated to, or published by the RSPCA was to be treated as being in the public interest. The Law Society and the RSPCA themselves opposed this exemption at the time, I think, on the grounds of, among other things, resourcing. So, there were amendments to delete that reference, which the Liberal Party, at the time, supported.

This particular bill proposes to do two things. Firstly, to provide an exemption from the prohibition in section 10 of the act upon the use, communication or publication of information or material derived from the use of a listening device or an optical surveillance device in circumstances where the device was used in the public interest if the information or material relates to issues of animal welfare; and secondly, creates a rebuttal presumption that the use of a listening device or optical surveillance device to obtain information or material relating to issues of animal welfare is in the public interest.

I do not think there is any disagreement among honourable members that animal welfare concerns are in the public interest. I think there are probably disagreements about the means by which that is recognised in legislation. On that note, the Law Society submission of 8 April, which the mover of this bill has referred to, I think provides some qualified support for the bill in relation to the rebuttal, but I think is ambiguous, probably because it—with due respect to lawyers, they are often not as black and white as some of us are—notes that the common law recognises that issues regarding animal welfare are firmly entrenched in the public interest and that the courts have historically held the view that the concept of public interest cannot be exhaustively defined and must be flexible so that it would alter with the norms of society as it progresses.

On that front, the issues that we have seen exposed, particularly through *Four Corners*, would certainly have met that test. I have also received correspondence directly from the RSPCA. In their opening paragraph they state that they support the bill moved by the Hon. Tammy Franks. The second sentence says, and I quote:

> By defining animal welfare specifically as being in the public interest, this bill will prevent the Surveillance Devices Act 2016 from effectively operating as an ag-gag piece of legislation.

I disagree with that particular legal interpretation of the RSPCA. Certainly, I believe the interpretation of the Law Society to be the correct one, and the Liberal Party will therefore not be supporting the bill—sympathetic as we are—but we do not think the amendments to the act are necessary to genuinely protect animal welfare interests.

The Hon. K.L. VINCENT (20:43): Dignity for Disability does support the bill. I will not make a particularly lengthy contribution, as I think I explained most of our reasons last time a similar bill was before us. I would say that—given that we have just had a Melbourne Cup, which I think was the first Melbourne Cup in, I think I am correct in saying, three years where no deaths of horses were reported—I think there is significant interest in animal welfare.

I can also, in my mind at least, draw parallels between the recent focus that we have had, in no small part thanks to Dignity for Disability, on elder abuse and the discussion around whether or not it is in the public interest to have camera surveillance in aged care homes due to some abuse that has happened there. I think if we are interested in using camera and surveillance devices to protect human welfare then we should be interested in clarifying that they can be used to protect animal welfare as well. So, we will be supporting the bill.

The Hon. J.M. GAZZOLA (20:44): The government opposes the bill for a number of reasons. Firstly, the provisions that exist in the Surveillance Devices Act are sufficient and the act provides exceptions on the grounds of public interest and lawful interest, and further, provides exceptions for media organisations. The government is confident that the act will protect an individual's right to privacy whilst allowing matters that are in the public interest to be aired. Secondly,

the bill does not define animal welfare nor does it define the phrase 'issues relating to animal welfare'. The scope of this potentially wideranging exception to the general laws protecting people and organisations from covert surveillance is therefore left unbounded.

Finally, this issue has been extensively canvassed during the debate of the three surveillance devices bills that have been presented to the Legislative Council over the years. The issues surrounding animal welfare have been comprehensively debated. The Legislative Council was in favour of leaving the definition of public interest as a broad concept rather than limiting its scope by attempting to define it. It is premature to amend an act when it is not even in operation, let alone tried in practice. This bill seeks to unnecessarily redebate a position already determined by the parliament.

The Hon. T.A. FRANKS (20:46): I rise to thank members for their contributions tonight, which I believe have been quite illuminating. I thank the Hon. Michelle Lensink on behalf of the Liberal Party, who noted that the Law Society had not found that this was indeed an ag-gag bill, in effect. With the Surveillance Devices Act, the original Law Society advice on the bill that the government put up that has become the act, actually stated:

> 20. Ag-gag laws have been the subject of criticism interstate and overseas. Ag-gag laws seek to 'gag' animal advocates, employees, whistleblowers and the media from making public evidence of animal cruelty. There is a concern that ag-gag laws seek to suppress transparency of animal treatment and that cruelty should be criminalised rather than whistle blowing.
>
> 21. We have been unable to find any laws in any of the States or Territories in Australia that reflect the types of laws proposed by section 10 of the Bill.

That is, the previous government bill that is now the act. It continues:

> Similarly, we have been unable to find any laws like those proposed by the Bill in New Zealand, Canada or the United Kingdom.
>
> 22. It is the view of the Society that section 10 of the Bill—

I note, now the act—

> is in actuality an ag-gag law. Whilst the Bill was meant to address, inter alia, changes in technology and cross-border recognition of warrants, section 10 is about targeting undercover investigations into animal cruelty. Our view is somewhat supported by the various comments made by members of Parliament including the Attorney General during the debate of this Bill.
>
> 23. We note the Attorney General's statement in the House of Assembly on 15 October 2015 that there is no protection for farmers from animal activists.

Footnote 9 states that was said by the member for Enfield in the other place. The Law Society continues:

> That is untrue. There are a myriad of laws that protect citizens from intruders such as laws that address trespass. Similarly, defamation laws provide a remedy to those who are of the view that their reputation has been tarnished as a consequence of unfair reporting of their practices.

I note also that in correspondence from the Premier to constituents who have raised concerns about this bill and the act that the government is seeking to unleash on our state, the Premier has responded to one constituent thanking them for their correspondence with regard to my private members' bill we debate today, and states:

> The Government believes that animal welfare issues are public interest issues and rightly deserve publicity. The proposed legislation does not seek to specifically restrict the filming of animal cruelty, and several exemptions have been included to ensure that legitimate public interest issues are not adversely impacted by the Bill. Similar legislation has been in place in other States and Territories for several years without adverse consequences.

I ask the Premier: did he read the Law Society advice on the government bill? The government bill, according to the Law Society back in 2015, in their advice of 26 November of that year, signed off by Rocco Perrotta, stated that they had not been able to find any similar laws in New Zealand, Canada, the United Kingdom or, indeed, any other state or territory of this nation.

So, the Premier certainly seems to be misled about this bill. I think the Liberals have the wrong end of the stick on this bill. What I would say is that at least the Liberals have been consistent on this issue. The Liberal Party federally supports ag-gag. The Labor Party federally opposes ag-gag, but here in South Australia, not only does the South Australian Labor Party not oppose ag-gag, but

they introduce laws that are ag-gag laws! It is ludicrous and it absolutely defies the rhetoric they take to the public, to their constituencies and to elections.

I thank the Hon. John Gazzola for his valiant effort to put lipstick on this pig, but pigs are certainly far more preferable than the government's position on this particular bill. It is ludicrous that a government spokesperson in this place would come and say that animal welfare has not been defined in my private members' bill. My private members' bill simply puts the original government words that sought to protect animal welfare and define it as 'in the public interest' in that government legislation back into the government act before it takes operation and becomes the first ag-gag law to take operation in this nation. If the government was not happy with the definition of 'animal welfare', perhaps somebody should have raised it in caucus when the Attorney-General first put his government bill through that process.

I thank the Hon. Kelly Vincent from Dignity for Disability for her support. I also thank those many people who have contributed to a campaign on this bill. This was a private members' bill that sought to give Labor a second chance—a second chance to correct their mistake, to prove that it was not an accident that they are introducing an ag-gag law—but by their votes tonight, they will prove that there was no accident. They have not done an accidental ag-gag law: they have done a deliberate, calculated ag-gag law, the first in our nation.

Animals Australia certainly have campaigned on this issue. It would be of no surprise that Animals Australia and other groups have been involved in exposing cruelty—cruelty against animals who have no voice. We are heavily reliant on the technologies of our mobile phones, of undercover cameras, of photos taken to expose that cruelty against those who have no voice to tell us what is happening to them. That is why this bill is so important.

So, I thank Animals Australia for running a campaign with postcards to the Premier at their stall at the Royal Agricultural Show. At the Royal Agricultural Show, we had many thousands of signatures on a postcard that was sent to the Premier. I have been dropping them off to his office, and I got a big bunch more today, and I know there are many more coming through from the Mount Gambier show from just last week.

Voiceless, which ran an online email campaign, had 3,500 people send 105,000 emails to members of this place and the other place—105,000 emails on this issue. That should tell you that people care about this, even if the Labor Party does not. I also thank those volunteers, Animals Rights for South Australia, members of the AWAG group of the Greens party and individual volunteers who have gone out to shopping centres, who have stood in Rundle Mall, and who have spoken and knocked on doors and said to people, 'Did you know that the Labor government is bringing in an ag-gag law?' and almost without exception people have been shocked, surprised and signed.

That will continue. We will not be giving up on this issue. It is to our shame that South Australia will be the first state to have an ag-gag law, and it is to Labor's shame that it will be a Labor government that brings it in. It is no wonder that, at their state convention last weekend, they approved a group called 'Labor for Animals'. It is like 'Labor for Refugees' and 'Rainbow Labor', and all those other groups they have because their party fails in those areas.

Right now, you are failing the animals and your side group will not really save you come the next election, because people care about this issue in increasing numbers and we will make sure that you will not be given another second chance when they go to the ballot box. They will not be giving you any second chances on this issue.

You have failed your party, you have stood against the federal policy, and you have, I think, brought shame on your own constituencies today. As I say, the Liberals have long stood for ag-gag laws; it is no surprise that they are going to oppose this bill, but Labor should be ashamed of themselves.

The council divided on the second reading:

Ayes 4
Noes..... 14
Majority..... 10

AYES

Darley, J.A.	Franks, T.A. (teller)	Parnell, M.C.
Vincent, K.L.		

NOES

Brokenshire, R.L. (teller)	Dawkins, J.S.L.	Gago, G.E.
Gazzola, J.M.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Malinauskas, P.	McLachlan, A.L.	Ngo, T.T.
Ridgway, D.W.	Stephens, T.J.	

Second reading thus negatived.

Motions

DAVIS, MR STEVE

Adjourned debate on motion of Hon. T.J. Stephens:

That this council—

1. Celebrates the outstanding 25-year career of South Australian international cricket umpire, Steve Davis, upon his retirement in June;

2. Acknowledges Steve Davis's commitment to cricket in which he umpired 57 test matches, 137 One Day Internationals, and 26 T20 Internationals; and

3. Recognises the important role played by umpires, officials and volunteers in grassroots, state, national, and international sport.

(Continued from 13 April 2016.)

The Hon. T.T. NGO (21:00): I rise to indicate that the government supports this motion. After a prestigious career which has lasted a quarter of a century, one of the world's best known cricket umpires, South Australian Steve Davis, announced his retirement from the International Cricket Council (ICC) Elite Panel of Umpires. He officiated his final match as an international cricket umpire during the One Day International series between England and New Zealand, which concluded at the Riverside Ground on 20 June 2015. As cricket buffs would be aware, international cricket umpires are not able to officiate in matches that involve their home nation. It is a shame that his final game could not involve Australia or be on home soil for the benefit of his family.

Mr Davis was born in the UK and raised in South Australia. Steve Davis debuted as an international umpire in 1992 at the Adelaide Oval for a One Day International between Pakistan and the West Indies. This was a match in the old triangular series tournaments that are no longer held during the Australian summer. Five years later in 1997, he officiated in Hobart for his first test, umpiring the match featuring Australia playing New Zealand.

For 25 years, his outstanding contribution to international cricket has been considerable and includes officiating at 57 tests and in the 2007, 2011 and 2015 International Cricket Council (ICC) Cricket World Cups. He also umpired at 135 One Day Internationals and 26 Twenty20 Internationals. In 2008, Steve Davis was elevated to the ICC Elite Panel of Umpires. The panel represents the sport's very finest umpires, and to be chosen to join the panel is an aspiration for every top international umpire.

Steve Davis was widely respected across the very highest level of international competition for his role as a leader in the management of on field player behaviour. The announcement of Steve Davis' retirement from international cricket brought many tributes from the highest level of international cricket. Mr Davis is well respected by the international cricketing community, including international players and his fellow match officials. Cricket Australia CEO James Sutherland congratulated Mr Davis for his contribution to the game.

In 2009, he and other international officials survived a horrific terrorist attack on the minibus transporting them to the cricket ground in Lahore on the third day of the second test between Pakistan and Sri Lanka. Despite this traumatic event, Mr Davis continued officiating at international cricket matches. In grassroots community sports, officials often are found among the many thousands of volunteers across our country engaging in coaching, officiating and administration of grassroots sports and recreation programs. Due to the many pressures and demands of officiating sports matches, it can be difficult to retain officials across many sports.

Without officials whose time and commitment is often voluntary, sport and its many participants and players would suffer. This is why it is important sporting clubs and associations build a positive culture of support for officials. On behalf of the government, I congratulate Steve Davis on his incredible career as an International Cricket Council Elite Umpire. We wish him the very best of success spending well earned time closer to home with his family and friends and his wife, Annie, who has long supported his love of cricket.

The Hon. T.J. STEPHENS (21:04): I would like to thank the Hon. Tung Ngo for his contribution and the government for their support of this motion. Steve Davis was an ornament to the game, and we wish him a long and happy retirement.

Motion carried.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge the presence of our Rt Hon. Baroness Royall of Blaisdon, who is also a member of the House of Lords. Welcome to our chamber.

Motions

ASIAN CUP

Orders of the Day, Private Business, No. 42: Hon. T.J. Stephens to move:

That this council—

1. Congratulates the Socceroos on their 2015 Asian Cup title victory; and

2. Urges the state government to make a concerted effort to host Asian Cup matches in South Australia when the tournament is next played in Australia.

The Hon. T.J. STEPHENS (21:05): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE: ANNUAL REPORT 2014-15

Adjourned debate on motion of Hon. R.I. Lucas:

That the report on the operations of the committee, 2014-2015, be noted.

(Continued from 10 February 2016.)

Motion carried.

Bills

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 March 2016.)

The Hon. G.E. GAGO (21:06): I rise on behalf of the government to oppose this bill. The bill was introduced by the Hon. Mark Parnell on 25 March 2015. The bill would make miscellaneous

amendments to the Freedom of Information Act based on the recommendations of the former South Australian ombudsman. The bill is identical to the one introduced by the Hon. Mark Parnell on 12 November 2014.

The bill would have adverse impacts on agency operations and staff, ministers and their staff, and the commissioner. There are also numerous issues with how the bill would operate in practice as well as legal issues with some provisions. The government's main concerns with the bill are as follows.

Clause 4 of the bill seeks to amend section 3 of the FOI Act by including reference to the principles of representative democracy in the objects section. It also seeks to amend section 3 of the FOI Act to acknowledge that documents held by the government are a public resource to be held on behalf of the public and managed for public purposes by the government.

Apart from supposedly offering guidance to agencies, it is not clear what clause 4 of the bill will achieve. The changes would not have much practical effect, given that 'participation' already covers activities such as commenting on and reviewing the making of laws and policies. It is uncertain that the changes made would enhance openness any more than the current objects do, particularly given that the principles of representative democracy may include maintaining confidentiality of some government information.

In addition, some documents held by the government are not necessarily a public resource that should be made available to the public. For example, medical records held by hospitals are not primarily a public resource though they may be used for public policy purposes. Victim impact statements are not a public resource, and so on. Documents held by the government may be used for public purposes, but this does not mean that the documents themselves are to be always available to the public.

Clause 5 of the bill inserts factors that should and should not be taken into account in determining whether disclosure of documents would, on the balance, be contrary to public interest. The bill lists 21 factors that must be taken into account in making an assessment about public interest. The bill then lists four factors that must not be taken into account.

The list of what should be taken into account is exceedingly long and unwieldy and is likely to cause confusion about how each factor is to be interpreted. The list will create an exhaustive set of circumstances that will act to redefine the term 'public interest' and prevent the holistic common law definition from being applied. It may be that the list achieves the exact opposite of what the honourable member wishes to do and restricts the definition of 'public interest' rather than allowing a broader view. Determining whether disclosure is contrary to public interest should become nothing more than a 'tick the box' exercise.

Clause 7 of the bill inserts a provision requiring an agency to refund any fee paid by the applicant if the agency fails to determine the application within 30 days after receiving the application or within the time extended. The clause also prohibits a fee from being charged in relation to granting access to that document. Clause 12 provides that the refund of fees also applies to the failure of an agency to determine an application for internal review within 14 days. It is important to note that agencies must manage their FOI responsibilities within a tight fiscal budgetary climate. Also, having served as a minister for many years, I am aware of the high level of FOIs that are simply quite—

The Hon. M.C. Parnell: Fishing expeditions?

The Hon. G.E. GAGO: They are just fishing. Many of them—not all—are fishing expeditions. They are quite broad and open and extraordinarily time-consuming and absorb enormous amounts of resources and efforts of public servants whose time and energy are better spent on other things. Requiring agencies to refund these fees will impose a budgetary burden and most likely exacerbate the delay.

These clauses would be impossible to operate in practice. It would not be possible to separate out what part of the fee was attributable to the granting of access to the document. For example, if there are eight documents and all are refused, but the Ombudsman determines that access be granted on one document, it will be very difficult to ascertain how much to remit, not to mention the huge administrative burden this would place on agencies.

Currently, the act allows an agency to refuse to deal with an application if it appears to the agency that the nature of the application is such that the work involved would substantially and unreasonably divert the agency's resources from their use by the agency in the exercise of its function. Clause 8 of the bill inserts a threshold in terms of what is considered to substantially or unreasonably divert the agency's resources from their use by the agency in the exercise of its functions.

The threshold imposed is that, if the application is dealt with by one person, it is likely to take more than 40 hours. Imposing such a threshold is arbitrary. It does not take into account the circumstances of a particular agency at the time. Also, it is not clear how the limit of 40 hours was determined. The clause takes no account of the size of the agencies and, as such, is poor policy. It is simply not possible to have a blanket threshold on what constitutes substantially and unreasonably diverting an agency's resources.

The current FOI Act is silent in respect of documents that agencies are unable to locate. Clause 9 of the bill inserts positions in respect of documents that cannot be found or do not exist. The issue with clause 9 is that it provides a disgruntled applicant whose application has been refused on the grounds covered by clause 9 a reasonably broad ground on which to seek a review: that all reasonable steps have not been taken to find the document. This could increase the number of applications for internal and external review and, as a consequence, have huge resource implications for agencies.

In addition, requiring agencies to describe their databases and records management systems may pose a security risk for government. Clause 10 of the bill directs the agency to act consistently with the objects of the FOI Act, contained in section 3, and the principles of administration of the FOI Act, contained in section 3A, when considering whether to refuse access to an exempt document. This proposed subclause is ineffectual. It is already a requirement that the principles of the act be observed and adhered to.

Clause 11 of the bill requires that the agency provide details in its notification to the applicant in respect of determinations made by, or at the direction of, the principal officer of the agency or at the direction of a person or body to which the principal officer is responsible, such as a minister. Details that are required include the name of that other person to whom the principal officer is responsible and the extent of that direction.

Determinations made under direction are extremely rare. When a principal officer turns his or her mind to an application at its initial stage, they are more likely to simply make a determination personally than to direct the FOI officer. Section 29(6) of the act clearly contemplates that a principal officer is permitted to make a determination. The government considers reform in this area to be unnecessary, given the rarity of the issue.

Clause 14 of the bill inserts offences for people who improperly direct or influence a decision of an FOI officer, with the maximum penalty being $5,000. It is not clear how the proposed offence provision will interact with section 29(6) of the FOI Act, which permits an agency's determination to be directed by its principal officer, which includes a minister. The Ombudsman does not recommend the repeal of section 29(6).

The government agrees that public access to information is an important bedrock of democracy. However, this bill does little to enhance public access and, as such, the government opposes this bill.

The Hon. A.L. McLACHLAN (21:15): I rise on behalf of the Liberal Party to speak to the Freedom of Information (Miscellaneous) Amendment Bill 2016. I advise the chamber that the Liberal Party will be supporting the passage of the bill. This bill, which was tabled by the Hon. Mark Parnell, is identical to a previous bill in the same name, introduced in 2014. The 2014 bill, however, lapsed due to the prorogation of the parliament.

I note that in March 2014, the member for Hartley in the other place, Mr Vincent Tarzia MP, introduced a private members' bill which also sought to amend the Freedom of Information Act. The member for Hartley's bill was aimed at similar reforms as the ones we see in the bill before the chamber tonight. The member for Hartley's bill was, perhaps not surprisingly, opposed by the government, so it failed to pass in the other place. Whilst I would rise to indicate the Liberal Party's

support for this bill, I would like to also acknowledge the work of the member for Hartley in the other place in his attempts to achieve similar, albeit not identical, reforms in this field.

I have a few comments on the bill before the chamber. The bill responds to a report released by the Ombudsman in May 2014 titled 'An audit of state government agencies' implementation of the Freedom Of Information Act.' As the title suggests, the audit analysed the practices of 12 government agencies regarding the implementation of the Freedom of Information Act. I will read extracts from the executive summary of the Ombudsman's report, which aptly set out the reasons for conducting the audit and the reasons why the act needs amendment. The report states:

> Government-held information is a public resource; and the public's right to access to this information is central to the functioning of a participative democracy. Freedom of information (FOI) legislation is one means by which the public can understand, review and participate in government decision-making.
>
> The Freedom of Information Act 1991 (SA) has now been in operation in this state for two decades.
>
> This audit is a snapshot of how 12 government departments…are managing their responsibilities under the Act…It also draws in part on the Ombudsman's experiences as a review authority under the Act.
>
> The state government's recent policy initiatives on proactive release of information are timely, and relevant to the digital age. However, there is a 'disconnect' between these initiatives and the Act, and what the audit generally found to be the agencies' approach to information disclosure under the Act:
>
> - the Act is outdated and its processes belong to pre-electronic times
> - the agencies' implementation of the Act is wanting, and demonstrates a lack of understanding or commitment to the democratic principles which underpin the Act.

The Ombudsman made 33 recommendations as a result of his audit. It is important to note that not one of the 33 recommendations has been implemented by the government since the report was released some 3½ years ago. This is why it has been necessary for both the opposition and the Greens to introduce legislation in an attempt to achieve at least some level of reform in this important area. This bill seeks to implement 10 of the Ombudsman's recommendations.

The Hon. Mark Parnell went into a significant amount of detail in his second reading speech regarding the Ombudsman's findings and recommendations, and I do not intend to restate each individual one. I will, however, briefly mention some of the key features of the bill. The Liberal Party finds these features attractive and the reasoning of the Hon. Mark Parnell compelling or even seductive.

The bill introduces a reference to the principles of representative democracy in the objects sections of the act and also acknowledges that documents held by the government are a public resource to be held on behalf of the public and managed for public purposes.

This amendment responds to the Ombudsman's recommendation No. 1, which, importantly, highlighted that documents and information held by the government and FOI agencies are a public resource and the public has a right of access to government-held information, unless disclosure would, on the balance, be contrary to the public interest. Other amendments include:

- placing an obligation on the relevant agency to acknowledge receipt of an FOI application;
- providing that an agency or government department must refund the FOI fee if they have not acknowledged receipt of the application or access is granted to a document with respect to the application;
- providing that an agency or government department must also refund any applicant who applied for an internal review of an FOI and does not receive a response within 14 days; and
- providing that, if a determination is made at the direction of another person, the determination must include the name of that person and the extent of the direction given to the FOI office.

This particular amendment responds to one of the most damning findings of the audit report. I will quote from the executive summary, where the Ombudsman stated:

…it is common practice across all of the agencies to provide copies of FOI applications, determinations (draft or otherwise) and documents to their Minister to 'get the green light' prior to finalisation of access requests. While the Act permits a Minister to direct their agency's determination, evidence provided to the audit strongly suggests that ministerial or political influence is brought to bear on agencies' FOI officers, and that FOI officers may have been pressured to change their determinations in particular instances.

The Ombudsman's recommendation is that, if ministerial direction is to occur, it should be clearly set out in the agency's determinations and be established by a formal written policy common to all state government agencies. The opposition is pleased that the Hon. Mark Parnell's bill has addressed this particular recommendation. It is important that the act operates in a transparent manner that is free from political interference.

The bill also makes it an offence for a person to give improper direction or influence in respect of an agency's decision regarding access to a document under FOI. The opposition welcomes this reform. The opposition is pleased to support this bill, as it aims to provide greater incentive for departments to work free from ministerial or political interference. As I have mentioned in many other of my speeches to this chamber, it is my firm belief that this government is addicted to secrecy. The opposition consequently supports any initiatives that will ensure the government's workings remain transparent and it is held accountable.

The Liberal opposition supports an open, honest, transparent government, and it is our view that this bill, by improving the operation of the act, will go some way to achieving that. I commend the bill to the chamber.

The Hon. K.L. VINCENT (21:23): I am having a succinct night tonight, and I am glad to see that my parliamentary colleagues support that. I cannot guarantee that it will last for the rest of my term, but tonight is certainly a succinct night for me. I merely want to indicate that Dignity for Disability does support the bill. We certainly need to have a robust and streamlined freedom of information system in this state, so that we can freely discuss matters that are in the public interest and so that the public can get access to information that they have a right to know. In addition to that, these very sensible measures were recommended by the Ombudsman I think three or four years ago, 3½ maybe—

An honourable member interjecting:

The Hon. K.L. VINCENT: We will meet you halfway: 2½ years ago. Let us get on with legislating them. Therefore, Dignity for Disability is pleased to support the bill.

The Hon. M.C. PARNELL (21:24): I would sum up the second reading of this bill by thanking the Hon. Gail Gago, the Hon. Andrew McLachlan and the Hon. Kelly Vincent. I particularly want to thank the Liberal Party and Dignity for Disability for their support for this bill, which guarantees that it will pass this chamber tonight. I think that is a good thing for our democracy.

I do need to make some comments in relation to the Hon. Gail Gago's contribution. She pointed out all the adverse impacts that would flow for government agencies if this bill was to pass. She talked about complex legal issues, and she said it was not clear what this bill would achieve. Well, I can tell you, Mr President, exactly what it will achieve. It will achieve what the South Australian Ombudsman said was required to reform the law of this state to bring some fairness and rigour and democracy back into this state.

The process that I went through in drafting this bill was pretty simple. What I did was to get the Ombudsman's report from May 2014, entitled An Audit of State Government Departments' Implementation of the Freedom of Information Act 1991, I gave a copy of the report to parliamentary counsel, identified the bits that required legislative reform—because not every reform did, some of it required cultural change, it required a change of attitude on the part of departments—but for the things that required legislative reform I asked parliamentary counsel to draft the necessary amendments, and that is what they have done. So, this bill is, effectively, the implementation of what the Ombudsman said was needed.

Now, the government, in opposing every single clause in the bill, is effectively saying that the Ombudsman had nothing worth saying—none of his recommendations were worth implementing. I might just remind members that we are not talking about Mr Wayne Lines, the current Ombudsman:

we are talking about Mr Richard Bingham, the previous ombudsman. When he resigned, after five years of service, back in June 1994, the Attorney-General, the Hon. John Rau, said:

> Richard Bingham will leave early next month. After serving almost five years as Ombudsman for South Australia, Mr Bingham has decided, for personal reasons, to return home to Tasmania. Mr Bingham has provided valuable service to our state.

And this is the kicker, when the Attorney-General goes on to say:

> Over the last four years, 97 per cent of his recommendations relating to state and local government were accepted and 80 per cent were fully implemented.

Ninety-seven per cent of his recommendations were accepted, and 80 per cent of them were implemented. Well, those stats have just taken a dive, because here we have all of his legislative recommendations in this report from two and half years ago rejected by the government.

What a remarkable thing for them to do. They could find nothing of any value in anything the Ombudsman said in his review. I will tell you why they are thinking like that. It is because the Ombudsman was scathing. He was scathing about the culture of secrecy that has permeated government departments; he was scathing about the culture of political interference with the exercise of statutory responsibilities by freedom of information officers; and he recommended changes to reform that system.

So, I think this is quite disgraceful that the government finds nothing of any merit in anything the Ombudsman had to say. I will not go on. I am pleased that the numbers are with us tonight and that this bill will pass the upper house. I would urge the Attorney-General to reflect on the passage of this bill through this place and to reflect on what he said on Mr Bingham's retirement about 97 per cent of his recommendations being accepted, and that he might review the government's position to oppose every clause in this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. M.C. PARNELL (21:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RETIREMENT VILLAGES BILL

Final Stages

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

CHILD SAFETY (PROHIBITED PERSONS) BILL

Final Stages

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

At 21:31 the council adjourned until Thursday 2 November 2016 at 11:00.

Answers to Questions

SOUTH AUSTRALIA POLICE

In reply to **the Hon. R.L. BROKENSHIRE** (12 April 2016).

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

The details of the lease arrangements are commercial-in-confidence.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. K.L. VINCENT** (13 April 2016).

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

1. No submission has been made to the Senate Community Affairs References Committee inquiry.

2. The Department for Correctional Services (DCS) does not collect data requested in the question.

However, I can advise that the Australian Institute of Health and Welfare (AIHW) 2015 Report into the health of Australia's prisoners was developed to help monitor the delivery and quality of prison health services.

Data was collected from a select number of prisoners from 84 per cent of Australia's prisons. It provides valuable insight, such as 30 per cent of prisoners admitted to custody in Australia reported a long-term health condition, or disability, that limited their daily activities and/or affected their participation in education or employment.

In June 2016, the AIHW released a bulletin using data from the AIHW National Prisoner Health Data Collection and the Australian Bureau of Statistics National Health Survey. The bulletin compares medications taken by prisoners with people in the general community. Data provided by South Australia, in relation to prisoners prescribed mental health related medication, indicates the following:

- 597 prisoners were prescribed antidepressants/mood stabilisers;
- 238 prisoners were prescribed antipsychotics;
- 6 prisoners were prescribed anti-anxiety medication;
- 15 prisoners were prescribed hypnotics and sedatives; and
- 723 prisoners were prescribed any mental health medication.

It should be noted that prisoners can be on multiple medications at any one time and the data is not reflective of the whole South Australian prison population.

Upon admission to prison, prisoners are appropriately assessed in conjunction with the South Australia Prison Health Service (SAPHS) and information from the South Australia Police (SAPOL), to determine their risk and needs. Prisoners identified during this process as having an intellectual disability and/or mental illness are provided with appropriate supports.

Services available to prisoners are provided through forensic mental health services, SAPHS, Disability SA, the department's high risk assessment teams and departmental psychologists.

DCS actively supports the state government's commitment to the creation and implementation of Disability Access and Inclusion Plans (DAIP) across government agencies. The department's DAIP is informed by key strategies and policies relevant to DCS and the criminal justice system of South Australia. The Attorney-General's Department Disability Justice Plan 2014-17 is the overarching framework and seeks to ensure that the criminal justice system is accessible and responsive to the needs of people with disability.

HOME DETENTION

In reply to **the Hon. D.G.E. HOOD** (17 May 2016).

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

A response to these questions can be found in Legislative Council *Hansard* of Thursday, 19 May 2016, at page 3945-3946.

FIREARMS LICENCES

In reply to **the Hon. A.L. McLACHLAN** (7 June 2016).

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

A comprehensive business case was delivered to South Australia Police in August 2015, identifying the total cost associated for procuring and implementing a new Firearm Control System operating system. That estimated cost

is calculated at approximately $8.2 million. The combined time frame for procurement and implementation is calculated to be 18 months once approved.

COUNTRY FIRE SERVICE

In reply to **the Hon. J.A. DARLEY** (7 June 2016).

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

CFS fire trucks have a planned life expectancy of 20 years. However, this can be extended if the condition and serviceability of specific vehicles remain fit for purpose.

COUNTRY FIRE SERVICE

In reply to **the Hon. A.L. McLACHLAN** (7 June 2016).

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

The Fire Truck Safety Systems retrofitting project will be tendered shortly. The tendering process will follow State Procurement Board requirements and it is intended that required works will be undertaken within South Australia.

DOMESTIC VIOLENCE

In reply to **the Hon. K.L. VINCENT** (8 June 2016).

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

1. South Australia Police (SAPOL) 52 week recruit training program incorporates domestic abuse training which is provided by academy staff, Family Violence Investigations Section (FVIS), SAPOL Employee Assistance Section (psychology) and representatives from Central Domestic Violence Service.

Specifically training is provided to cadets relative to the people in the community with:

- Intellectual impairment
- Intellectual disability
- Communication with those with disabilities

SAPOL also offers the domestic violence investigators course to members working in specialised family violence positions. The course was developed in consultation with a number of key stakeholders including government and non-government (domestic violence services) organisations.

Domestic abuse training is also included within SAPOL's detective training course, and promotional and developmental framework for the ranks of Senior Constable, Sergeant, Senior Sergeant and Inspector.

Compulsory corporate training is developed and delivered across SAPOL with respect to specific issues where practices may change or be updated, or where it is prudent to refresh knowledge to maintain a high standard of service delivery to victims of domestic abuse.

In 2015, SAPOL developed and delivered a training package for all members titled 'Policing Domestic Violence'. This package included a 25 page student booklet to aid members in dealing with all forms of domestic abuse. The package identified the five phases of domestic abuse investigation chronology. This chronology was designed as a result of an analysis of key responsibilities as outlined in the Australia New Zealand Policing Advisory Agency Training and Education Guidelines for Family and Domestic Violence.

2. SAPOL specifically provide training to cadets relative to the people in the community with:

- Intellectual impairment – cadets are taught techniques when intervening and dealing with intellectually impaired persons
- Intellectual disability – barriers and communication difficulties, implications of intellectual disabilities as victims, witnesses, suspects or defendants and resources available to SAPOL for assistance
- Communication with those with disabilities – delivered by a TAFE lecturer attached to SAPOL, cadets identify a range of disabilities and apply appropriate communication strategies to people with disabilities

SAPOL provides corporate training on the Disability Justice Plan—Vulnerable Witnesses (the Plan), which is provided to all sworn officers and non-sworn employees who deal with members of the public.

The plan has been developed in recognition that some people with disability are more vulnerable to victimisation and abuse in the community, particularly those with cognitive impairment and/or intellectual disability.

While the plan has a focus on giving a voice to vulnerable victims, it also aims to ensure that people with a disability accused of a crime are able to take part in the criminal justice system on an equal basis with others.

Recognising that not every police officer can be a specialist in all aspects of investigative interviewing with persons who have a severe communication disability or other impairment, SAPOL invests in specialised training to those members who are attached to or seeking a career in the areas of child abuse, family violence or sexual assaults. Specialists from these areas can be and are called upon to provide assistance or consultation to assist all SAPOL employees despite their location.

The establishment of the Victim Management Section in SAPOL provides specific training for specialist investigative interviewers in the gathering of evidence from vulnerable victims and witnesses, which includes people with an intellectual disability, cognitive impairment or a complex communication need.

The training focuses on key legislation changes that affect the collection of evidence obtained from vulnerable witnesses as per the *Statutes Amendment (Vulnerable Witnesses) Act 2015* and identifying vulnerable witnesses as per the amended *Summary Procedure Act 1921* and *Summary Offences Act 1953*.