LEGISLATIVE COUNCIL

Tuesday, 15 November 2016

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

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

Bills

CHILD SAFETY (PROHIBITED PERSONS) BILL

Assent

His Excellency the Governor assented to the bill.

RETIREMENT VILLAGES BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CONTROLLED SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CONSTITUTION (DEMISE OF THE CROWN) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General—Supplementary Report of Security Management of Information Systems 2015-16

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

Education Adelaide—Report, 2015-16
Mining Act 1971—Notice of Extension of Declaration of Exemption of Land

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

Reports, 2015-16—
- ForestrySA
- Gawler Ranges National Park Advisory Committee.
- Lake Gairdner National Park Co-Management Board
- Stormwater Management Authority
- Zero Waste SA/Office of Green Industries SA

Regulations under the following Acts—

Fisheries Management Act 2007—
Bag and Boat Limits
Demerit Points No. 5
Practice Guidelines for the Management of Clandestine Drug Laboratories South Australian Public Health (Clandestine Drug Laboratories) Policy 2016 under the South Australian Public Health Act 2011

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

Reports, 2015-16—
Across Government Asbestos Risk Reduction
Administration of the State Records Act 1997
Architectural Practice Board of South Australia
Capital City Committee
Consumer and Business Services
Director of Public Prosecutions
Electoral Commission of South Australia
Freedom of Information Act 1991
HomeStart Finance
Mining and Quarrying Occupational Health and Safety Committee
Privacy Committee of South Australia
South Australian Employment Tribunal
State of the Sector
The Industrial Relations Court and the Industrial Relations Committee
Regulations under the following Acts—
Dangerous Substances Act 1979—Dangerous Goods Transport
Legislation Revision and Publication Act 2002—Miscellaneous
Rules of Court—
District Court—District Court Act 1991—Criminal—
Amendment No. 4
Supplementary—Amendment No. 3
Supreme Court—Supreme Court Act 1935—Criminal—
Amendment No. 4.
Supplementary—Amendment No. 3.
Dangerous Area Declarations under the Summary Offences Act 1953 for the period 1 July 2015 to 30 September 2016
Road Block Returns under the Summary Offences Act 1953 for the period 1 July 2015 to 30 September 2016

Parliamentary Committees

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (14:24): I lay upon the table the fourth interim report of the committee.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. J.S.L. DAWKINS (14:24): I bring up the report of the committee entitled Inquiry into Work Related Mental Disorders and Suicide Prevention.

Report received.

Ministerial Statement

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I table a copy

of a ministerial statement made by the Premier in the other place, entitled Government Response to the Nuclear Fuel Cycle Royal Commission.

Parliamentary Procedure

ANSWERS TABLED

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

Ministerial Statement

RIVERLAND STORM DAMAGE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I table a copy of a ministerial statement relating to the Riverland hailstorm made earlier today in another place by my colleague the Minister for Agriculture, Food and Fisheries.

Question Time

NUCLEAR WASTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): My question is to the Minister for Emergency Services. Given the potential for a major emergency to occur during the transport and storage of nuclear waste, and given that the minister now owns a property in Croydon and is likely to be the next member for Croydon, either before the next state election or after, and likely to be a contender to be the leader of the state Labor Party, does the minister support the establishment of a nuclear waste dump as being pursued by the Premier?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): Thank you to the Hon. Mr Ridgway for his question. Today, the government has, through the Premier, appropriately responded to the royal commission into the nuclear fuel cycle. I think the Premier's response, which is wholeheartedly supported by all members of the government, and not surprisingly myself as a cabinet minister, is an appropriate and proportionate response because it takes into account the findings of the nuclear royal commission combined with some of the feedback that the government has received through the most extensive public consultation process that this state has ever seen.

I for one am incredibly proud to be part of a government that is willing to listen to what the feedback of community members is, and is willing to contemplate the recommendations from a significant and substantial royal commission undertaken by a pre-eminent South Australian, without jumping the gun, without a rash response, without a response that is defined by the 24-hour news cycle, as distinct from a response that is based on evidence, based on public consultation and, heaven forbid, a response that is based on a little bit of conviction, something that is sorely lacking, not just in the Leader of the Opposition but particularly lacking from members of his own party room who are more than willing, for the sake of political expediency, to defy what they genuinely believe is in the state's interest.

I am proud to be part of a government with a proportionate response, a response that takes into account an evidence-based approach, marrying up with and taking into account legitimate concerns of the South Australian public.

NUCLEAR WASTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Does the minister support the move to have a referendum on the issue?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): Again, I thank the honourable member for his question on this important subject. Yes, I wholeheartedly support the government's position to look at having a referendum on this important issue—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —to have a referendum on this issue—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —and in the event that the Liberal Party and the members opposite decide to exercise some political leadership and actually act in a way that is consistent with their own convictions, and if that bipartisanship is restored, as the Premier has articulated, then of course we can establish a path towards having a referendum in due course.

NUCLEAR WASTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): Is the referendum a policy that the government will be taking to the next election in 2018?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:33): It is incredibly unfortunate that the Leader of the Opposition, in conjunction with his entire party room, has decided to kill an opportunity to discuss a significant issue. The Leader of the Opposition and the opposition generally have completely abandoned the principle of bipartisan support for an incredibly important public policy issue. They have killed this issue and, as such, they have made it abundantly clear that their position is not changing and I think that is to the detriment of a thorough, thought through public policy discussion. They have killed this issue and, as such, it will not be an issue at the next election.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:34): How does the minister reconcile the two things that he has just said in his answer, namely, that the government's response is based on conviction, yet he also acknowledges the Premier has just announced there will be no policy or legislative change? How does the minister reconcile those two things? If the government has a conviction and you are not going to do any policy or legislative change, what are you going to do?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34): Our conviction is clear in that it has an appetite towards a bipartisan approach on this important issue—an important opportunity for our state's future. The opposition has, unfortunately, completely abandoned any sense of bipartisanship, which we know reflects a complete lack of conviction and backbone on behalf of those members opposite who aren't willing to stand up to the Leader of the Opposition, for the sake of political expediency.

NUCLEAR WASTE

The Hon. R.L. BROKENSHIRE (14:34): Supplementary question, based on the minister's answer: approximately how much will the referendum cost in March 2018?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): There won't be a referendum for as long as there isn't bipartisan support. It's already been stated clearly from the Leader of the Opposition that they don't have the intestinal fortitude to be able to pursue looking at this issue. The opposition has killed that issue. Each one of the members opposite has killed any opportunity to have a policy discussion going forward and, as such, there will not be a referendum in due course.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:35): Supplementary question: why is it that the minister refers only to bipartisanship when there are three other parties in this chamber?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): We acknowledge the fact that there are formal oppositions that exist within the state, and, as such, bipartisan support has always been a critical necessity in order to pursue this issue going forward.

NUCLEAR WASTE

The Hon. K.L. VINCENT (14:36): Supplementary: what about the conviction of the citizens' jury, which has already given a resounding 'no' to this issue?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): I think the Premier has already made it abundantly clear that the citizens' jury is all but one part of the most extensive public consultation process that has ever occurred in the state's history.

NUCLEAR WASTE

The Hon. J.M.A. LENSINK (14:36): My question is to the Minister for Sustainability, Environment and Conservation. Given the potentially significant environmental impacts of storing nuclear waste in the pristine outback of South Australia, does the minister support the establishment of a nuclear waste dump in South Australia, as being pursued by his Premier?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): Thank you to the honourable member for this incredible question. One could ask, in fact, do the Liberals support the federal government's proposition of putting a nuclear waste storage facility in outback South Australian as well? The Hon. Michelle Lensink completely ignores that question. She asks a question of me about the environmental concerns, but she doesn't ask me a question about the environmental concerns related to the federal Liberal Party's proposal to have an environmental dump in South Australia. The whole tenor of this incredibly opportunistic line of questioning from the opposition—

Members interjecting:

The PRESIDENT: Order! Minister, take a seat. Will the Leader of the Opposition allow the minister—

Members interjecting:

The PRESIDENT: —and the Minister for Police, just desist, and allow the minister to answer this question.

Members interjecting:

The PRESIDENT: Order!

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

The PRESIDENT: I don't need your help, Hon. Mr Dawkins.

The Hon. P. Malinauskas interjecting:

The PRESIDENT: Will the honourable minister desist and allow his colleague the Minister for Environment to answer the question.

The Hon. I.K. HUNTER: Thank you, Mr President, for keeping us all in order. This is an incredibly opportunistic line of questioning from the incredibly lazy opposition we have in this place. Let's go to the nub of this question: let's contrast a leader of this state, who has been completely up front with the community, saying, 'We're going to go out and have a discussion and a debate on a really difficult issue, and we want your input.'

Contrast that with the leader of the Liberals in the other place, Steven Marshall, the member for Dunstan, who was out there rallying the troops, saying, 'Fantastic idea, that was our idea, you stole it from us; that was our idea, the Liberal Party's idea, that you stole from us,' and now he says, 'Oh my goodness, let me lead from the back, I've seen what the community have said in the citizens' jury, I'm running away scared from any more engagement on this issue.'

This is the authenticity that we have on display between the two leaders. One who goes out there and takes the public into his confidence and says, 'I want to have a discussion with you about an incredibly important topic, about the future of our state,' and the other one who flip-flops and says, 'You stole my idea, oh my goodness, that's a bad idea, we're running away from it at a million miles an hour.' This goes to a question of authenticity, and of integrity.

What we have seen so far, in the space of a few short days, is that the Liberal Party leader, Steven Marshall, member for Dunstan, has absolutely no integrity whatsoever and no authenticity. It is little wonder that we could probably all have bet where he would have lined up on this because he takes the path of least resistance on all these issues. He has opposed every single thing that the state government has tried to do to improve our community, to improve our state and to improve our city.

Members interjecting:

The Hon. I.K. HUNTER: Well, let's have a think about what he has opposed. What did you oppose last week? Oh, the Northern Adelaide Irrigation Scheme—that comes to mind. What about the trams? They opposed that as well. What about the incredible investment we are making into our North Terrace boulevard, with the new Royal Adelaide Hospital? Yes, they opposed that as well. Not a single thing have these people opposite said yes to. Not a single thing, and here they are, trying to make a virtue of a leader with absolutely no integrity and no authenticity, who has not got a leadership bone in his body, and they think that it is a smart move for them to actually get out behind him.

We all know what the Liberals think about the nuclear waste dump, because they have been moseying up to us in the corridors for the last 12 months. They have been moseying up to us in the corridors of this place secretly whispering—

Members interjecting:

The PRESIDENT: Minister, sit down. It is totally irresponsible of members of this chamber, especially in positions such as the Leader of the Opposition and the Minister for Police (and for correctional services and every other portfolio he has) to be arguing while the minister is trying to give an answer. It is totally disrespectful. I would like the minister to get to his feet and finish his answer.

The Hon. I.K. HUNTER: Thank you, Mr President. We all know that the Liberal opposition is completely divided on this policy. They have said to us privately what they think we should be doing in this regard, but, lo and behold, it is completely different to the policy position they adopted in their party room this week. I refer the honourable member, and all interested members, to the Premier's statement, and the last line. It is pretty clear:

> We will not pursue policy or legislative change at this time—

you can't get much clearer than that—

> but we will, however, continue to facilitate discussion and remain open in pursuing this opportunity for our state.

What is wrong with that? What is wrong about continuing a discussion with the people of South Australia about a very difficult subject? We are up front about it; the Liberals hide their position on this, and they will be caught out on it by the people of South Australia.

MURRAY RIVER

The Hon. S.G. WADE (14:42): I seek leave to make a brief explanation before asking questions of the Minister for the Environment and the River Murray in relation to water from the River Murray.

Leave granted.

The Hon. S.G. WADE: More than 80 per cent of Adelaide's water has been sourced from the River Murray in the past year, with over 189 billion litres of water pumped during the 2015-16 season. This was more than double the 73 billion litres taken in the 2014-15 period and more than four times the 42 billion litres of 2013-14. I ask the minister: why does South Australia remain so reliant on River Murray water, and what plans does the government have to reduce South Australia's reliance on the Murray River?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:43): I thank the honourable member for his very important question, which has been fed to him by someone in the other place, and full points to him for leading with it. I won't go too hard on him, but it is not surprising that you find people, particularly in the other place, in the Liberal Party, twisting all the facts around

this issue. It is particularly not surprising that they don't mention the weather. They don't seem to understand that demand on our water system is dependent on the weather.

When it is hot and dry, and there is not a lot of rain falling, people are using more water. It's pretty simple, it's not rocket science in this regard. When there is demand for water, we pump the water. When you are off a dry year, as we have been recently, that is when you pump more water. When it is a wet year, you don't have to pump quite so much water because the demand drops. It is pretty simple: it goes up and down with the seasons. You might like to take that back to the member in the other place, Hon. Mr Wade, and try to persuade him.

It is particularly not surprising that the very same people who wanted all South Australians to go out and subsidise expensive desalination water for irrigation purposes would come up with such a crackpot idea and this line of questioning. These are the people who have the newest uncosted election policy of opening up SA Water's drinking reservoirs for recreational use, which poses serious threats to our community's water supply. They haven't costed that; they pretend it doesn't have any impact whatsoever, but of course it will. There will have to be new infrastructure built to deal with the increased risk.

There will have to be increased treatment of facilities, of reservoirs, where you have people bathing in them, boating in them, fishing in them, walking their dogs along the banks. You have to address those public risks and that comes at a cost. That means that the Liberals, if they are ever successful and implement this policy, will drive up the cost to consumers of water. It is a pretty simple construction. You increase the risk, you increase the treatment and the infrastructure required, and that's added costs. That's what your policy will do. If you are prepared to take that to the people, off you go. We will explain to them why their bills will go up under a Liberal government.

Let's talk about the real facts and the real figures. The Adelaide metropolitan area—just the metropolitan area alone—consumes about 12,000 million litres of water per month. Obviously, that goes up and down with the seasons, but that is the average. The timing of SA Water's pumping program varies based on water quality and natural inflows and demands and security supply levels. I have already covered that.

From 1 July 2016, I am advised that we have pumped 1,700 megalitres, which accounts for just 1 per cent of flow into reservoirs. That's what we have pumped from 1 July 2016, just 1 per cent of the flows. From January 2016, we have pumped 56,471 megalitres, which accounts for just 27 per cent of total inflow into the reservoirs. I am also advised that no water has been pumped into the Mount Bold Reservoir since natural winter inflows began in June 2016.

We have a policy of lowering our reservoir levels prior to winter to allow SA Water to capture as much natural inflow from rainfall as possible. That's an obvious proposition. It is a common sense management of the water system, reducing the volume of water pumped from the River Murray. If there are no inflows, however, if it doesn't rain, then of course we have to pump again. That's what happens in dry years. We plan for wet seasons to capture as much inflow as we possibly can across our catchments, which is cheaper—

The Hon. J.M.A. Lensink: And the bureau was projecting it would rain in the Adelaide Hills.

The Hon. I.K. HUNTER: We will come to that. The furphies that are being put about by the Liberal Party are absolutely unbelievable. You would think this mob would know a little bit more, but they don't. We will come to that in a minute. SA Water only pumps enough water from the River Murray as is needed to supply their customers. This is also within the River Murray metropolitan licence. SA Water protects affordability by using lowest cost sources of water first and regularly reviews available resources to ensure they have an understanding of how water levels in the reservoirs are increasing from natural inflows.

For context, natural inflow into the western Mount Lofty Ranges reservoirs was extremely low in 2015-16, I am advised, with inflow comparable to the last big drought in 2008-09, and less than half of the 10-year average. At the beginning of July this year, Mount Bold Reservoir was at 53 per cent capacity. All pumping from the River Murray into the reservoir finished in late June. Taking into account usual seasonal forecasts, this ensured a secure level, with space available for inflows from rain over the winter and spring months.

If SA Water had not pumped water into Mount Bold throughout autumn and into June this year, the reservoir would have dropped dangerously to very low levels and we may not have been able to supply drinking water to the residents of the southern suburbs of Adelaide. We must pump enough water every month to supply the drinking requirements of the area that is supplied by that particular catchment.

In June this year, I am advised a minimal amount of water was actually pumped into the reservoir, with the majority of water pumped during March, April and May, when it was incredibly dry. At this time the Bureau of Meteorology was still only predicting a 55 to 60 per cent chance of a wetter than average winter in southern Australia.

Finally, as a last blow to the nonsense arguments that those opposite have made about pumping water from the River Murray, the Australian Conservation Foundation, I understand, are on record in one of the major publications as saying, through their representative, Mr Jono La Nauze, that compared with upstream irrigators—and we are referring of course to New South Wales and Victoria—Adelaide was in the 'little league' when it came to taking water from the Murray. Mr La Nauze said:

> Even if Adelaide pumped every last drop it's entitled to, that would add up to about 1 per cent of water taken from the Murray-Darling Basin.

Let's not listen to this nonsense from the Liberals in the other place. Let's put to bed this idiotic notion that there was some sort of report that said we were going to get a massive rainfall this year, the idiotic notion that they are peddling over there—badly informed. Let me put out a couple of statements: the idiots in the Liberal party that the Hon. Michelle Lensink takes her advice from (she should know better now) are wrong every single time.

The Hon. J.M.A. Lensink: What, the Bureau of Meteorology?

The Hon. I.K. HUNTER: The idiots in the Liberal Party. Let me refer to an *Advertiser* article of 18 January 2016, in which SA Water said:

> We will pump more water from the River Murray to cope with high water demand.

That was on 18 January, in *The Advertiser*, putting it out there—high demand means we will pump more water from the River Murray. Here we have, on 25 May, the ABC reporting:

> El Nino over, BoM says, so winter rain could be on the way.

It was updated on Wednesday 25 May 2016:

> Forecaster Michael Knepp said conditions were back to neutral and the bureau was now on La Nina watch…'There's is a greater than 50 per cent chance that we might be in La Nina conditions later in the year,' Mr Knepp said—

But—

'That's not a certain thing, just something to keep an eye on over the next few months.'

That was in May.

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

The Hon. I.K. HUNTER: They don't like it over there, the Liberals. They fabricate a reality of their own and try to peddle it to the media. The facts are very different and a little bit of research would have given it to you.

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

The Hon. I.K. HUNTER: A little bit of research. Here we are in May, and on the ABC system, the Bureau of Meteorology is saying:

> This is not a certain thing, just something to keep an eye on over the next few months.

And under the headline, 'Rainfall deficiency across Australia', it says:

> Large areas of South Australia and Western Australia are also experiencing serious rainfall deficiency.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: 'Serious rainfall deficiency'—and just a few weeks before the rainfall event, on ABC Rural, a report states:

> As the south-east pocket of South Australia endures its driest two years on record, water for livestock and household water has become exceedingly precious.

That is the ABC on 15 September 2016, saying, 'As the south-east pocket of South Australia endures its driest two years on record'. Then further on, it says:

> [We're] running out of water for the garden, running out of water for the house at times—

And, further:

> Ms Wray indicated the family is stressed about their lack of water.

There we go. A little bit of research might have told them that. It continues:

> Mr Wray said the lack of rainfall was putting enormous pressure on underground water supplies, a lifeline for numerous primary industries in the south-east—

because there was no prediction of a wetter than average year back in those early months when we had to pump water.

The Hon. J.M.A. Lensink: Rubbish! It's all on the bureau's website. Check my Twitter account.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink wouldn't know what she is talking about because I have just read into the record contemporaneous media reports of the time of the sort of weather we were dealing with. It is unsurprising that they actually don't get with the facts. After all, this is the mob that went out after we had a massive storm and said that renewable energy was to blame for the blackout in this state. They said renewable energy was to blame, not the storm. This week the Bureau of Meteorology, which the Hon. Michelle Lensink was quoting a little while ago, in the *Australian Financial Review* of 15 November said:

> South Australia was hit by a string of seven tornadoes and wind gusts of up to 260 kilometres an hour in the September super-storm that crippled the electricity network and plunged the state into darkness according to a report by the Bureau of Meteorology.

The Hon. Michelle Lensink, you can't pick and choose which bits of the Bureau of Meteorology reports you want to rely on.

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

The Hon. I.K. HUNTER: Michelle Lensink, you should be out there looking at all the reports over the whole year. When we are in dry times we will pump water out of the River Murray to satisfy the needs of South Australian water customers, just like they did in your day when you—the Liberals, I mean—were in government.

The Hon. J.M.A. Lensink: Can you tell me what that desalination plant is doing?

The Hon. I.K. HUNTER: The desalination plant is producing 10 per cent of its capacity right now and plugging it into the water system, saving the River Murray huge amounts of water that otherwise would have to come out of the River Murray. That is the great thing about the desal plant running at 10 per cent capacity: it removes that pressure on the Murray because that is flowing straight into our pipe system. The Liberals opposite—and I don't blame the Liberals in this chamber; they are just reflecting the rubbish that is passed up to them from the place below us—

The Hon. J.S.L. DAWKINS: Point of order: the minister has been on his feet for more than 10 minutes.

The Hon. I.K. Hunter: I've got another 10 to go.

The Hon. J.S.L. DAWKINS: Good on you. Mr President, I ask you to direct him to conclude his answer.

The PRESIDENT: I will direct the Hon. Ms Lensink to stop interjecting the whole 10 minutes he has been on his feet. The minister is answering the question. It would be appreciated if he would get to the point, but he has every right to answer the question without interjection. Minister.

The Hon. I.K. HUNTER: It just highlights once again that the Liberals trot into this place with absolute fabrications. They don't even understand the information that is given to them. They couldn't read a Bureau of Meteorology report to save themselves. Luckily, we can and that is why we make sure that we have water in the system to provide for Adelaide's drinking water needs. If the Liberals were running it (a) it would have been privatised and people would be paying a much higher price for their water and (b) according to what they have been saying in the last few weeks, we wouldn't even have any water in the reservoirs in the first place.

MURRAY RIVER

The Hon. S.G. WADE (14:54): A supplementary question. Can I take it from the minister's answer that the government's long-term strategy to reduce the reliance on the River Murray is to hope it rains more?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): This is the level of understanding that the Liberal Party has in terms of water policy. The cheapest water that is available to SA Water customers is what falls out of the sky at Mount Lofty and gets into our catchments; that is the cheapest water, and that is what we prioritise. On the other hand, the Liberals want us to turn on the desal plant so that we can supply irrigators with water at five times the cost—and who is going to pay for that? SA Water customers. That is the Liberal plan for water. It is outrageous.

The PRESIDENT: The Hon. Mr Ngo.

The Hon. S.G. Wade: Let's just pray for rain.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ngo has the call.

Members interjecting:

The PRESIDENT: The minister will allow his colleague to ask a question.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Are you all happy for the Hon. Mr Ngo to ask his question now? The Hon. Mr Ngo.

CARBON NEUTRAL ADELAIDE

The Hon. T.T. NGO (14:56): I have a question for the Minister for Climate Change. Can the minister tell the house about the recent launch of the Carbon Neutral Adelaide Action Plan?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:56): A sensible question at last, and I thank the honourable member for his most important question. Last Tuesday, a very important milestone was reached with our vision to make Adelaide the world's first carbon neutral city, in conjunction with the City of Adelaide. Premier Jay Weatherill and the Lord Mayor, the Rt Hon. Mr Martin Haese, launched the Carbon Neutral Adelaide Action Plan 2016-2021.

This action plan sets out a clear agenda, outlining how we plan to build partnerships right across businesses, local and state government, and the broader community to realise our carbon neutral vision. It focuses on five key areas in our pathway to carbon neutrality, those being:

- energy efficient buildings;

- zero emissions transport;
- towards 100 per cent renewable energy;
- reducing emissions from waste and water; and
- offsetting carbon emissions.

The plan will see city schools, businesses and individuals pledge to reduce their carbon footprint through a partnership program. The program aims to have one million square metres of city floor space committed to lower carbon emissions by 2020, and forecasts the decarbonisation of the state's electricity supply, an end to the purchase of fossil fuel powered buses within 10 years, a doubling in the number of cycling trips by 2020, and a significant increase in public transport use.

The Premier and the Lord Mayor were joined by Professor Warren Bebbington, Vice-Chancellor of Adelaide University, to announce that Adelaide University would commit to Carbon Neutral Adelaide's partnership program. Adelaide University is a major contributor to South Australia, providing almost 4,000 jobs and producing world-leading research. It is a key cultural and social institution in the city, and also adds significant vibrancy. The announcement that it will spend $14 million on building upgrades and projects that will reduce its carbon emissions helps set Adelaide apart, and is sure to add to its competitive advantage as an institution. In a future where prospective students increasingly weigh up environmental and ethical considerations when selecting their university, tangible actions like transitioning to carbon neutrality are vital in their choice.

The outcome of the Paris COP 21 agreement makes it very clear that we are part of the global community that is transitioning to a low carbon economy. We cannot afford to be left behind by this shift. What would our major trading partners say as they implement long-term carbon reduction strategies while we simply pretend climate change does not exist? What would they think if we joined with the Hon. Steven Marshall, the Leader of the Opposition in the other place, and jumped on the bandwagon full of climate change deniers and denounced renewable energy? It would mean better environmental outcomes for us, more jobs and greater opportunities for local businesses to invest if, in fact, we did the opposite.

We have now seen more than $7.1 billion worth of investment into renewables in South Australia, up from the $6.6 billion I mentioned in this place in recent times. That investment and the thousands of South Australians who work in the renewable energy and related sectors would all be put at risk if we were to adopt the policies championed by the Hon. Steven Marshall, the Leader of the Opposition (the member for Dunstan) in the other place, and that is to go and light up the coal-fired power station that has been dismantled in Port Augusta. That investment and the thousands of South Australians who work in the renewable energy and related sectors would all be put at risk.

We know that, if we are to meet our international obligations to reduce carbon emissions, we must reduce the emissions intensity of our electricity network. That should mean a national renewable energy target and an efficient market-based mechanism to address climate change. Instead, we have seen, at best, inaction by the federal government and, at worst, the repeal of legislation and mechanisms that were limiting carbon emissions.

But, by taking action at a subnational level, the states and, indeed, cities can foster our status as one of the world's most livable cities here in Adelaide with the cleaner and greener CBD. We can give South Australians an opportunity to improve their own health with new cycling and public transport infrastructure. Through our investment in energy efficient technology and renewable energy, we can enable South Australian entrepreneurs, innovators and their investors to create new jobs and industries in our state.

Carbon Neutral Adelaide is building on this great legacy so that, between 2001 and 2014, our government has improved energy efficiency of leased buildings by 24 per cent, I am advised. $2.6 billion has been invested since 2007 to extend the tram network and electrify the train network. About 35 per cent of Australia's installed wind capacity is in South Australia. We have reduced the carbon intensity of our electricity grid by more than 35 per cent since 2005. Our landfill diversion rate is Australia's highest at almost 80 per cent. This is all because we have set ambitious targets, but achievable targets, and we have not backed down on them.

We got behind these targets and we have backed them up with policies, such as Carbon Neutral Adelaide, that encourages new investment and creates jobs right across our state. I long for the day that a member of the South Australian Liberal Party will come into this place to ask me a question about how we can foster and grow our clean technology sector, but they are not the sorts of jobs they are interested in. They are not the sorts of jobs that they care about. They have some pathological hatred of renewables. I do not understand it. It is the energy sector that will provide jobs long into the future and yet they hark back to the bad old days of coal-fired power stations—that is their vision.

The Liberals did absolutely nothing—absolutely nothing—when the federal Liberals attacked the renewable energy target we have here in South Australia and when they attacked any market-based mechanism that would produce jobs and economic opportunity for our state. All they do is attack the growth potential of our incredibly important future renewable industry for our state and they completely ignore the job production that can come from these new opportunities arising from these innovations in these sectors.

The government will continue to work with the City of Adelaide, will continue to work with the University of Adelaide and will continue to work with our local businesses, community and the residents of the City of Adelaide to reduce our carbon emissions, provide the new clean energy jobs and a more vibrant city of the future.

I would like to congratulate, of course, my own department, the Department of Environment Water and Natural Resources, and its executive, Ms Sandy Pitcher, as well as the Adelaide City Council and the Lord Mayor, for their incredible ongoing work on Carbon Neutral Adelaide. It is important because it is the way of the future: it is where we will be in five, 10 and 15 years. People will look back and say, 'Thank goodness this government had the vision to take us there because, if we had left it to the Liberals, we would be in a massive hole, trying to reopen coal-fired power stations when no-one else in the world is.'

MCLAREN VALE POLICE STATION

The Hon. R.L. BROKENSHIRE (15:03): I seek leave to make a brief explanation before asking the Minister for Police a question about the McLaren Vale Police Station.

Leave granted.

The Hon. R.L. BROKENSHIRE: Back on 12 April 2016, on behalf of many concerned constituents, I asked the minister a question, and the question was straightforward:

> …will the minister advise the house how much it is costing SAPOL to break the lease with the landlord for the closure of the McLaren Vale Police Station, or for how many more years they will be paying the annual rent?

Something like six to seven months later—unusual, I must add, for this minister—I did receive a response through the chamber, and I quote the answer:

> Hon. Peter Malinauskas MLC: I am advised that:
>
> 'The details of the lease arrangements are commercial-in-confidence.'

South Australian constituents have a right to know not only when a government decides to close and sell a police station like the one in McLaren Vale that they sold to set up a shopfront but also what the costs of that are. Now that they have reneged on having even a police shopfront in McLaren Vale, McLaren Vale and Willunga constituents and outer regional constituents would like to know the cost, so my question to the minister is: why is it commercial-in-confidence to not declare the cost of setting up and forgoing a long-term lease on a shopfront police station in McLaren Vale? Why can't we have an answer?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): Let me just start by reiterating the sound thinking behind the police commissioner's decision to look at the way that police station operating hours operate and indeed the services that are provided from a number of police stations around the state where the police commissioner of his own volition has decided to make a decision to rationalise those services. Everything that the police commissioner has decided to do in

this area is entirely orientated to making sure that there is sufficient and expeditious service delivery from SAPOL to members of the public when they need it most.

The police commissioner has understandably made decisions to take police officers out from behind the counter where they are unable to arrest someone, unless of course a would-be criminal walks through the front door of the police station and decides to confess. It is far more efficient and productive—

Members interjecting:

The Hon. P. MALINAUSKAS: It is far more productive for those police officers to come out from behind the desk and be out on the ground, in a patrol car, responding to calls as they arise. That was certainly a decision made in the context of the McLaren Vale Police Station where, unfortunately, not too many constituents at all—not many at all—were using the services provided at the McLaren Vale Police Station.

Indeed, I have already, I think, referred to previously the number of calls on average that were made to the McLaren Vale Police Station. Those numbers informed the police commissioner's decision and, accordingly, he has decided to close that station to ensure there is better service delivery, particularly in and around the southern suburbs and the southern parts of Adelaide and indeed in McLaren Vale itself, by ensuring that we have more police on the beat in patrol cars.

Regarding the Hon. Mr Brokenshire's question around commercial-in-confidence arrangements, that was the advice that I received. It is not entirely surprising that, where the government enters into a contract with a landlord, that landlord would be entitled to a degree of confidence around some of the contractual obligations and costs that are associated with that. The advice I received is as reported in my correspondence on the question on notice to the Hon. Mr Brokenshire.

POLICE STATIONS

The Hon. R.L. BROKENSHIRE (15:07): A supplementary arising from the minister's answer: will the minister take on notice and report back to the house advising of the cost of reneging on all of the leases of the shopfront police stations, including McLaren Vale and Hallett Cove, that the government have allowed police to close?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:08): I have already articulated, I think quite thoroughly, on more than one occasion in this place the reasons behind the police commissioner making the decisions that he has. In the long term, some of these decisions will result in savings to the South Australian taxpayer. I think what's most important to South Australians is ensuring that SAPOL are allocating their resources in such a way that is the most efficient and also the most effective when it comes to combating crime. In the long term, if that also happens to save the South Australian taxpayer money, that is a good result.

POLICE STATIONS

The Hon. J.S.L. DAWKINS (15:08): A supplementary arising from the minister's answer: why is it that the Salisbury Police Station will now be closed at the times, according to SAPOL's own figures, when it was most utilised by members of the public?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): I don't accept the premise of that question. As again has been stated—

Members interjecting:

The Hon. P. MALINAUSKAS: As has been stated on multiple occasions in this place, there is a very important distinction that exists between the government, or indeed the minister of the day, and the police commissioner's capacity to be able to operate the police force in the way that is most productive and also most effective and efficient on behalf of the South Australian taxpayer.

If the Hon. Mr Dawkins or the Hon. Mr Brokenshire think they can do a better job of running the South Australian police force, then they should apply the next time a vacancy comes up for

Commissioner of Police. I know that the ambition of the Hon. Mr Brokenshire knows no bounds, as we have seen in recent weeks from reports, but I would counsel them, as much respect as I have for the Hon. Mr Brokenshire and the Hon. Mr Dawkins, both of whom I hold in high regard, to stick to the task of legislating, rather than seeking to run the South Australian police force rather than the police commissioner himself.

WATER FOR GOOD

The Hon. J.S. LEE (15:10): I seek leave to make a brief explanation before asking the Minister for Environment a question on the River Murray and the Water Industry Act 2011.

Leave granted.

The Hon. J.S. LEE: I draw the minister's attention to clause 6 of the Water Industry Act, which was proclaimed in 2011. Clause 6 states that the minister must prepare and maintain a document called the State Water Demand and Supply Statement under subclause (1), and it must be reviewed comprehensively every five years under subclause (4). Within 14 days of the finalisation of a regional statement, the statement must be tabled in parliament and published in the *Gazette* within a reasonable time frame. My questions to the minister are:

1. Why has the government not produced a State Water Demand and Supply Statement since the proclamation of the Water Industry Act four years ago?

2. Is the government trying to avoid transparency and accountability by not publishing one?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:11): I thank the honourable member for her very important question and thank her for giving me the opportunity to respond. No, we are not trying to avoid transparency. The honourable member may not be aware of it (and I will get her a copy if she isn't) but in fact the policy Water for Good is the policy document that deals with demand and supply for the state into the future. It is a thoroughgoing policy document, and I recommend it to the Hon. Jing Lee. She will see, if she inquires into it, that the Water for Good document is the one that will deal with demand and supply statements long into the future.

HENLEY BEACH POLICE STATION

The Hon. J.M. GAZZOLA (15:12): My question is to the Minister for Police. Will the minister update the chamber on how new police infrastructure in Henley Beach will continue to support community safety?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:12): I thank the Hon. Mr Gazzola for his important question regarding the Henley Beach Police Station, which of course was opened officially only last Wednesday. I had the great pleasure to be able to join the police commissioner and an outstanding local MP in the member for Colton to be able to officially open the Henley Beach Police Station, which, of course, is a 24 hour a day, seven day a week, 365 day a year, fully operational police station.

SAPOL has a rich and diverse history in the Henley Beach area spanning back to the 1850s. In 1886, Mounted Constable Adam Wright was appointed as the first officer in charge at Henley Beach, a role he performed from May 1886 until his resignation in June 1888. A year later the very first Henley Beach Police Station was opened, a two-man station typical of metro stations in the late 1800s and early 1900s.

Over the next 50 years policing of the Henley Beach area continued to change from mounted police to foot patrols and motorcycles with sidecars, but by the 1960s radio patrol cars were operating. On 18 November 1963, the old station was built on Military Road on the site of the former Henley Beach railway station. That station served the community well for just over 50 years before being demolished. I have very fond memories of that particular old structure, because I worked there on work observation while I was—

The Hon. M.C. Parnell interjecting:

The Hon. P. MALINAUSKAS: No, not that fond. I was there doing work observation myself when I was at school and actively contemplating a career in the police force at one point as a younger man.

The Hon. D.W. Ridgway: You could be the commissioner by now.

The Hon. P. MALINAUSKAS: I am quite happy being Minister for Police. Further, one of my very first visits as the minister was to the building as the site of a new station. There was a demountable office there for construction and a pile of dirt. Not too shortly after, we now see a fully operational station. Superintendent Howard Davies, from the west of Adelaide LSA, an outstanding police officer with many years of great service to our state, gave us a tour of the proposed site and the vision that has now well and truly come to life.

At the last state election, the Premier and this Labor government committed to building the station, a promise that we are now able to report, of course, has been delivered in full. The new Henley Beach Police Station is a truly state-of-the-art station, purpose built for SAPOL, and a facility that will provide a policing hub for not only the Henley Beach community but also for the broader western suburbs. Again, it is a 24 hours a day, seven days a week, 365 days a year operational police station, as was always going to be the case and which, of course, flies in the face of the complete—but, I have to say, stereotypical—misinformation spread by some members of the opposition.

Rather than enjoying the opportunity that so many members of the western suburbs now have of an outstanding police service in the area, based at an outstanding new station, rather than applauding it the opposition are doing what they do best and complaining and whingeing about something that so many members of the western suburbs, particularly in the area of Henley Beach, have been looking forward to for many years. No wonder Labor continues to win that seat with outstanding representation in the form of the member for Colton.

Designed by Greenway Architects, the police station accommodates SAPOL's operations in flexible, light filled, energy-efficient facilities, establishing growth and flexibility in how SAPOL uses the space now and in the future. Furthermore, proud South Australian company Palumbo built the station, and throughout the course of construction employed over 200 people. The new police station provides Henley Beach and the surrounding areas with modern police facilities designed to deliver improved functionality, meet current policy needs and provide a modernised policing service.

The new station has capacity for up to 100 police officers (and of course we are growing the police force at a rapid rate) and is equipped to support significant growth over the medium term. This station will play a critical role in enabling police to protect Henley Beach and the surrounding communities 24 hours a day, seven days a week, 365 days of the year. The new build is designed to support officers in a manner that puts them on the front line in the fight against crime, to ensure we keep our community safe—something that this government has an outstanding record on.

Contrary to the views of those opposite, the Henley Beach Police Station will always be operational and is an outstanding investment in community safety for the western suburbs. Our police never stop, day or night, and we are very lucky to have outstanding, dedicated officers serving the community of the western suburbs. If those opposite want to suggest that the police stations are not protecting our communities because a sworn officer is not standing behind a counter at 3am waiting for someone to come in and register firearm or something of that trivial nature, then they are uninformed and deliberately trying to scare the community—deliberately trying to scare the community—and, of course, they will be found out. If police are ever needed, then they will be able to call police and have a ready response in due course.

Finally, I want to close by again paying a great degree of kudos and thanks to the incredible advocacy of the local community, which is ably led by the member for Colton in the other place. We remain a government that is utterly committed to working closely with the South Australian police force and their leadership to ensure that they have all the facilities and infrastructure they need to be able to continue to do the important work of keeping the community safe.

HENLEY BEACH POLICE STATION

The Hon. R.L. BROKENSHIRE (15:19): Supplementary to the minister's answer: the minister clearly said in his answer that the building of the new police station at Henley Beach was a commitment by the Premier prior to the last election. Can the minister explain how the government can make a decision to build a police station as a commitment when closing police stations is always the commissioner's fault because it is operational? How can it be operational to make a political decision in a marginal seat to build a new police station but when you close half a dozen police stations, it is operational? What is the truth here, minister?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:20): Thank you, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Despite my earlier remarks regarding the Hon. Mr Brokenshire when I actively suggested that he apply for the role of police commissioner, I think he has just demonstrated why that probably is not a very good idea. What we know about the Henley Beach Police Station is that there was a station there previously that has now been rebuilt with a fantastic new facility and where in SAPOL, just like in many other parts of government, we see tired and ageing facilities that are no longer fit for purpose for a modern, well-resourced police force, of course we work closely with SAPOL and hear their concerns about upgrading those facilities. This is an upgrading of a new facility to ensure that people of the western suburbs are well served into the future for many years to come.

HENLEY BEACH POLICE STATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:21): Can the minister bring back an answer, I am sure he won't have it at his fingertips, but he mentioned 200 people who were involved in the construction of that building, exactly what jobs did those 200 people have in the construction of that building?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:21): All sorts of things. There is plumbing, there is electricity, there is putting a roof on the building, there is laying the foundations. There is a lot of work involved in the construction of an outstanding facility. There is painting, there is putting lighting in, then of course you need floor coverings, car parking, landscaping, there is a whole range of different roles. I am sure the Leader of the Opposition in this place—who is an applicant to be a minister himself—has the creative powers to contemplate the sort of trades that are involved in building a brand new facility.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has the floor.

WILDLIFE ETHICS COMMITTEE

The Hon. T.A. FRANKS (15:22): I seek leave to make a brief explanation before addressing a question to the Minister for Sustainability, Environment and Conservation on the topic of transparency about reports made to the Wildlife Ethics Committee.

Leave granted.

The Hon. T.A. FRANKS: As the minister and other members of this council would be aware, researchers are required to report adverse events that impact on animal wellbeing, including unplanned deaths, to the Wildlife Ethics Committee, promptly. That unplanned death is documented and the researcher must be able to demonstrate that an attempt was made to determine the cause of death and give an explanation of the remedial action taken to prevent reoccurrence.

I note that these surveys are returned to the Wildlife Ethics Committee promptly but I note that my request under FOI for a copy of the reports made to the Wildlife Ethics Committee between the dates of 1 January 2013 and 2 June 2015 took over a year to be complied with. By contrast, I note that PIRSA makes their information about animal deaths public and available on request, with regard to authorised experiments, without even the need for an FOI exemption. My question to the minister is: does he have faith in the transparency of the current system if it takes over a year under FOI to get this information released from the reports made to the Wildlife Ethics Committee?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:23): I thank the honourable member for her very important question about reporting standards to animal ethics committees of various institutions and research institutions around the state. I am not aware of the particulars of the situation that she is referring to so I will give that some due consideration, but my experience has been, in dealing with these committees, that they take animal welfare as their highest bar, if you like, and they, of course, have to weigh up the benefits to society through increased and improved medical research with the experimentation of animals.

My understanding is that every step of the way they try to reduce the number of animals that are used in experimentation and often send back to researchers probing questions about why they can't do modelling rather than use animals in their research programs. Nonetheless, there will always be situations, particularly in terms of health sciences and medical research requirements, to test procedures on animals before they are tested on humans in hospitals, and that is what we would expect, I would imagine.

As I say, my experience of these animal ethics committees and how they work is that they always put safety and the benefits to society at the highest, but also animal welfare issues. They don't slack off on this; in fact, they would probably be criticised as being quite hard on researchers who apply for permits to study with animal models who haven't given alternative thought to other models they could use without using animals, particularly those animals that would be sacrificed at the end of the research.

So, I will consider that, but my experience has been that these animal ethics committees of our research institutions really do take their job very seriously. They do put it as a priority to reduce the number of animals that are used in experimentation, but there always will be some animals that are used in experimentation, particularly, as I said, for medical research, and some of those animals will be sacrificed at the end of it. There is no getting away from that. At the end of the day, that information is generally available through their processes. As I understand it, they report at the end of the year through their university research committee.

WILDLIFE ETHICS COMMITTEE

The Hon. T.A. FRANKS (15:26): Supplementary: I invite the minister to consider whether he is concerned by the number of endangered species that have been killed through these experiments, as reported to the Wildlife Ethics Committee?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:26): As I say, I am not aware of any particulars the Hon. Ms Franks might be referring to. Whether they are using endangered animals, that would surprise me.

The Hon. T.A. Franks: You would be surprised.

The Hon. I.K. HUNTER: Well, there may be real reasons for that. In fact, if you are dealing with research into, for example, the facial tumours that affect Tasmanian devils, then you may well be experimenting on native animals and endangered species, but that is to actually improve the outcomes for those species. However, in most medical research and models you use animals that have some translation to the human sphere so that you can be convinced that any intervention you take on an animal has some replicability in terms of human models. That has been built up over many years in terms of rats, pigs and other animals that are used in research that is aimed at medical research for human conditions.

Again, I will look into that and consider whether that is an issue, but as I say, you would expect there to be research on native animals if the point of the research is to actually protect those native animals and arrive at cures, as, for example, in terms of the Tasmanian devil.

BUSHFIRE PREPAREDNESS

The Hon. A.L. McLACHLAN (15:27): My question is to the Minister for Emergency Services. Are there any plans to reduce the high fuel loads in the Adelaide Hills by allowing property owners to reduce these hazards by burning off in all peri-urban council areas, as long as they adhere to the CFS code of conduct for burning?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:27): I thank the honourable member for his most important question. Burning off in the Hills in particular, but generally around the state is a pretty well settled facility. Landowners know that it is their responsibility to make sure their land is ready for the bushfire season. They generally know that they need to talk to either the council or the CFS to get permission to burn off outside bushfire periods. Councils normally have a policy in place that allows either permitting or general support for burning in the open to reduce hazards in prescribed areas at prescribed times.

Of course, in the bushfire season everything changes, and if there is an absolute need to burn in the fire danger season, then you must approach the relevant authority, being the CFS in most instances. We do know that there is preparation going ahead right now on private properties, conducted through the Department of Environment, Water and Natural Resources as a pilot. It is the first time in the country, as I understand it, that the government has burnt off on private properties. Essentially, what we are doing here is taking a tenure blind approach. We are analysing where the risk is—ignoring for the moment who owns the land—and mapping that risk area and then addressing the land ownership question.

What has been happening in Ashton, for example, is that the DEWNR fire brigade has been working with the local community to get permission to burn on their land in preparation for bushfire season, and it is working very well. I was up there last week and talked to one of the property owners on whose land DEWNR was burning.

She expressed great satisfaction with the consultation that DEWNR undertook with the local community and the ability to actually burn on the land because, of course, the DEWNR fire brigade has much more experience in these matters than most landowners would in the Adelaide Hills, and by working together very closely we can get a better outcome and get a better protection area for the community by matching up our burns from previous years with current burn practices to give a nice area of fuel reduction.

Fuel reduction in itself doesn't stop bushfires but what it does do is, when fires occur, usually the burn is much less fierce. It usually takes more time to travel through the fire zone, which gives firefighters extra time to prepare their response and line up their tactics and deploy their workers. It's a great project and I'm very pleased with the very early initial stages up in Ashton, as I said, where we are working hand in hand with local communities, but it is just a pilot and there are a hundred such communities right across the Adelaide Hills that we need to engage with over the next decade. It is very pleasing indeed, to see the level of cooperation.

DISABILITY-SPECIFIC TOILET FACILITIES

The Hon. K.L. VINCENT (15:30): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about funding for disability-specific toilet facilities.

Leave granted.

The Hon. K.L. VINCENT: As we approach World Toilet Day on 19 November, the need to improve toilet facilities, particularly for South Australians with disabilities, and the need to establish changing places is a very current topic. Changing places are very specifically designed accessible toilet facilities because they are fitted with equipment, such as a height-adjustable adult-size changing table, a hoist system and a space for a person with a disability and one or two assistants if needed, as well as a nonslip floor, of course, and a safe and clean environment.

In September, the Victorian government announced that it will be establishing another 15 new changing places on top of those the state already has, and has been consulting with the community about where these facilities should be located. More than $1.5 million is being invested in the construction of these new changing place facilities. My questions to the Treasurer are:

1. What plans does the South Australian government currently have to support the inclusion of changing places in South Australia?

2. Is there a five-year plan in place to roll out changing places in metropolitan and key regional centres in South Australia?

3. Does the minister or the Treasurer agree that, with an increase in our ageing population, changing place facilities can be considered as essential civic infrastructure nowadays?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:32): I thank the honourable member for her most important question to the Treasurer in the other place. Changing places are a very topical issue at the moment and, additionally with the expenditure the government has outlined in terms of putting in place new changing room facilities at sporting facilities, it would be an ideal opportunity to take up the honourable member's suggestions about rolling out changing places at the same time. I think it's a brilliant idea. I undertake to take that question to the Treasurer in the other place and seek a response on her behalf.

Auditor General's Report

AUDITOR-GENERAL'S REPORT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:32): I move:

That standing orders be so far suspended as to enable the report of the Auditor-General for the year ended 2015-16 to be referred to a committee of the whole and for ministers to be examined on matters contained in the report for a period of one hour's duration.

Motion carried.

In committee.

The Hon. J.M.A. LENSINK: I thank the minister for agreeing to start with SA Water. My first question is in relation to the Adelaide Desalination Plant operating contract, and I am referring to Part B: Agency audit reports, page 428, under Adelaide Desalination Plant operation and management contract, which states that the annual cost of this contract in 2015-16 was $21 million. Further, on page 432, under Expenses, the last dot point there refers to a reduction from $24 million in the previous year to $21 million. Can the minister advise whether that is actually a fixed cost annually or does it fluctuate and what are the parameters on which it would fluctuate?

The Hon. I.K. HUNTER: As the honourable member said, the expenditure for the ADPOM and power supply contracts reduced from $24 million in 2014-15 to $21 million in 2015-16. This was primarily due to reduced water production. So, it follows from that then that it will fluctuate, determinant on the production of water at the time.

The Hon. J.M.A. LENSINK: Is the nature of the contract a per volume contract? It is not a fixed contract annually and it is likely to fluctuate year on year depending on production?

The Hon. I.K. HUNTER: My advice is that the contract is in two parts: part of it is fixed and that fixed cost component really covers the cost of staff, assets and maintenance, and the plant being available 24/7. The variable part of the contract basically deals with those parts that you would expect would vary in terms of volume: so electricity costs, for example, and the cost of chemicals that are used in the water filtration.

The Hon. J.M.A. LENSINK: Similarly, on page 433—this is in relation to SA Water generally—there is a dot point there that electricity costs increased in 2014 due to the ADP commencing operations, but decreased in 2015-16 with a reduction in the use of the ADP. Further over the page, the second dot point refers to renewable energy and says that in 2015-16 expenditure for operational power, including relevant used renewable energy certificates, was $17 million, and in

the previous financial year it was $22 million. Can the minister advise how much the energy expenditure was overall for that particular financial year in question and the previous financial year? We have the information in here in relation to renewable energy certificates, but not in relation to electricity costs overall.

The Hon. I.K. HUNTER: I advise the chamber that I need to take that question on notice and bring back a response.

The Hon. J.M.A. LENSINK: On page 428, under Automation Panel review, there is a sentence that says, 'SA Water uses various remote access and automation technology to manage its network.' Can the minister provide information about what remote access technology SA Water uses? Does that include its use for leak detection?

The Hon. I.K. HUNTER: My advice is that there is a continual monitoring department in Victoria Square, in the SA Water building—centrally monitored. At the pumping stations and wastewater treatment plants, we monitor continuously the pressure in certain systems and the levels of water or wastewater. The chemical consumption at the time and the electricity consumption are also monitored at the pumping stations or the wastewater treatment plants.

If there is a sudden drop of pressure, for example, we might then consider that there has been some sort of breakdown—possibly a leak—and we would have to send people out physically to confirm that. There is that level of monitoring at a central level but that is of the pumping stations and the wastewater treatment plants. It is not extended throughout the pipe network, of course.

The Hon. J.M.A. LENSINK: On page 436, there are references to increases in assets in 2016. There was some $330 million in acquisition of various assets and capital expenditure on a range of items. Does the government anticipate that there will be any impact on the regulated asset base into the future because of this increase?

The Hon. I.K. HUNTER: This is an area for the Treasurer, of course. My understanding is that the regulated asset base is set once, so it is not impacted after that point. The regulated asset base is set at a particular point in time and adjustments are made based on that regulated asset base. We do not adjust that operation through Treasury on the basis of increases or decreases in our operating assets base.

The Hon. J.M.A. LENSINK: My last question for SA Water is in relation to page 441, and some discussion about pricing orders and ESCOSA. There is an assumption of 190 gigalitres per year of consumption. Can the minister explain what would happen if that assumption were higher or lower? What impact would that have on water pricing?

The Hon. I.K. HUNTER: My advice is that it is impossible to give an answer to this hypothetical. Of course, ESCOSA's calculations would be completely different, but at any point if the assumed consumption was less or more we would have to go back and reconsider all the business operations concurrently with that changed assumption and re-evaluate what we put to ESCOSA.

There is no easy answer to give to that. ESCOSA would change its calculation, but that is not the real answer: the real answer is how you build your business case and how you vary that. Essentially, you base it on your historical average consumption, taking into account variations for dry years versus wet years. That is the best you can do.

The Hon. J.M.A. LENSINK: I refer to the first page of the DEWNR section, page 113. The number of FTEs is roughly 1,610. We may well have asked something similar in estimates, but can the minister provide the number of staff who are based regionally as opposed to in the CBD office and, separately, how many are NRM staff as opposed to DEWNR staff?

The Hon. I.K. HUNTER: My advice is that there are approximately 900 in the CBD and 800 in regional SA. I cannot provide figures now on how many would be NRM, so I will have to bring that back.

The Hon. J.M.A. LENSINK: Page 118, and water licence and levy revenue. The audit identified matters in relation to the WILMA clearing account (not being of the Flintstone variety). Can the minister provide more details about what those transactions relate to and what the value is?

The Hon. I.K. HUNTER: I am advised that the Department of Environment, Water and Natural Resources raised approximately 14,300 invoices for water levies, penalty charges and meter rentals for the 2015-16 financial year. The total invoice value was approximately $14.9 million.

The Hon. J.M.A. LENSINK: There are a couple of items—and, again, we may well have put these questions in estimates as well—which relate to water purchases and sales. There is one in the substantive report (which is Part B) on page 121, under Income, 'a $7 million increase in other income reflecting a $7.9 million increase in water sales due to a one-off sale of water entitlements in 2015-16'. Further, in Volume 2 of the Appendix, page 147, there is an item which is Environmental water purchase. I think these are separate items: this is, in 2016, $807,000. Can the minister provide more detail on those particular items?

The Hon. I.K. HUNTER: In January 2014, a process was put in place for South Australia to meet water transfer milestone obligations under the National Partnership Agreement on the South Australian River Murray Sustainability Program. A process was also put in place by the Department of Primary Industries and Resources to negotiate contingency arrangements with the Department of Environment Water and Natural Resources for the acquisition and transfer of water access entitlements of up to 6.03 gigalitres of long-term average annual yield water.

These water access entitlements enable the Minister for Agriculture, Food and Fisheries to meet water transfer milestone commitments in 2013-14 and to thereby receive milestone payments from the commonwealth of $11.2 million. Additional expenditure authority of $8.42 million was provided to DEWNR in 2013-14 by the Department of Treasury and Finance to fund the purchase of 4.03 gigalitres of long-term average annual yield water from the market.

I entered into a memorandum of understanding with the Minister for Agriculture, Food and Fisheries that outlined the transfer and return of water between our agencies in 2014-15. When the MOU was signed, it was intended that DEWNR would enter the water market and sell the water access entitlements within the 2014-15 year. Proceeds from the sale, expected to be in the order of $8 million, were to be returned to the Department of Treasury. As at 30 June 2015, DEWNR was not able to sell water to raise sufficient funds to return to DTF.

During 2015-16, DEWNR negotiated with PIRSA for the transfer of water entitlements sufficient to meet the revenue measure. In May 2016, DEWNR sold 3,200 megalitres of South Australian environmental water to the commonwealth for the purpose of bridging the gap to the Sustainable Diversion Limit target. Proceeds from the sale were returned in full to the Department of Treasury and Finance in June 2016. So, in essence, we were acting as a broker for PIRSA.

The Hon. J.M.A. LENSINK: Yes, I think this was touched on in estimates. Is that South Australian water with the commonwealth environmental water holder now or which agency?

The Hon. I.K. HUNTER: My advise is yes.

The Hon. J.M.A. LENSINK: In relation to the lease arrangements for DEWNR, there are a couple of items. There is one on the opening page, page 113, that states that a $22.1 million lease incentive was recognised for DEWNR's new CBD accommodation. Further, on page 122, under Liabilities, there is an increase to liabilities, which refers to a $22.5 million increase in other liabilities due mainly to the recognition of a lease incentive, etc., due to the office accommodation. Can the minister explain what this lease arrangement consists of and perhaps what those matters in here mean?

The Hon. I.K. HUNTER: The Department of Environment Water and Natural Resources has relocated to 81-95 Waymouth Street, Adelaide. There are approximately 897 DEWNR staff and 17 staff in the Office of Green Industries SA who have relocated to the site. As a result, DEWNR has recognised a $22.1 million lease incentive, which represents the aggregate cost of the incentives provided and is amortised over the lease term of 12 years on a straight-line basis. I am also advised that approximately $3.8 million has been provided rent free, to be amortised over the 12-year period of the lease contract. Over the 12-year lease term, cost savings in the order of $30 million are also expected to be made from reductions in lease costs, space savings, cleaning costs and power expenses over the 12-year lease.

The Hon. J.M.A. LENSINK: On page 120, there is reference to contractor expenses. Can the minister advise what projects contractors were used for and how many contractors' positions were turned into permanent staff and in what section?

The Hon. I.K. HUNTER: We do not have that level of detail for the honourable member, so we will have to bring that back.

The Hon. J.M.A. LENSINK: Page 110 of Part B, under Income, states, 'There has been a decreasing trend in the solid waste tonnage that has been offset by an increase in solid waste levy rates.' Can the minister advise what the government attributes the decreasing trend in solid waste tonnage to?

The Hon. I.K. HUNTER: There are two aspects to this: one is it is an indication, I suppose, that the waste levy is doing its work in making sure that waste is no longer dumped at landfill if there is an economic value in that waste, so it is being recovered. Additionally, there is, I think, a decline in building construction waste over that period as well.

The Hon. D.W. RIDGWAY: I thank the Minister for Correctional Services for taking these questions I will ask on behalf of the shadow minister in another place. I refer to Part A: Executive summary, page 23, prisoner beds and prisoner numbers. On the first line on page 23 it says that, by 30 June 2016, there were 2,954 prisoners. However, there was only a total of 2,861 prisoner beds, a shortfall of some 93 beds. My question is: where were these additional 93 prisoners housed, given the shortfall in prison beds?

The Hon. P. MALINAUSKAS: I thank the Leader of the Opposition in this place. There are a number of facilities throughout the state that have the capacity to accommodate what are termed surge beds. Those surge beds exist at a number of facilities across the state and when there are more prisoners in the custody of the department of corrections that exceeds the number of approved beds, then there is capacity for surge bed arrangements for those numbers.

The Hon. D.W. RIDGWAY: Given that we were 93 prisoners over the number of beds, what is the projected increase in both prisoner beds and prisoner numbers over the next 12 months and, for that matter, over the next three or four years?

The Hon. P. MALINAUSKAS: As at 30 June this year, I am advised that the number of approved beds sits at 2,861, which I think is consistent with the number the leader has. Of course, over the course of the next few years we are adding capacity with a range of additional public works and additional beds coming online. As at 30 June 2017, that number increases to 3,131 and then, beyond that, at 30 June 2018, again I am advised that that number goes to 3,243.

The Hon. D.W. RIDGWAY: But does the agency or the department have a prediction? Sadly, we do. I know you often talk about having record numbers of police and driving down crime but, nonetheless, I expect there will be some growth in the number of prisoners. What is factored in for the growth in the number of prisoners that we will have in our system over that period of time? The minister said that we will have 3,243 prison beds in about three or four years' time, but what is the likely number of prisoners?

The Hon. P. MALINAUSKAS: It is not an exact science to be able to predict how many people in the future will commit crime, but the department does undertake a substantial effort to try to reasonably make projections around those forecasts. I am advised that the department's forecast does provide for a daily average prisoner number that is less than the number of approved beds on that date of 30 June 2018.

The Hon. D.W. RIDGWAY: Earlier in my questioning I asked the minister where the 93 extra prisoners were held. I think I was asking my colleague the Hon. Michelle Lensink to check with the Hon. John Darley at that time whether he had any questions. I did not hear all of the answer, but my recollection of what you said was that those prisoners are housed in various parts of the state. Can you outline where those areas are, including in my own country town of Bordertown. I am sure there are no prisoners housed in the police station or the cells there, so I am sure that there are facilities that you deem to be good enough to hold people in an overflow. Can you tell us where they are?

The Hon. P. MALINAUSKAS: I am happy to shed some light on the major sites, such as Cadell Training Centre, Mount Gambier Prison, Port Augusta Prison, Port Lincoln Prison, Yatala Labour Prison, the City Watch House and also Holden Hill.

The Hon. D.W. RIDGWAY: So, you actually have temporary accommodation, shall I say, in all those facilities? Obviously, Cadell, Mount Gambier Prison and Yatala are all what I would determine as fit for purpose buildings and facilities for housing prisoners, but you have some elasticity and some temporary accommodation there and also at Holden Hill. Is that right?

The Hon. P. MALINAUSKAS: Yes, that is my advice; that is correct.

The Hon. D.W. RIDGWAY: Just quickly, while I am on Holden Hill, obviously the larger prisons have catering facilities, etc., for meals for prisoners. I know I have visited some prisons where they have kitchenettes, where they prepare their own meals. In places like Holden Hill, how is the food provided? Is it prepared on site or is it takeaway food? It has been reported that McDonald's and some of the other types of food are occasionally served. Is that accurate, or how is that food provided?

The Hon. P. MALINAUSKAS: I just wanted to double-check this because I thought this was the case, but I can confirm that my advice is that there are catering facilities within the prison system, and clearly, as you articulated, including places like Yatala, which is predominantly self catered. In fact, it is quite a good exercise as a way of upskilling prisoners who are often engaging in acquiring skills related to being a chef and the like. Take Holden Hill, for instance, in the question that you asked, that is catered for from Yatala Labour Prison. It is literally transported to Holden Hill for the provision of those prisoners.

The Hon. D.W. RIDGWAY: So, the prisoners at Holden Hill are never served McDonald's or KFC or takeaway food when they stay there?

The Hon. P. MALINAUSKAS: What I can say is that the people who are at Holden Hill are principally catered for from Yatala Labour Prison.

The Hon. D.W. RIDGWAY: But I do want to know whether we provide takeaway food for these people or whether it is food that is always provided from Yatala and there is never takeaway food served at Holden Hill.

The Hon. P. MALINAUSKAS: What I am advised is that there is certainly no systematic or regular or scheduled provision of food at, for instance, Holden Hill prison. I am not in a position to confirm right now whether or not there may have been an issue on one particular day. Clearly, the provision of food for people in the state's custody is a pretty important priority, to make sure that people have access to a form of food, but again the practice is for food to be supplied from Yatala Labour Prison and that is essentially what takes place.

The Hon. D.W. RIDGWAY: One final question on this issue if I may: with the increased number in beds, does the minister have at his fingertips, or his adviser, the actual budgeted cost or the likely cost of the increase in accommodation over the period that he described earlier in his answer?

The Hon. P. MALINAUSKAS: I am advised that the total cost for that bill that I referred to was $127 million.

The Hon. D.W. RIDGWAY: My next question refers to Part B: Agency audit reports, page 72, and the reference is correctional services. The Auditor-General has highlighted that total prisoner numbers have increased by 42 per cent since 2012. You may have already answered this, minister, but just again, what is the expected increase in the total prisoner numbers to be achieved over the forward estimates? I know you said it was not an exact science but what are you expecting?

The Hon. P. MALINAUSKAS: I am not familiar with this particular part specifically referred to in the Auditor-General's Report but I am advised that the daily prisoner population projection in 2017-18 is 3,141.

The Hon. D.W. RIDGWAY: How many prisoners have been sentenced to court-ordered home detention and are now under DCS supervision since the laws came into place on 1 August 2016? My understanding is that it is still page 72 of Part B: Agency audit reports.

The Hon. P. MALINAUSKAS: Just for my indulgence, I was wondering if the Hon. Mr Ridgway would specifically refer to whereabouts in the Auditor-General's Report it refers to sentenced home detention, where he is drawing that question from.

The Hon. D.W. RIDGWAY: I am reading some questions prepared for us by other members of the team. It says that it refers to Agency audit reports, page 72, correctional services. I guess it is in relation to the Auditor-General's highlight that the total number of prisoner numbers has increased by 42 per cent since 2012. A follow-on question from that is: how many prisoners have been sentenced to court-ordered home detention and are under supervision of DCS since the laws came into place on 1 August 2016? So, it is a related question to the number of prisoners in detention.

The Hon. P. MALINAUSKAS: I am advised that as at 6 November 2016 there were 35 offenders who have commenced sentenced home detention.

The Hon. D.W. RIDGWAY: So, you say there were 35. Do you expect the numbers in home detention to increase over the next four years, and what level of home detention—if it is 35 now, where would you see the rest going?

The Hon. I.K. HUNTER: These are not questions that can relate in any way to the Auditor-General's Report. The honourable member is asking the minister to speculate about the future, but the purpose of the Auditor-General's examination is to consider the report of the Auditor-General and ask questions specifically related to that, not to ask ministers to speculate on future behaviour.

The ACTING CHAIR (Hon. A.L. McLachlan): Can you tie this to the Auditor-General's Report?

The Hon. D.W. RIDGWAY: It is just that we do have the minister who is happy to answer just then that we have 35 people, I think it was, in home detention. Surely, his advisor will have some indication of what the likely increase will be? However, if the minister is—

The ACTING CHAIR (Hon. A.L. McLachlan): Well, if the minister—

The Hon. D.W. RIDGWAY: Yes, I am happy—we only have 19 minutes left and there are plenty of other questions, so if minister Hunter is going to jump in and insist that—

The ACTING CHAIR (Hon. A.L. McLachlan): Minister, do you want to answer that question or do you want to—

The Hon. I.K. Hunter: I want to get my 20 minutes of—

The Hon. D.W. RIDGWAY: No, you won't get 20. I can move on if the acting chair would like me to move on with some other questions.

The ACTING CHAIR (Hon. A.L. McLachlan): The acting chair would really like you to move on.

The Hon. D.W. RIDGWAY: This is to Part B: Agency audit reports, page 69, correctional services. Has the Mount Gambier Prison contract been extended for another five years?

The Hon. P. MALINAUSKAS: Again, Mr Chair, thanks for your indulgence, but I want to confirm my recollection. I am advised that the current contract with G4S for the Mount Gambier Prison was due to expire on 30 November 2016. A 12-month contract extension has been arranged in order to facilitate an appropriate procurement process. I am advised that that is underway, and the procurement process is expected to be complete by late 2017.

The Hon. D.W. RIDGWAY: Thank you for that answer, minister. Does the government expect G4S to meet their KPIs and receive their withholding fee?

The Hon. I.K. HUNTER: Again, this is a question that is in no way related to the Auditor-General's Report.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: You can ask those questions in question time. You really need to look at the Auditor-General's Report and ask questions based on the report, not invite the minister on some sort of walk down a path or another line of questioning.

The ACTING CHAIR (Hon. A.L. McLachlan): I take your point. Do you wish to respond to the point of order?

The Hon. D.W. RIDGWAY: Given the Auditor-General, in his report, noted discrepancies between some KPIs and G4S reports, how does the government know whether G4S will meet their KPIs?

The Hon. P. MALINAUSKAS: The process for discrepancies noted during compliance reviews are to be followed up, adequately explained, managed and to be reported to the strategic contracts manager, has been documented and implemented. Supporting documentation will be retained by the strategic contracts manager, when applicable, and presented in contract management meetings. All staff undertaking compliance reviews have been notified of the new process.

The Hon. D.W. RIDGWAY: Given the Auditor-General noted some discrepancies between KPIs and G4S reports, is there a withholding fee likely to be charged if they fail to address those discrepancies?

The Hon. P. MALINAUSKAS: I am advised that G4S are currently meeting their KPIs, and of course their KPIs are being regularly monitored during those contract management meetings, but they are indeed on track with their KPIs. At this stage there does not appear to be any sort of likelihood that will take place.

The Hon. D.W. RIDGWAY: My final correctional services question relates to Part B: Agency audit reports, page 73, correctional services. Can the minister advise why workers compensation claims have increased by $2.5 million?

The Hon. P. MALINAUSKAS: I am advised that the number of claims has not dramatically increased, as that figure may suggest, but rather an actuarial re-evaluation was undertaken and that resulted in an additional increase, consistent with the differential that the Leader of the Opposition refers to.

The Hon. D.W. RIDGWAY: Referring to Part B: Agency audit reports, page 352, SAPOL purchase cards, the Auditor-General noted that several restricted items were purchased using police purchase cards. What were the restricted items purchased using these credit cards and what was the total value of these items that the Auditor-General noted?

The Hon. P. MALINAUSKAS: I am happy to take that question on notice.

The Hon. D.W. RIDGWAY: Did I just hear correctly that you will take that question on notice?

The Hon. P. MALINAUSKAS: Yes.

The Hon. D.W. RIDGWAY: If you are not able to answer it, I might ask a couple of other components to that question. The first question I asked was: what were the restricted items purchased and what was their total value? This question is—if you are not able to answer the first, you may take it on notice—in how many instances did this occur? Thirdly, has SAPOL implemented any sanctions and, if so, have any SAPOL employees received sanctions?

The Hon. P. MALINAUSKAS: I am advised that SAPOL responded positively to the observations and noted that the ANZ Expense Manager system-generated emails will be sent to account holders, supervisors and managers in order to reinforce their responsibilities. I am also advised that SAPOL will also implement sanctions for noncompliance with the general order on the purchase of restricted items.

Internal workflow emails have been sent and all new applicants for purchase cards will only be approved once the employee has completed the online training course, Government Purchasing: Card Using and Improving. All SAPOL purchase cardholders are required to agree and acknowledge their responsibilities when using purchase cards and then process transactions through the ANZ Expense Manager.

The Hon. D.W. RIDGWAY: Minister, I accept that you require more time to bring back an answer, but when do you expect you will have that information available?

The Hon. P. MALINAUSKAS: As reasonably as we can.

The Hon. D.W. RIDGWAY: I do have a couple of other police questions but, in fairness, given that we only have nine minutes left, I think we should dispense with your adviser. I have two or three questions for the Department of State Development, for the Hon. Mr Hunter representing minister Maher. I refer to Part B: Agency audit reports, Department of State Development, page 447. The Auditor-General stated:

> We found that a number of grant reporting requirements were not promptly monitored to ensure the grantee complied with the terms and conditions of the grant. We identified similar issues for several grant programs reviewed.

Given the minister is responsible for the administration of a number of grant programs, can he outline the grant review process that he undertook?

The Hon. I.K. HUNTER: My advice is that there is a new grant management system in place that has been implemented by DSD. In the transition process from the old system to the current and new system, those grant programs the Leader of the Opposition referred to were missed. They are being addressed now and being resolved as we speak.

The Hon. D.W. RIDGWAY: What has changed from the old system to the new system so that these individuals are not missed?

The Hon. I.K. HUNTER: My advice is that previously there was a dispersed model of grant program management across the two agencies that have been brought into DSD. Now there is a centrally based program to manage grants.

The Hon. D.W. RIDGWAY: Was there a follow up with those who had not complied with the terms of conditions of the grant? If so, what was that process?

The Hon. I.K. HUNTER: My advice is that two grants were identified, one for an amount of $5 million and one for $300,000—

The Hon. D.W. Ridgway: Was that $5 million, minister?

The Hon. I.K. HUNTER: Yes, $5 million and one for $300,000—where the grantee did not provide reports by the required dates and there was no evidence of prompt follow-up by the responsible officer. I am advised that the grant for $5 million related to the state's contribution to Next Generation Manufacturing Investment Programme—as I understand it, a joint commonwealth and state government program. The report was in relation to a progress update. The commonwealth has now provided that report, I understand. I do not have any information about the $300,000 grant, so I undertake to take that question on notice and bring back a reply for you.

The Hon. D.W. RIDGWAY: My next question relates to Part B: Agency audit reports, Department of State Development, page 453. Industry and innovation grants include payments for the Our Jobs Plan program, totalling some $12 million, of which $5 million was the first payment of the program that the minister mentioned—the next generation manufacturing works project. Can the minister outline all the grant programs that fit under the minister's portfolio within the Our Jobs Plan? I am sure the minister's adviser can provide him with a nice list.

The Hon. I.K. HUNTER: My advice is that, in the Our Jobs Plan, the 2015-16 expenditure was $29.4 million, including $11.7 million relating to Our Jobs planning. That is broken down into the following programs: Next Generation Manufacturing and Investment Programme; Cluster and Entrepreneurships; Automotive Supply Diversification; Business Transformation Voucher; Defence Teaming Centre; Automotive Workers in Transition; expand existing manufacturing works initiatives; the Polaris Centre; and the Southern Suburbs One-Stop Shop.

The Hon. D.W. RIDGWAY: Now that he has listed those programs, can the minister outline the actual moneys that were allocated to them?

The Hon. I.K. HUNTER: In terms of the programs and the amount of money that was allocated for 2015-16, I am advised that the amounts are:

- Next Generation Manufacturing Investment Programme, $5 million;
- Cluster and Entrepreneurships, $2.45 million;
- Automotive Supply Diversification, $1.633 million;
- Business Transformation Voucher, $1.57 million;
- Defence Teaming Centre, $0.5 million;
- Automotive Workers in Transition, $210,000;
- expand existing manufacturing works initiatives, $147,000;
- Polaris Centre, $100,000; and
- Southern Suburbs One-Stop Shop, $50,000.

The Hon. D.W. RIDGWAY: Have all those funds been spent, or have they just been allocated to the programs and are yet to be spent? Is there any carryover in those funds?

The Hon. I.K. HUNTER: My advice is that these are the actual amounts that have been spent in those programs.

The Hon. D.W. RIDGWAY: How are these programs monitored?

The Hon. I.K. HUNTER: My advice, essentially, is that the grants programs are all incredibly different. Each program has different characteristics, as you would expect; they are different programs between aerospace versus creative arts versus manufacturing. Some of them—as in the first one I mentioned, the Next Generation Manufacturing Investment Programme, and the $5 million of supplementary grants programs—are grant amounts from the federal government.

There are feedback processes into the department which I mentioned earlier, the centralised reporting period. In terms of the specific programs and how they report back, I do not have that information with me. If the honourable member wants me to take that on notice and bring back a response I can do so. The honourable member indicates yes, so I will do so.

The Hon. D.W. RIDGWAY: This is one you may want to take on notice. How many staff within the Department of State Development are involved in the administration of the Our Jobs Plan grants?

The Hon. I.K. HUNTER: I would be very happy to take that on notice.

The CHAIR: The committee has considered the Auditor-General's Report.

Bills

PUBLIC SECTOR (DATA SHARING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 October 2016.)

The Hon. R.I. LUCAS (16:38): I rise to speak to the second reading of the bill and, in doing so, congratulate my learned colleague the Hon. Andrew McLachlan for his excellent contribution to the second reading, which has made the task so much easier for the rest of us who follow in his wake. In particular, I repeat his summation of the background and purpose of the bill in acknowledging that the Liberal Party—and indeed, all in parliament—support the provisions directed to child protection. However, the point the Hon. Mr McLachlan makes is that the bill, as it is before us, seeks to do much, much more. It is the 'much, much more' that the Hon. Mr McLachlan, myself and others are interested in exploring in greater detail. I know the Hon. Mr Darley is of that mind as well.

In his contribution, the Hon. Mr McLachlan makes it quite clear, upon the work that he has done and the discussions he has had, that, to quote the Hon. Mr McLachlan, 'The government clearly contemplated legislation of this nature well before Commissioner Nyland's recommendations were

handed down.' I will not repeat the honourable member's arguments in that respect other than to support them, but I want to address some general comments to the 'much, much more' sections of the legislation.

I must say, not having had carriage of this bill but being involved at the periphery initially and still at this stage, my comments are necessarily of a general nature. I have not had a detailed briefing, but I have followed the discussions the Hon. Mr McLachlan and others have had. One of my lower house colleagues organised a representative from the New South Wales public sector in a similar area to come across and speak to us of the value of the work that was being done. I must admit I was none the wiser, having listened for an hour to that particular presentation, as to the value and worth of at least the New South Wales model in this particular area of data sharing.

In addressing my comments, I want to trace a little bit of history as to why I am wary of what the government intends with these sorts of issues. I will instance two examples over recent years where, to use a colloquial expression, this government has form in the area of abusing the use of data within the public sector.

During the 2010 election campaign, I issued a press statement on 18 March with the eye-catching headline 'Rann caught out abusing public servant database'. Put simply, what I put on the public record at that stage was that then premier Rann and the Labor Party had been caught out abusing a government email database to circulate Labor Party campaign material to the state's public servants.

I contended that it was a clear breach of the caretaker conventions that Mr Rann and the government should have been observing. In fact, we lodged an objection to the then CEO of the Department of the Premier and Cabinet whose responsibility it was to manage the caretaker convention provisions at that particular time. Suffice to say we did not receive a satisfactory response to that complaint.

In essence, what the Labor government did at that particular stage was, through the department for education and children's services, circulate to the government email database the Labor Party's policy 'Labor's commitments to students with a disability'. This email included Mr Rann's Labor Party media release on the Labor Party policy on disability support with details of funding commitments from the Labor Party. Brazenly, it was actually authorised by state secretary Michael Brown.

There was no pretext at all that this was a government information campaign. It was actually authorised by the Labor Party secretary—someone who has a great desire to come into this chamber, I understand. He keeps getting knocked on the head; nevertheless, he keeps trying. As I said, brazenly, there was no pretext that this was government material. This was actually Labor Party material.

We are not sure how widely it was circulated. We had a number of complaints from people who said they received it on the official education department database and objected to Labor Party material being circulated in that particular way, authorised by the Labor Party state secretary Michael Brown; nevertheless, that occurred.

A number of members in this chamber will be familiar, as I think it has been the subject of some investigation by a parliamentary select committee, with the information supplied or circulated by the assistant secretary of the Housing Trust Tenants Association, Julie Macdonald, who was also, at that time, a member of the Australian Labor Party. The said person distributed a letter to Housing Trust tenants at their Housing Trust addresses, claiming that the Liberals were going to force tenants from their homes if they were elected.

That was a blatant lie, and I said so in a press statement. Unsurprisingly, when we complained about that and sought information as to how Ms Macdonald had got access to a confidential database of Housing Trust tenants, there was no response. Clearly, there are significant databases that exist within government departments and agencies.

The other trend that I note in terms of expressing my wariness and caution about this is that this government has adopted a policy of parachuting ministerial staffers and Labor Party spin doctors into senior positions within the Public Service. I will not prolong the debate today by listing examples

of the Rik Morrises of this world, and formerly the Lachlan Parkers, the Paul Flanagans and the others who have all worked for the Labor cause in ministerial offices, to then be parachuted into government departments and agencies—there are too many to list during this debate.

But there is, as one of my colleagues has put to me, an increasingly clear policy position of the Labor Party in government to an Americanisation of the public sector; that is, as we see presidents or administrations change in the United States, as the new boss comes in the whole of the public service essentially gets swept away and his or her people are brought in.

That has not been the tradition in South Australia, or in Australia for that matter: the tradition has tried to be, with obviously some exceptions, an independent and impartial, apolitical Public Service that loyally serves the government of the day, whether it be Labor or Liberal. There has been an acceptance at the CEO level that governments can appoint whomsoever they wish, and terminate whomsoever they wish, and Labor and Liberal governments have done that on occasions consistent with that particular convention.

We have seen Premier Weatherill, who clearly is a passionate advocate of the Americanisation of our public sector, bring fellow Labor Party travellers or supporters into CEO positions: Kym Winter-Dewhirst in DPC, a former staffer; and fellow travellers from interstate, like Mr Michael Deegan and Dr Don Russell, as clear examples of Labor Party sympathisers/supporters/fellow travellers brought into CEO positions. As I said, the convention has been in the past, perhaps not as blatantly as this, that administrations are able to do that at the chief executive officer level. What we have seen in South Australia recently has been that creeping down to the middle management and senior management levels, not at the CEO level.

When we start talking about this issue of collapsing data, being able to switch data between agencies, having an office, having that managed, clearly, not on a day-to-day basis at the CEO level but at the middle management or senior management level, it raises concerns with some of us as to what the true purpose of this piece of legislation might be, how it might be used and how it might be misused or abused.

The examples I have given, in terms of the abuse of the education department database or the Housing Trust tenants database, again were not permitted. There was an abuse of the process there, but nevertheless they were in different areas. The convenience of being able to collapse all politically usable information into one particular area of government and having a key person appointed to that particular position by the government of the day is something that members at least ought to think about and see whether or not we are comfortable that the protections that should be in the legislation are in the legislation to protect us against those eventualities.

Something that has really only occurred in the last few years is government websites. Let's take the YourSAy website. Let's take the 50,000 or something supposed interactions, I assume through the website, in relation to the Premier's passionate vision for a nuclear waste dump future for South Australia. I note today that that is passionately supported by the Hon. Mr Malinauskas. He clearly nailed his colours to the nuclear waste dump vision for the future of South Australia during question time, so we know where the Hon. Mr Malinauskas stands; it is clear where he stands on the issue.

All of that information is currently available within one section of the Public Service. The YourSAy website would have literally, I assume, tens, if not hundreds, of thousands of contacts with individual voters and constituents, with email addresses, telephone numbers, and others, expressing their views on a whole variety of political issues. My questions to the government minister, or whoever it is who is handling this particular bill (ultimately, it is minister Rau), are: where is that information currently collected and what are the current protections and restrictions, if any, that exist within the public sector about sharing that information?

Is it clear that under the government's proposal that information could, by ministerial decision or chief executive officer decision, be transferred from one section of government all into the Department of the Premier and Cabinet, for example, or all into this office that is to be established and shared between departments and agencies; that is, the minister could construct a reason or an excuse for it to be centrally collected and to have it all transferred into a central location?

I have only listed the YourSAy website and the nuclear waste dump consultation, but I am sure that members will be aware of many other examples. There would be lists, for example, I assume, of recreational fishers and people who have expressed views about the marine parks legislation over the years available in the government department. Access to that information would clearly be advantageous for a political party in terms of campaigning, knowing their particular views on a particular issue. In the environment area, there would clearly be, and has been, a number of environmental issues where there has been interaction or contact sought from communities.

There is any number of agencies which have, as part of their work, consulted and collected political views—or views on political issues; let me put it that way—which would be invaluable to Reggie Martin, state secretary of the Labor Party, via the government in some way; that is, having access to the information about which members have particular views for or against marine parks, for or against nuclear waste dumps, for or against disability services, whatever it might be.

That is the sort of valuable information I am talking about. That is why the government circulated disability policy to some education department websites. That is why the confidential Housing Trust Tenants Association database was accessed by Ms Julie Macdonald, to get a Labor Party sympathetic view to those particular tenants. They are powerful political weapons in the hands of people who have no compunction at all in abusing access to databases, as, sadly, this Labor government has demonstrated over a long period of time.

What we are seeing here is the greater power to direct the sharing of information, the transfer of information, and the capacity for ministers to be able to make decisions and direct. I intend to raise this as perhaps an area that we ought to look at. The Hon. Mr McLachlan will correct me if I am wrong, but I think his amendments were at least looking ex post, that is, when the annual report comes out later on indicating what directions might have been indicated.

However, the issue I want to raise is that maybe it ought to be raised almost contemporaneously of ministerial directives in terms of information. Because, if something is directed to be done in December just prior to a March 2018 election and if the annual report has to reveal it, then that will be October/November in the year of the election, but after the election date. So, there are significant issues and concerns potentially in relation to how this process could be used and abused.

I specifically want to know whether or not there is anything in the legislation that would prevent a direction, for example, for confidential tax information through RevenueSA being shared with another agency other than RevenueSA? Is there something either within this bill or within other legislation that prevents what has up until now been the absolute privacy of tax information, to the extent that sometimes even members of parliament, when they raise issues on behalf of constituents, are told, 'Unless you get a disclaimer from the constituent, we can't talk to you about the land tax issues that might relate to a particular person,' or whatever it might happen to be.

I am assuming there is another layer of protection in relation to medical information being shared with other departments and agencies. I do not know that that is the case, but certainly I am seeking an answer as to what additional layers of protection there are in relation to medical information.

There are obvious questions also in relation to other statutory corporations, such as ReturnToWorkSA, for example. Is it included or excluded? Is information in relation to those people who might be either beneficiaries of a particular claim in the return to work legislation or unhappy with a particular aspect of changes to the return to work legislation going to be available for transfer to another government department or agency if the government of the day can construct some reasonable excuse for the transfer of that information to some central location?

They are the general questions I have. I will raise some specific questions about some of the clauses at the second reading so that the minister can at least take advice and see whether or not he is prepared to respond. Certainly, they will be issues I intend to pursue in the committee stage. In clause 3—Interpretation, under 'exempt public sector data', it provides:

(b) any other public sector data, or public sector data of a kind, prescribed by the regulations;

I ask the minister to indicate what the current intention is in relation to what might be prescribed by the regulations. The definition of 'individual' means a natural person, but does not include a deceased person. Can I ask the minister for an explanation as to why 'a deceased person' has specifically been incorporated in the drafting?

Under the definition of 'public sector agency' it 'excludes a person or body prescribed by the regulations'. Can the minister outline what the current intention is in relation to which persons or bodies are going to be prescribed by the regulations there? Further, it 'includes any other person or body prescribed by the regulations for the purposes of this definition.' Again, I ask what the current intention is in relation to which persons or bodies will be prescribed by regulations, and if there are not specific ones, can the minister give an indication of the general example or type that is being contemplated to require that particular provision in the drafting? In looking through clauses 4, 5 and subsequent clauses, it is clear that:

> …the provision of public sector data by a public sector agency to another public sector agency is lawful for the purposes of any other Act or law that would otherwise operate to prohibit that provision…

I ask that specifically in relation to the RevenueSA information, ReturnToWorkSA information and Health information. Is there anything in the drafting of this clause 5 which actually restricts the potential access to information of that type from being subject to the provisions of the legislation?

Further on, in terms of clause 8—Public sector data sharing authorisation, this is where a public sector agency is authorised to provide public sector data, other than exempt public sector data, that it controls. I have a question on this clause—and it is really only a personal reflection at this stage—and also the following clause 9, which is data sharing on direction by a minister, which provides:

> (1) The Minister may direct a public sector agency…

My view is stronger in relation to clause 9 than, perhaps, clause 8, but I think it equally applies. If you look at clause 9, if a minister directs a public sector agency to provide data, would it be possible to contemplate, for example, requiring the public release of that information much sooner than even perhaps contemplated by our amendments which, as I said and as I understand it, is in the annual report.

There are many other statutes where, when certain directions occur, the minister is required to put it in writing and to table that direction within six sitting days in the parliament. I think that is something at least worth discussing. I would be interested to hear a government response as to why they believe that would be either unfair, would not work or should not occur. Certainly, as I said, that is something that ought to be contemplated in relation to clause 9 and clause 8, possibly, as well.

Further on, clause 14—Restriction on further use and disclosure of public sector data, provides:

> A data recipient must not use or disclose public sector data received pursuant to an authorisation under section 8 or section 9 other than for a purpose for which it was provided unless—
>
> (a) the Minister…approves the use or disclosure…

Again, I raise the question about this: you must not use or disclose it for a purpose other than for which it was provided, unless the minister approves the use or disclosure. What we are saying here is that someone has received the data and you must not use it under sections 8 or 9, other than for a purpose for which it was provided. So, it was provided for a purpose and you cannot use it for anything other than that purpose, but the minister under clause 14(a) approves the use or disclosure.

I am interested to hear why that particular provision is needed and, if it is, whether or not—if the minister is going to approve the use or disclosure of information other than for a purpose for which it was provided—that should be revealed publicly and tabled in the parliament within six sitting days, or something like that. That is so, if a minister is directing or is making a decision about the use of data contrary to the purpose for which it had been provided, we (the parliament) and the community through the parliament are aware of the decision that the minister has taken. I am also interested in clause 15—Delegation by Minister, which provides:

> (1) The Minister may delegate any of the Minister's functions or powers under this Act.

I assume that also relates to clause 14 and clause 9. I seek a government response to that, as to whether that is what is intended, that is, that the minister may delegate any of the minister's functions or powers under the act. Under clause 14, it is the minister who can approve the use or disclosure of the data contrary to the purpose for which it is used.

So, could the minister (e.g. the Premier) delegate to Kym Winter-Dewhirst the approval of the use or disclosure of information contrary to the purposes for which it was collected? I think that raises interesting questions. Mr Winter-Dewhirst is obviously not directly answerable to the parliament; his minister is. My question is: is that what is intended by minister Rau on this issue?

Similarly, in relation to clause 9, the minister may direct a public sector agency. On the surface of it—and perhaps my reading is wrong—when clause 15 provides that the minister may delegate any of the minister's functions, again, does this mean the Premier could delegate to Mr Winter-Dewhirst that he have the power to direct a public sector agency to provide public sector data that it controls, including exempt public sector data to another public sector agency?

They are the sorts of questions which I hope the minister, in reply at the second reading, will provide some information on. I know they are the sorts of issues that I intend to pursue during the committee stage, and I know the Hon. Mr McLachlan has a similar interest in pursuing some or all of those issues during the committee stage as well.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:06): I would like to thank honourable members who contributed to the second reading of this bill. This legislation is about overcoming the artificial walls that exist around government departments. It is about creating a safe and authorising environment for agencies to make the best use of their data assets, and to collaborate to improve their evidence-based supporting policy development and the services we deliver for the benefit of the public.

This legislation will effectively override the legislative or policy barriers that operate to prevent data sharing within government, yet will ensure data sharing is always safe and appropriate. This legislation provides the authority that is needed for agencies to share their data for the purpose of enabling agencies to develop, improve and undertake policymaking, program management, service planning and delivery and enabling data analytics work to be carried out on the data to identify issues and solutions regarding these same objectives.

The bill includes a framework for ensuring that this only occurs in safe circumstances. The bill permits the Minister for the Public Sector to establish an office of data analytics as a public sector agency to undertake data analytics work on government data and to make the results of the data analytics work available to government agencies, to the private sector and to the general public.

A set of trusted access principles is prescribed to encourage voluntary data sharing between public sector agencies and with the office of data analytics. The trusted access principles provide a framework for considering whether the quality of the data, the people using it, the storage environment, the purpose for which the data is to be used and any outputs are all safe and appropriate before the data is shared.

With one exception, relating to NGOs that are a party to a data sharing agreement with the minister, the intent of the bill is that the Freedom of Information Act 1991 does not apply to a document that has been provided by a data provider to a data recipient, or a document provided under a data sharing agreement between the minister and another body. This is intended to ensure that the body that is in the best position to consider the FOI request, does so. That would be the body that provided the data, as the originator of the document, rather than the body that received the data.

Should this bill be passed, the government will engage in wide consultation within government and with the community on the regulations that may be required to be made under this legislation, including provisions that might exempt certain data from the operation of the legislation, include or exclude certain agencies, persons or bodies from the operation of the act, and prescribe any additional trusted access principles or additional data sharing safeguards that might be required.

A number of honourable members have asked about the relationship of the bill to the findings and recommendations of the Nyland royal commission into child protection systems. In response to

the delivery of the Child Protection Systems Royal Commission report, the government approved amending the bill as originally introduced in the lower house to align it directly to the report's recommendations, requiring information sharing between government agencies and other relevant parties, such as non-government organisations.

The bill responds to the research focused and information sharing focused recommendations on the Child Protection Systems Royal Commission, including information sharing between government and non-government agencies. The Nyland report found that significant obstacles remain to effective collaboration and information sharing between many government and non-government agencies that form South Australia's child protection system. This is despite the government's information sharing guidelines (ISGs). In respect of the ISGs, the report found:

> The Information Sharing Guidelines (ISGs) are a 'statewide policy framework for appropriate information-sharing practice'. They apply to most state government agencies and to non-government organisations contracted by the state government to provide services. The ISGs require agencies to share information where 'a person is at risk of harm (from others or as a result of their own actions) and adverse outcomes can be expected unless appropriate services are provided'. They guide practitioners step by step in the responsibilities and decisions for information sharing.
>
> A consistent theme in evidence before the Commission was that, in spite of the ISGs, many agencies fail to share information. The Commission was told of a persistent culture that privileges privacy and confidentiality over the need to share information relevant to the health, safety and wellbeing of children.
>
> It may be that the ISGs, as a policy framework, do nothing to ease legislative restrictions on information sharing. The first step for decision making under the ISGs is to follow specific legislative requirements and the guidance of the practitioner's agency.

The report went on to recommend amendments to the state's child protection legislation to permit and, in appropriate cases, require the sharing of information between prescribed government and non-government agencies with responsibilities for the health, safety or wellbeing of children where it would promote those responsibilities. The report observed that such a scheme would require a cultural shift for those agencies accustomed to holding client information closely.

The opportunity has been taken by the government in the lower house to strengthen the provisions of the bill in order to provide support to the report's recommendations. It should be noted, however, that the bill applies across government and not only in the child protection area. Although we are establishing a distinct child protection department to focus on the important task of protecting our state's vulnerable children, the department cannot be expected to operate in isolation. This bill is critical in supporting this new department and others to work collaboratively for better outcomes.

To address a question raised by the Hon. Ms Franks, the data that could be shared by government agencies relating to children and child protection could include data on education, health and welfare. The precise data that will be shared will depend on the particular data request and the particular policymaking or service delivery purpose underlying the request.

A number of honourable members asked how the privacy of individuals would be protected when data is shared under the bill. The bill establishes a process for sharing information primarily between government agencies. There is no privacy legislation in this state. However, no data can be shared between government agencies unless the data provider applies the trusted access principles and is satisfied that the sharing and use of the data is appropriate in all the circumstances.

The data provider must assess the particular data request under principles that ensure safe projects, safe people, safe data, safe settings and safe outputs. This includes the principle that requires the data provider to consider if the data contains personal information that identifies an individual, whether personal information is necessary for the purpose for which the data is proposed to be shared and used, or whether the data should be de-identified. The government is confident that the trusted access principles expressed in the bill and the information privacy principles that apply across government provide sufficient safeguards to ensure the protection of the privacy of individuals whose data is shared by government agencies against unnecessary disclosure and intrusion.

The data sharing safeguards in part 5 of the bill also protect confidential information by requiring the data recipient to deal with the data in a way that complies with any contractual or equitable obligations of the data provider concerning how the data is to be dealt with. The government respectfully disagrees with the comments of the Hon. Mr McLachlan that the trusted access principles

lack clarity and detail. Ultimately, to meet the objectives of the bill, it may be necessary for privacy to be a secondary consideration in appropriate instances. As Commissioner Nyland observed in the report of the Child Protection Systems Royal Commission, among agencies:

> …there is a persistent culture that privileges privacy and confidentiality over the need to share information relevant to the health, safety and wellbeing of children.

Another important feature of the trusted access principles, in a world in which data security is a common concern, is the requirement for the data provider to have regard to the environment in which the data will be stored, accessed and used by the proposed data recipient, including whether the data recipient has appropriate security and technical safeguards in place to ensure data remains secure and not subject to unauthorised access and use, such as secure login, user authentication, encryption and supervision or surveillance.

The bill also gives the Minister for the Public Sector the ability to enter into data sharing arrangements with agencies of the commonwealth and other states and territories, with local councils and with non-government organisations prescribed by regulation. These sharing arrangements may be subject to conditions, including the application of one or more trusted access principles. While the terms of the agreements will differ depending on the type of data and level of personal information involved, core conditions on each agreement can be expected to include appropriate provisions safeguarding the provision and confidentiality of the data and ensuring that data remains secure and not subject to unauthorised access or use.

As the house was advised in the introduction of this bill, in addition to the explicit safeguards in the bill, the principles of ethical behaviour and professional integrity found in the Public Sector Act 2009 and the professional conduct standards in the code of ethics for the South Australian public sector will apply and require public sector employees to maintain the integrity and security of official information and only access use and disclose information where authorised. Any employee who contravenes or fails to comply with these professional conduct standards may be liable to disciplinary action. To answer a question posed by the Hon. Ms Franks, the kind of disciplinary action taken would depend on the circumstances and the severity of the matter.

A number of questions were asked regarding the office for data analytics. The size and budget of the office for data analytics (ODA) are issues that remain undecided and are matters that cabinet will be asked to determine as soon as the bill is passed. As the Attorney-General indicated in committee in the lower house, there are a number of host agencies that could contain the ODA, including the Office for the Public Sector, the Department of the Premier and Cabinet, and others. This, too, is ultimately a matter for cabinet.

Notwithstanding the department in which the ODA might ultimately reside, it will perform its functions across government and not for the benefit of only its host agency. It will not, as the Hon. Mr Darley suggested, be an agency merely to gather and analyse data for cabinet. The functions of the ODA, as expressed in the bill, are clear that it operates across government.

The Attorney-General indicated in the other place that the ODA would probably commence a pilot phase to test the concept. The pilot would be a robust model for the future implementation of the ODA on a larger scale, and could possibly receive commonwealth funding support. I can advise the council that the Attorney-General has met with the commonwealth social services minister, the Hon. Christian Porter, to discuss this bill and the possibility of collaboration with the commonwealth if the bill were passed. I have been advised that it is intended that there would be more substantive discussions held with the commonwealth if the bill were passed.

I also take this opportunity to address two issues raised by the Deputy Leader of the Opposition in the other place regarding interaction between what is now clause 10 of this bill and the transfer and licensing of Lands Titles Office data to a private sector body. The Deputy Premier undertook to consider this question between the houses.

The first question is whether clause 10 of the bill will override or interfere with the confidentiality of data held by the Lands Titles Office or facilitate a stream of data from a government agency to a private entity. Clause 10 applies only to the transfer of data between public sector agencies, not to the transfer of data to an external party. It would not override or interfere with the confidentiality of such data.

The second question is whether clause 10 will interfere with the transaction and whether separate legislation will be needed to protect confidentiality of data. This section will not interfere with the transaction. In regard to the second part of the question, it is important to note that data held by the Lands Titles Office in the register book is currently publicly accessible and not confidential. Any member of the public can access this data by paying the requisite fee. There is no proposal for separate legislation on this issue, consistent with commitments already made by the government that:

- there will be no change to the existing legal protections for the Torrens title system;
- land registry and valuation information, now available to South Australians, will continue to be available in the same way it is today; and
- the government will retain ownership of the data and information, and any information provided to a service provider will be subject to the relevant privacy laws and regulations in addition to strict contractual obligations, including stringent data integrity and security KPIs overseen by the Registrar-General and the Valuer-General, and contractual remedies will apply for any material breach by the service provider.

Bill read a second time.

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:23): I thank honourable members who have made a contribution, and look forward to this bill being dealt with expeditiously through its remaining stages. I now put on record some answers to questions asked by honourable members during their second reading contributions.

The Hon. Rob Lucas asked a number of questions on the wagering tax around consultation, including whether other jurisdictions are considering the introduction of a similar tax, changes requested by industry, and the government's response to these requests. I am advised that the Treasurer has had discussions with several of his counterparts in other Australian jurisdictions in regard to South Australia's proposed place of consumption tax on wagering. He has recommended that consideration be given to introducing such a tax in their own jurisdictions, given that the place of consumption tax is appropriate and is suited to the national wagering industry that we have in Australia.

This bill contains measures that will facilitate a nationally consistent approach should other jurisdictions join South Australia in implementing a place of consumption tax on wagering. The bill amends the Authorised Betting Operations Act 2000 to enable the Treasurer to enter into agreements with other Australian jurisdictions for cooperative arrangements relating to taxes, penalties and interest imposed on betting operations carried out in multiple jurisdictions.

I am advised that the Treasurer and government officials have met with a number of wagering operators and industry representatives to discuss the place-of-consumption wagering tax. A wagering tax administration working group has also been set up to discuss the administrative arrangements for the new wagering tax. The group is chaired by the Commissioner of State Taxation who will be responsible for the administration of the tax. Wagering operators and relevant industry representatives have been invited to be part of the working group.

The group has been established to work with the wagering industry to develop a tax collection and reporting system that captures the information required to effectively administer the wagering tax while minimising the compliance burden on industry. It will also give the wagering industry input into the design of administrative arrangements and any required finetuning of the definition of net state wagering revenue to be done by way of regulation. The working group had its first meeting, I am advised, on 26 September.

This bill also includes amendments to the Authorised Betting Operations Act 2000 to allow for the introduction of a new limited major betting operations licence class. The new limited licence class allows wagering operators to establish a telephone and/or internet-based wagering service in South Australia. The current drafting of the bill contains a requirement that the minister must be satisfied that the holder of a limited licence has substantial business assets and infrastructure located in South Australia.

The South Australian government is moving an amendment to remove this requirement. This will reduce the compliance burden and obligations placed on betting operators who may want to take up a proposed limited licence. It is uncertain how many betting operators will seek a South Australian limited licence. Existing cost recovery provisions in the Authorised Betting Operations Act 2000 allow for the recovery of costs associated with the regulation of any additional licensees.

The Hon. John Darley sought information on how the contribution to the Gamblers Rehabilitation Fund was determined and how this compares with other contributions to the fund. I am advised that the proposed $500,000 annual contribution to the Gamblers Rehabilitation Fund from wagering tax revenue was determined so as to be largely consistent with the relative annual contributions made by other gambling operators.

In 2015-16, there was $6.46 million available in the Gamblers Rehabilitation Fund for the provision of gambling help services. The South Australian government contributed $3.845 million, which is fixed under section 72A(4) of the Gaming Machines Act 1992. The Adelaide Casino contributed $317,000 to the fund. This contribution is required under the variation agreement to the Approved Licensing Agreement (Adelaide Casino) and is indexed annually by CPI. The Australian Hotels Association (SA) and Clubs SA contributed $2 million to the Gamblers Rehabilitation Fund, collected via the monitoring fee paid to the Independent Gaming Corporation. Further contributions of around $300,000 were also made to the fund in 2015-16.

The Hon. Tammy Franks has asked for further information around how it will be ensured that the wagering tax applies to bets placed from different sources. I am advised that, in order to take bets from customers located in South Australia, the Authorised Betting Operations Act 2000 requires that betting operators must either be licensed in South Australia, or be licensed in another Australian jurisdiction and then authorised to take bets in South Australia.

There are a number of obligations placed on betting operators licensed or authorised to take bets in South Australia. These include the requirement to lodge an annual return with the Independent Gambling Authority, which includes financial information such as their quarterly turnover and net wagering revenue from South Australian customers in the previous financial year. The proposed wagering tax applies equally to all betting operators who take bets from persons located in South Australia.

The bill also amends the Taxation Administration Act 1996 to make the Authorised Betting Operations Act 2000 a taxation law. The Taxation Administration Act 1996 includes provisions to deter any artificial, blatant or contrived schemes to reduce or avoid liability for tax. It also gives the Commissioner of State Taxation various investigative functions and powers related to the administration or enforcement of taxation laws.

In addition, the bill contains amendments to the Authorised Betting Operations Act 2000 that will allow the Independent Gambling Authority to suspend a betting licence or prohibit an authorised interstate betting operator from conducting betting operations in South Australia if it has contravened or failed to comply with a provision in the act. This would include refusing to pay any tax they may be liable for.

In relation to the introduction of school fees for dependents of 457 visa holders, the Hon. Rob Lucas has asked that I put on public record the answers which were previously supplied to him by the department regarding the proposed fee structure. I have been advised the fees will be published through a *Gazette* notice and on the DECD website.

The fees will be gazetted to apply to families who newly arrive in South Australia from January 2017 and all student dependants of 457 visa workers from the beginning of 2018. It is intended the fee for 2017 will be $5,100 per year for primary students and $6,100 per year for secondary students. There is no fee for preschool students. There is a 10 per cent reduction in the

fee for the second child and all subsequent children from the same family, with the full fee charged to the eldest child at a government school.

The fee payable is reduced through the application of a means test, for which a formula is applied. No fee is payable if the annual family income is $57,000 or less, rounded down to the nearest whole thousand dollars. Family income is gross income of the 457 visa worker and spouse or partner, including salary sacrifice and overtime amounts.

The maximum fee is not payable until family income reaches $77,000 per year where there is only one child at a government school. The income at which the maximum fee is payable increases by $10,000 for each additional child. For example, a family with four children at government schools would not pay maximum fees until family income reaches $107,000 per year. Where the family income is more than $57,000 but less than the income at which the maximum fee is payable, given the number of children attending a government school, a percentage of the full fee is payable.

Where the family has one child in school, the percentage of the maximum fee payable increases by 5 per cent for each additional $1,000 of income above $57,000. Where there are two children in school, the percentage of the maximum fee payable increases by 3.3 per cent for each additional $1,000 of income above $57,000. Where there are three children, the percentage increase is 2.5 per cent for each additional $1,000 of income above $57,000, and 2 per cent for four children.

I have been advised that, as at the end of October, approximately 20 queries have been received from the public since the proposal to introduce school fees for dependants of 457 visa holders was announced in March 2016. Information on the proposal has been made available through the DECD website.

One of the queries received was on behalf of workers at the Bordertown abattoir. Officers from DECD provided a response to their queries, which included a calculation of the specific amounts that would be payable, given the circumstances of four specific families. Officers from DECD also offered to meet with the management of the abattoir or with workers likely to be affected to discuss their concerns. However, once the case study calculations were provided, management and workers did not seek additional information from the department.

Given that my voice is failing, I wonder whether I could seek to have the remaining 19 pages of my second reading reply incorporated into *Hansard* without my needing to read them?

Leave granted.

I will explain the case studies as they were provided to the abattoir workers.

The first case study I am advised involved a family with an annual income of $58,000 and 4 children, 2 in secondary school and 2 in primary school. Total school fees payable in this instance are $415.40, which is 2 per cent of the maximum fee payable if there was no means test.

The second case study I am advised involved a family with an annual income of $60,000 and 3 children who were all in primary school. Total school fees payable in this instance are $1,071, which is 7.5 per cent of the maximum fee payable if there was no means test.

The third case study I am advised involved a family with an annual income of $65,000 and 2 children in primary school and 1 in secondary school. Total school fees payable are $3,056, which is 20 per cent of the maximum fee payable if there was no means test.

The final case study I am advised involved a family with an annual income of $70,000 and 2 children in secondary school and 2 in primary school. Total school fees payable are $5,400, which is 26 per cent of the maximum fee payable if there was no means test.

A similar query was also received on behalf of 457 workers at the abattoir in Murray Bridge. I have been advised that DECD provided advice, similar to what was supplied to the workers in Bordertown. The workers in Murray Bridge have not sought any further information on the proposed fees.

During a briefing with DECD officials, the Opposition also sought advice regarding the breakdown of 457 Visa workers in South Australia. I have been advised that statistics provided by the Department of Immigration and Border Protection show that a total of 1,530 457 Visas were granted in South Australia in 2014-15. 170 of those were government employees, with 160 being employed by the Government of South Australia. Updated information from the Department of Immigration and Border Protection shows that in 2015-16 there were 1,160 457 Visas granted with 170 (approximately 14.7 per cent) employed by the Government of South Australia and 990 employed by the

non-government sector. I have been advised that at this time, the number of 457 Visa holders currently working in SA Health is not known to DECD.

The Hon Kelly Vincent queried the costs and benefits of the new school fees, and whether it is known how many 457 Visa holders have children of school age.

The Government has carefully considered the costs and benefits of the scheme, and is confident that the benefits far exceed the costs. The benefits include the greater investment in early childhood development with smaller staffing ratios in government pre-schools. All the revenue raised through this measure will be reinvested in early childhood development. Research by the USA's National Forum on Early Childhood Policy and Programs found that every dollar spent supporting the development of children through quality early childhood education saves $4-$9 over the long term.

The most recent figures available from the Commonwealth Department of Immigration and Border Protection show that the number of school children in South Australia with parents on a 457 Visas was 893 at 30 June 2016, 1,035 at 30 June 2015, and 1,050 at 30 June 2014. Of these, the numbers attending public versus private schools is not known, however DECD will be collecting this data in the future.

In response to the questions raised by the Hon Tammy Franks, I have been advised that the fees will be collected centrally by DECD. Initial registration of newly arrived children of 457 visa holders will be tied to the enrolment process at individual schools. Parents will be able to pay in a lump sum, or in regular instalments. Payments via salary sacrifice arrangements are also likely to be agreed with employers in many cases.

Based on the very limited number of enquiries received since this proposal was announced in March this year, the scheme is not expected to have a significant impact on the capacity for employers to attract workers on 457 visas to South Australia.

Turning to the issue of charging a fee in addition to the worker paying taxes, the costs of schooling also include previous major investments in items such as buildings, information technology, and curriculum development. This approach also mirrors the Commonwealth's stance in relation to health costs, in which most 457 visa workers are not covered by Medicare, and are required to take out private health insurance.

I will now turn to the amendments regarding land tax payable by sporting clubs contained in this bill. I will put on record the responses RevenueSA provided to the Opposition following a briefing on these measures. I have been advised of a specific example where an organisation may be eligible for an exemption as proposed in this bill. In the 2015 Squash Australia Annual Report, Squash SA indicated that it has challenged a land tax assessment with the Government of South Australia. Squash SA may be a candidate for the expanded land tax exemption included at clause 65(2) of this bill if the relevant land owned by Squash SA is not residential or vacant land and the rules or constitution of Squash SA restrict the use of its income and capital to sporting activities, including any income it may generate from non-sporting activities.

SANFL, AFL and SACA sporting associations and metro-racing associations could stand to benefit from this land tax exemption as long as the association is established for one of the eligible purposes. For sporting associations, an eligible purpose would include playing of cricket, football, tennis, golf, bowling or other athletic sports or exercises. For a racing association an eligible purpose would include horse racing, trotting, dog racing, motor racing or other similar contests. To benefit from this land tax exemption, an association would also need to have rules or a constitution that restrict the use of income and capital of the association to sporting or racing activities, including where this income is generated from non-sporting and non-racing activities (this includes a distribution on winding up of the association). Furthermore, the association would need to own land that is non-residential or non-vacant land.

I am advised that the majority of these associations may already receive a land tax exemption based on the existing provision in the *Land Tax Act 1936*. Based on 2015-16 land tax holdings, it is estimated that 11 associations will stand to benefit from this exemption of which nine are sporting associations and two are racing associations. It is further estimated that of the nine sporting associations which could stand to benefit, two are SANFL clubs. The Hon Mark Parnell has asked the Government to identify the racing associations that are expected to benefit from the expansion to the land tax exemption for sporting and racing bodies. I am advised by the Commissioner of State Taxation that the secrecy provisions of the Taxation Administration Act 1996 prevent the Commissioner from disclosing this information.

In regards to the land tax exemption for charitable organisations contained in this bill, I am advised that RevenueSA is not aware of an example that it can provide without breaching the secrecy provision in the *Taxation Administration Act 1996*. However, I have been advised of the following hypothetical scenario. A is a corporate trustee, established as a proprietary limited company. A exists to hold land on trust for B which is a trust established for charitable purposes. Presently A will be denied a land tax exemption under section 4(1)(j) of the *Land Tax Act 1936* on the basis that A itself is not established for a charitable purpose. The amendment at clause 65(1) of this bill will ensure that A is eligible for the land tax exemption. This is on the basis that A holds the land for B which is a charitable trust.

The Hon Mark Parnell has asked about the rationale for the extension of the off-the-plan apartment concession.

The off-the-plan concession scheme provides a stamp duty concession of up to $15,500 for contracts entered into for the purchase of an off-the- plan apartment by 30 June 2017. The level of concession received varies depending on the value of the apartment and the stage of completion of the residential development.

The expansion of the off-the-plan concession state-wide removes the need to define an eligibility area. It is also consistent with the targets of the Government's 30 Year Plan for Greater Adelaide the recently released Draft Update 2016. This includes increasing infill in established urban areas and encouraging new housing in areas within proximity to current and proposed fixed line transport and high frequency bus routes, not only in the inner metro.

It will also support the creation of more affordable and diverse housing choices, important with the trend towards more single and two person households increasing the need for more units and apartments in accessible locations.

In relation to the matter raised by the Hon John Darley about the first home owner grant, I am advised that the eligibility criteria do not preclude migrants to Australia from accessing the grant. The relevant eligibility criteria for a first home owner grant includes that:

- the applicant is an Australian citizen or has permanent residency in Australia
- the applicant(s) or their spouse(s) must not have previously owned a residential property anywhere in Australia prior to 1 July 2000, and
- the applicant(s) or their spouse(s) must not have owned a residential property anywhere in Australia on or after 1 July 2000 and occupied that property continuously for six months or more.

In addition, first home owner grant assistance is not means tested other than a cap on the value of property purchased in order for an applicant to be eligible for the grant. This cap is currently $575,000 in South Australia.

Finally, I am advised that RevenueSA does not collect statistics relating to the number of grants that have been provided to people who have migrated to Australia.

The Hon Rob Lucas read into Hansard a submission received from a tax lawyer in relation to the proposed amendments to the *Land Tax Act 1936*, *Stamp Duties Act 1923* and *Taxation Administration Act 1996*. The submission also included some additional commentary relating to these acts that are not directly linked to the Government's budget measures. The following sections detail the Government's responses to the matters raised in the submission.

In relation to the issues raised concerning clause 65(1) relating to the land tax exemption for charitable and other eligible bodies (paragraphs 1 to 12 of the submission read into Hansard). The Government agrees with the points raised and will move an amendment to include a definition of association in the *Land Tax Act 1936* that is to apply for the purposes of section 4 of the act.

In relation to the matters raised about clause 65(2) (paragraphs 13 to 17 of the submission read into Hansard). The amendments proposed will have the effect of preserving existing land tax exemptions afforded to land used wholly or mainly for sporting or racing purposes as per the current section 4(1)(k)(i) and (ii) of the *Land Tax Act 1936*. Accordingly, all bodies that currently receive a land tax exemption under those sections should continue to receive an exemption after the proposed amendments are made as long as their circumstances remain unchanged.

The amendments do, however, expand the type of land that can be exempt when owned by eligible sporting or racing bodies, consistent with the Government's policy announcement to include commercial land. However the exemption is expressly limited to non-residential and non-vacant land only. The new provisions are not expected to impose any new impediment on clubs that are establishing themselves.

In relation to queries raised regarding clause 66 (paragraphs 18 to 21 of the submission read into Hansard). The Commissioner of State Taxation is of the view that the terms renovated, rebuilt and constructing are sufficient to ensure that a land tax exemption will be available where the buildings on the land are being wholly demolished and wholly new buildings are being constructed on that land and where repairs are being undertaken.

In relation to queries raised concerning clause 90 (paragraphs 22 to 23 of the submission read into Hansard). The Commissioner of State Taxation advises me that the application of section 67 of the *Stamp Duties Act 1923* will always be considered on a case by case basis taking into account the individual facts of the particular matter. However, as a general principle the test to now be applied is whether the persons are acting separately and independently.

In relation to the example provided in the submission, I am advised that the Commissioner of State Taxation is of the view that section 67 of the *Stamp Duties Act 1923* would not apply and the transfers would not be aggregated for the purposes of calculating stamp duty.

In relation to the matters raised about clause 107 (paragraphs 26 to 29 of the submission read into Hansard). *Ex gratia* relief has been provided on a relatively regular basis to charitable and religious bodies that purchase property used solely for their purposes since at least 1997. The amendment made in 2015 simply codified this arrangement.

The Government's intent is that the exemption only applies to property purchased by (or donated to) a charitable or religious body where the property is to be used directly for the purposes of the charity or religion. The Government considers it appropriate that an exemption does not apply to land intended to be used for purely commercial purposes even if owned by a charitable or religious body and any revenue from its use is used to fund the

body's charitable or religious pursuits. This is consistent with the *ex gratia* scheme that applied prior to the 2015 amendment.

In relation to the matter raised concerning clause 109 (paragraphs 30 to 32 of the submission read in Hansard). I advise that consistent with the statement made in the submission, the policy rationale behind requiring an amount of primary tax to be paid prior to lodging an appeal with the Supreme Court is to discourage frivolous appeals as well as to protect the State's revenue in the intervening time between when an appeal is lodged and when the Supreme Court hands down its judgment.

The current legislation was introduced in 2015 as part of the *Statutes Amendment and Repeal (Budget 2015) Act 2015*. It came about as a result of industry representations that an alternative to the then requirement that 100 per cent of the tax in dispute be paid prior to an appeal being lodged, would be to require a proportion of the tax in dispute to be paid, such as half, rather than the entire amount. This suggestion was adopted and is considered by the Government to be a fair compromise.

With respect to matters raised at paragraph 33 to 48 of the submission read into Hansard, I advise that although these matters do not relate directly to the Government's budget commitments, the Government makes the following comments.

Dialogue is ongoing between RevenueSA and industry in relation to the issues raised at paragraphs 33 to 39 of the submission read into Hansard. The Government considers it appropriate that this consultation continue to resolve outstanding issues prior to any potential legislative solution being proposed for the Parliament's consideration.

In relation to the issues raised at paragraphs 40 to 47 of the submission read into Hansard. I can advise that it is not the Commissioner of State Taxation's normal practice to undertake tax assessments or tax reassessments that go back more than five years into the past unless there has been a deliberate tax default (as provided for at section 10(4)(b) of the *Taxation Administration Act 1996*), the Commissioner of State Taxation has the consent of the taxpayer (as provided for at section 10(4)(a) of the same act), or there are some other unusual circumstances that warrant such an approach being taken (for example where RevenueSA has issued a Revenue Ruling on a particular tax matter and a taxpayer has not had regard to this ruling when determining their tax obligations).

Finally, in relation to para 48 of the submission read into Hansard. Decisions to provide a remission to penalty tax and interest are at the discretion of the Commissioner of State Taxation and it is considered appropriate that these decisions are non-reviewable. However, despite being expressed as non-reviewable, any decision will always comply with rules relating to administrative decision-making, including the requirement to exercise the discretion reasonably, having regard to relevant considerations only and not to act for an improper purpose.

Regarding resource royalties, this bill contains amendments which mean the Treasurer will now be responsible for determining royalties, in consultation with the Minister for Mineral Resources and Energy. The administration of the royalties will still remain with the Minister for Mineral Resources and Energy. This change will align the Treasurer's responsibilities to be consistent with other revenue policy areas, whilst maintaining collaboration with the Minster for Mineral Resources and Energy.

Royalty rates are set by legislation and Cabinet will approve any proposed change to royalty rate settings prior to any amendments being introduced to Parliament. Other decisions requiring Ministerial approval, such as eligibility for new mine rates will be determined by the Treasurer following consultation with the Minister for Mineral Resources and Energy. Ongoing administrative arrangements relating to royalties—for example, late payment arrangements—will continue to be delegated to the Resource Royalties section within the Department of State Development.

This bill contains amendments to the *Passenger Transport Act 1994* to allow for the reduction in the non-cash payment surcharge payable on taxi fares, from 10 per cent to no greater than 5 per cent. The Opposition has sought further details on why the surcharge would still be maintained at 5 per cent. I have been advised that the amount of 5 per cent was determined by Professor Alan Fels as part of the Victorian Taxi Inquiry for the Baillieu Government in 2011-12. The evidence before the Inquiry suggested that 5 per cent better reflects the actual resource cost of providing the service, this is detailed in Chapter 14 of the Inquiry. Taxis are exempt from the Reserve Bank administration of financial service fees as this remains the responsibility of state regulators.

The Hon Rob Lucas also asked a number of questions regarding the amendments to the *Zero Waste SA Act 2004* and also about the increase in the Solid Waste Levy. The changes to the Levy paid by waste depots under section 113 of the *Environment Protection Act 1993* (the solid waste levy) were made via regulations and therefore, are not contained in this bill. The Hon Rob Lucas should understand that disallowing those regulations would put at risk significant investment and jobs. The additional funding that was announced in the 2016-17 State Budget will benefit industry and local government and will provide for waste and resource recovery infrastructure, waste reform projects, new climate initiatives and disaster waste management.

I am pleased to advise the Hon. Rob Lucas that Green Industries SA will be subject to the same reporting requirements as Zero Waste SA. This includes the *Public Finance and Audit Act 1987*, *Freedom of Information Act 1991* and *Public Sector (Honesty and Accountability) Act 1995*, annual reporting in accordance with the *Public Sector Act 2009* and this legislation, as well as a rolling three year published business plan approved by the Minister. The Hon Rob Lucas also asked whether Green Industries SA will be covered by the *Public Corporations Act 1993*. The *Zero Waste SA Act 2004* established Zero Waste SA as a statutory corporation, not a public corporation, and the

Public Corporations Act 1993 did not apply to Zero Waste SA. The amendments in this bill 'continue the statutory corporation Zero Waste SA as Green Industries SA', therefore the *Public Corporations Act 1993* will not apply to Green Industries SA.

Where the Green Industry Fund is utilised for climate change initiatives and/or disaster waste management, approval will be required by the Minister, however this power can be delegated. The current procedures for the Board in respect of the funding allocations are maintained for the Board of Green Industries SA. The legislation proposes that the Green Industry Fund may be applied towards certain recovery measures following a major incident, major emergency or disaster, as declared under Part 4, Division 3 of the *Emergency Management Act 2004*. I am advised criteria for applying the Fund under this section is still to be developed and will take into account other assistance available. However, yes, the Pinery bushfire and recent extreme weather events were declared under the *Emergency Management Act 2004* and provide an example of how the Fund could be applied towards the management of waste and debris or harm to the environment following these events.

The Hon Michelle Lensink also raised some questions during her second reading contribution in relation to the solid waste levy and the amendments to the *Zero Waste SA Act 2004*. In relation to the claims that an increase to the solid waste levy will result in increased incidents of illegal dumping, I am advised there is a lack of available data to back this up. In fact, the 2012 KPMG review of the New South Wales waste levy found that there is no conclusive evidence that links the levy to illegal dumping and that it is rather a convenience factor. I am advised illegal dumping still occurs in areas where the cost of waste disposal is low or even free.

In relation to the Hon Michelle Lensink's comments about the Waste to Resources Fund, I am informed that more than $97 million of funds have been spent since 2004 on projects and programs that have significantly reduced the amount of waste going to landfill. These initiatives have benefited the community through access to new and improved kerbside recycling systems, creation of jobs in re-processing and sorting facilities, and industry-focused programs that have resulted in less waste produced and reduced operating costs.

In the 2016-17 State Budget, the Government has committed to spending all extra funding received as a result of the increase to the solid waste levy over the next four years. It will be reinvested into waste, environmental management and climate change programs including funding initiatives to help recycle waste into more valuable commodities and accelerate new business opportunities in the resource recovery sector. A higher price on waste will incentivise councils and industry to dispose of less to landfill, as well as expand the resource recovery sector in processing and reuse. It is these initiatives that will create up to 350 jobs. I am advised similar reforms in New South Wales have seen an increase in employment and an improvement in recycling and reuse of waste. Up to July 2016, the NSW EPA estimates 845 jobs have been created from the investment of the waste levy in that State.

In relation to the Hon Michelle Lensink's questions on the Budget Papers; the scrap metal recyclers rebate recognises that there is no established alternative yet to landfill disposal for shredder floc, a by-product of metal recycling. Therefore, the Government will waive the increased levy amount over the next two years for metal recyclers, meaning they will pay $62 per tonne for that particular waste. The 'Waste Infrastructure, Investment and Innovation' item relates to grant programs being run by the Office of Green Industries SA for the waste and resource recovery industry for infrastructure investment and innovation. It does not relate to mass balance reporting, which I am advised is an option being consulted on by the EPA as part of reform considerations for the sector.

I am pleased to advise the Hon Michelle Lensink that the Government's 'Trade Waste Initiative' aims to help South Australian food and beverage manufacturers improve the way trade waste is managed, focussing on both volume reduction and quality improvement, and also helps businesses reduce costs and increase productivity by improving the way materials, energy and water are used. Funding is allocated to eligible business through competitive grant rounds, of which there are two streams:

(i) resource productivity assessments to identify economically viable options for businesses to make improvements; and

(ii) implementation grants for food and beverage manufacturers to support trade waste improvements.

Grants are offered on a one-to-one matched funding basis. No funding has been provided to SA Water for this initiative. The Government determined that the Office of Green Industries SA would deliver the program in collaboration with other government agencies (Department of State Development, Primary Industries and Regions SA, the EPA and SA Water). $5.29 million from the Waste to Resources Fund has been allocated to the Office of Green Industries SA for the program over two years. Further information on the Trade Waste Initiative can be found on the Green Industries SA website (www.greenindustries.sa.gov.au).

The Hon Michelle Lensink also asked about the application of the Green Industry Fund for disaster waste management and current insurance arrangements in that regard. I am advised that there is no formal natural disaster insurance scheme in Australia or South Australia, nor specific insurance policy that covers disaster waste management. With the exception of roads, the South Australian Government's built assets are insured at a replacement cost basis and I am advised Local Government also has property insurance for most of its built assets. As members would understand, insurance cover for households and businesses varies from policy to policy.

In the event of natural disasters, I am advised the Australian Government provides some assistance to state governments through the Natural Disaster Relief and Recovery Arrangements to partially reimburse costs to the State

once certain thresholds have been reached. The State Government provides assistance to Local Government through the Local Government Disaster Recovery Assistance Guidelines and also requires certain thresholds to be reached.

While recognising that asset owners should be responsible for managing natural disaster risks to their assets, there will always be the need for alternative funding solutions to enable a timely and coordinated approach to clean-up and recovery efforts from large-scale disasters. I understand the Office of Green Industries SA is currently undertaking a project that is looking at disaster waste management contingency planning and guidance. As advised in my earlier response to the Hon Rob Lucas' questions, criteria on applying the Green Industry Fund for disaster waste management purposes is to be developed.

I acknowledge the Hon Michelle Lensink's comments about the international reputation of South Australia in waste management and resource recovery, including the Zero Waste SA brand. I am pleased to advise the bill (Clause 126) retains the agency's proprietary interest in the names Zero Waste SA and Zero Waste. I understand a recent forum on waste reduction, recycling and reuse held in Adelaide with international representatives was branded with the Office of Green Industries SA, so word is already spreading about the transition from Zero Waste SA to Green Industries SA.

The Hon John Darley also asked about re-branding in his second reading contribution. I am advised that the agency is undertaking a large amount of rebranding in-house, manages its own website and has electronic letterhead which reduces such costs. Four creative design agencies accepted an invitation to submit a new corporate identity for Green Industries SA at a cost of $1,000 (excluding GST) each, and new stationery costs (envelopes, business cards etc.) are expected to be minimal—around $1,100.

In response to Hon Michelle Lensink's questions about Clause 116 of the bill—this allows Green Industries SA to carry out its functions indirectly. I'm advised Green Industries SA will be looking to work with particular industry sectors and there may be opportunities where it is appropriate to work with an industry or representative body, rather than individual companies. For example, this amendment will allow the agency to provide a grant or loan to a representative body; who would then work with its members on the individual activities required to achieve a program's outcomes. I'm advised this would only occur under a formal agreement with measurable outcomes.

Clause 117 of the bill allows Green Industries SA to make use of certain information collected by the EPA under the *Environment Protection Act 1993*. For example, information provided to the EPA by licensees may be of use to Green Industries SA to show trends in waste management and resource recovery, to guide and inform waste strategies and other policy. The clause explicitly states that the information must not be used in a way that divulges trade processes or financial information, without that person or body's consent. It goes without saying that no information will be shared that may compromise an investigation or prosecution by the environmental regulator.

The Hon Michelle Lensink also asked about the inclusion of section 17(5a)—which relates to the Green Industry Fund being applied, with the approval of the Treasurer, in dealing with shares, units, securities or entering into a partnership, joint venture or other profit sharing agreement. ! am advised this clause is consistent with standard provisions that are found within other statutes—for example, the *Adelaide Festival Centre Trust Act 1971*, *Adelaide Festival Corporation Act 1998*, *Art Gallery Act 1939*, *Carrick Hill Trust Act 1985*, *South Australian Country Arts Trust Act 1992* and *History Trust of South Australia Act 1981* etc.

I am advised Zero Waste SA has traditionally applied monies from the Waste to Resources Fund in the form of grants and incentives. This amendment recognises that there might be opportunities where the public's money might be better utilised in the form of other commercial arrangements, rather than one-off grant expenditure. As outlined in the legislation, to apply the Fund in this way requires the Treasurer's approval. It allows Green Industries SA to enter into agreements where the funds can be used to achieve a certain objective, and are then returned to the Government for reinvestment in other programs. Commissioning and collaborating with businesses to develop the green economy are key functions of Green Industries SA and this amendment provides additional avenues to undertake this work.

Bill read a second time.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. J.A. DARLEY (17:33): I rise to put my contribution to this bill on the record. Whilst I have no problems with the transferral of many of the jurisdictions to the SA Employment Tribunal, I was very alarmed to see dust diseases matters moved to the SAET. The Nick Xenophon Team has worked long and hard on the matter of dust diseases and it is a matter about which I am very passionate.

South Australia has the best dust disease legislation in the country. It is fair and efficient and provides an opportunity for those suffering from mesothelioma to gain compensation. In consulting with stakeholders, a number of concerns were raised with the proposal to move dust disease matters

to the SA Employment Tribunal, with the most worrying being that the rules of the SA Employment Tribunal may interfere with the manner in which dust disease matters are heard, and this will result in victims missing out.

To address these matters, I sought an urgent meeting between stakeholders and the Attorney-General, and I want to thank the Attorney for agreeing to meet so quickly. At these meetings the Attorney gave an undeniable assurance that he did not want the manner in which dust disease matters were heard to change.

In response to specific concerns regarding the rules of the SA Employment Tribunal perhaps being inadequate to hear dust disease matters, the Attorney's office provided the following response, which I want to read on to the record:

As you know, for several years dust disease actions have been heard at the Riverside complex by judges of the District Court who also hold commissions as judges of the Industrial Court of South Australia. These judges are now also Presidential Members of SAET. The proposed jurisdictional changes in the Bill reflect the success of these arrangements and the expertise of the Presidential members of SAET in dealing with dust disease matters.

Please note, however, that in the conferral of the dust diseases jurisdiction on SAET, it is not intended that there be any detrimental changes in practices and procedures, particularly no changes that would lead to additional costs and delays in resolving these highly sensitive matters.

I provide the following comments on the issues raised in your email.

a. SAET's current Rules relate only to the jurisdiction that it presently exercises, which is the jurisdiction in respect of workers compensation matters under the Return to Work Act 2014. The SAET Rules as they relate to SAET's proposed expanded jurisdiction under the Bill, including dust disease matters, have not yet been drafted. Your comments have been forwarded to SAET and will be taken into consideration by SAET during the drafting of the new Rules. Once a set of new Rules has been drafted, they will be circulated for feedback to interested parties. You will have a further opportunity to comment on the Rules at that time. It is the President of SAET's intention that the SAET Rules for dust disease matters will be broadly similar to the relevant current Rules of the District Court. This will ensure that dust disease matters continue to be heard and resolved as effectively and efficiently as possible.

b. Part 3 of the Bill will confer jurisdiction in respect of dust disease matters on the South Australian Employment Court (referred to as the 'Tribunal in Court Session' in the Bill). This Court may only be constituted of the Judges and Magistrates of SAET, except where it may be appropriate for other members of SAET, a registrar or other staff member of SAET to assist with the business of the Court. This exception is not likely to apply in respect of dust disease proceedings. It is expected that dust disease matters will be heard by the Judges of the Court, although this is fundamentally a decision for the President in individual cases.

   While it is unlikely that dust disease matters would be considered appropriate to be heard by SAET's Conciliation Officers (to be referred to as 'Commissioners' on the commencement of the Bill), it will be a matter for the President or the Judge to whom a particular dust disease matter has been allocated, whether the matter could be resolved by conciliation or mediation and should be referred to SAET Commissioner for that purpose.

c. The transfer of the dust diseases jurisdiction to SAET should not lead to increased costs and delay. Under the bill, SAET will be expressly subject to the requirement in the Dust Diseases Act 2005 that dust disease matters have priority over less urgent matters and are dealt with as expeditiously as the proper administration of justice requires.

d. In respect of particular provisions in the Bill and in the SAET Act 2014 that you have identified, the following comments are provided:

   The ability in ss22 and 70 to refer questions of law is a common power and a similar provision currently applies in respect of the District Court.

   Part 3 of the Act will be amended by the Bill to recognise that SAET will exercise an original jurisdiction, which includes the jurisdiction that SAET will exercise in respect of dust disease matters.

   In respect of s53(3) of the Act, as noted earlier, SAET's Rules in its expanded jurisdiction have not yet been drafted and your comments have been forwarded to SAET for consideration in the drafting of new Rules.

   The SAET Act contains general provisions that are likely to be more relevant to some matters than others. It is not clear at this time that the power in s60 to refer a matter to a special referee will be utilised in dust disease matters. Similarly, it is not clear if the power

> in s83 in respect of the taking of evidence will be utilised in dust disease matters. although the convenience of being able to do so in appropriate cases is clear. Please note that in the exercise of any of its powers in respect of dust disease matters, SAET will be subject to the requirement for expeditious resolution of these matters.
>
> Section 66 of the SAET Act as amended is unlikely to apply in respect of dust disease matters as they will be heard by Judges and Magistrates who are Presidential members of SAET.
>
> There are no provisions currently in, or proposed for, the Dust Diseases Act 2005 in relation to Supplementary Panel Members. Hence, proposed s18A will not apply in respect of dust disease matters.
>
> It can be expected that the power in proposed s83A will only be exercised when required in the proper administration of justice and subject to the over-arching requirement that SAET deal with dust disease matters as expeditiously as possible.
>
> Thank you for bringing our attention to the typographical error in proposed s9(2) of the Dust Diseases Act 2005. This will be remedied.

I can advise you that the government proposes to move amendments to the bill with the effect that a decision of the South Australian Employment Court in a dust disease matter may be appealed direct to the Full Court of the Supreme Court and that section 67 of the SAET Act will not apply to those matters. I had drafted amendments to remove provisions relating to the Dust Diseases Act from this bill; however, in the light of undertakings given in person by the Attorney and in writing in the email above, I will not be following these amendments.

I believe in this instance the Attorney is acting in good faith; however, I will not hesitate to come back to this place to make changes should they be required in the future. I want to thank Terry Miller from the Asbestos Victims Association and Annie Hoffman from Turner Freeman Lawyers for their input on this matter and support in the second reading of the bill.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 September 2016.)

The Hon. J.A. DARLEY (17:43): I rise in support of this bill. I understand the changes in this bill were based on recommendations by the Independent Commissioner Against Corruption, Mr Bruce Lander QC. Whilst I support the bill, I am disappointed that there are no amendments to allow the ICAC to conduct hearings in public, especially given Commissioner Lander's public comments on this matter. Commissioner Lander has previously made statements that, whilst he still supports corruption hearings being held privately, there are some cases of maladministration where it would be in the public interest to have the hearings open to the public.

I have investigated moving amendments to this bill to allow for public hearings; however, I have been advised that the amendments would not be simple and would not conform with the objects of the bill. I do not believe that this is something that should be rushed and so I have accepted that this is a matter which will need to be addressed at another time. I have instructed my office to continue to investigate this matter and I anticipate presenting a bill on this matter in the future.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:44): Before I move to close the debate on the second reading, I wish to thank the opposition for indicating their support for this bill. These reforms are important to ensure that the legislative framework for the Independent Commissioner Against Corruption works well, as intended, to maintain public integrity and to have a primary focus on investigating corruption. I indicate that the government will be moving some amendments as a result of further scrutiny of the bill by the commissioner. The amendments refine and clarify certain clauses and address some technical inconsistencies in drafting. I now move to close the debate on the second reading.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: The opposition is supporting the bill. The Liberal opposition is not seeking to amend the bill. We note that the government's amendments are technical in nature, and they will be supported by the opposition. We note that the bill has been drafted in consultation with key stakeholders. Any questions that the opposition have had have been answered.

The Hon. P. MALINAUSKAS: Apart from acknowledging the remarks of the Hon. Mr McLachlan, the government is appreciative of the opposition's collaborative work on getting this bill into a format that is supported by the opposition.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–1]—

Page 3, line 23 [clause 4, inserted subsection (2)(b)]—Delete 'the public authority concerned' and substitute 'a public authority'

The amendment makes the wording consistent with the rest of the act and allows matters to be referred to a public authority, rather than the public authority concerned with a particular matter.

Amendment carried; clause as amended passed.

Clauses 5 to 8 passed.

New clauses 8A and 8B.

The Hon. P. MALINAUSKAS: I move:

Amendment No 2 [Police–1]—

Page 5, after line 8—After clause 8 insert:

8A—Amendment of section 18—Organisational structure

Section 18—after subsection (4) insert:

(5) Where this or any other Act confers a power on the Office or requires that the Office perform any function (including requiring that the Office make a determination, or form an opinion, as to any matter)—

(a) the power or function may only be exercised or performed by a person who is authorised to do so on behalf of the Office by the Commissioner; and

(b) the exercise of that power or the performance of that function by a person so authorised will be taken to be the exercise of that power or the performance of that function by the Office.

8B—Amendment of section 23—Assessment

Section 23(1)—delete 'recommendations must be made to the Commissioner accordingly' and substitute:

a determination made as to whether or not action should be taken to refer the matter or to make recommendations to the Commissioner

The amendment is self-explanatory. It is to avoid any argument that the OPI, as an office rather than a person, is not capable of making a determination or forming an opinion. It clarifies that such determinations, opinions and functions are made or performed by persons who are authorised to do so and are therefore validly made or carried out. Regarding 8B, this amendment is necessary to

recognise clause 7, amending the functions of the OPI to allow OPI to refer matters directly, without reference, to the appropriate commissioner.

New clauses inserted.

Clauses 9 and 10 passed.

Clause 11.

The Hon. P. MALINAUSKAS: I move:

Amendment No 3 [Police–1]—

Page 6, after line 11—After subclause (2) insert:

(3) Section 36(7) and (8)—delete subsections (7) and (8) and substitute:

(7) The Commissioner may at any time—

(a) revoke a referral to a public authority; or

(b) revoke or vary directions or guidance given to a public authority or give further directions or guidance,

as the Commissioner sees fit.

(8) If—

(a) a referral of a matter by the Commissioner under this section included a requirement that the public authority submit a report or reports on action taken in respect of the matter; and

(b) the Commissioner is not satisfied that a public authority has duly and properly taken action in relation to the matter,

the Commissioner must inform the authority of the grounds of the Commissioner's dissatisfaction and give the authority an opportunity to comment within a specified time.

The amendment remedies a drafting omission by inserting into section 36 the same amendments that the bill makes to section 38. These sections have identical wording.

Amendment carried; clause as amended passed.

Clauses 12 to 14 passed.

Clause 15.

The Hon. P. MALINAUSKAS: I move:

Amendment No 4 [Police–1]—

Page 7, lines 23 to 31 [clause 15(1)]—Delete all words in these lines

Clause 15 is intended to broaden the commissioner's power to report whilst protecting the identity of a person involved in a particular matter. However, the clause as presently worded has the unintended effect of restricting the report of matters, raising potential issues of corruption in public administration. This amendment has been drafted in consultation with the commissioner to better reflect the intention of the clause. It would ensure that the commissioner can provide meaningful reports to parliament without identifying a particular person involved in a particular matter, that has been subject to assessment, investigation or referral without the consent of the person.

Amendment carried.

The Hon. P. MALINAUSKAS: I move:

Amendment No 5 [Police–1]—

Page 7, after line 32 [clause 15(2)]—Insert:

(1a) The Commissioner must not—

(a) prepare a report under this section setting out findings or recommendations resulting from a completed investigation into a potential issue of corruption in public administration unless—

(i) all criminal proceedings arising from that investigation are complete; or

(ii) the Commissioner is satisfied that no criminal proceedings will be commenced as a result of the investigation, in which case the report must not identify any person involved in the investigation; or

(b) prepare a report under this section setting out findings or recommendations resulting from a completed investigation into a potential issue of misconduct or maladministration in public administration that identifies any person involved in the particular matter or matters the subject of the investigation unless the person consents.

I simply refer to my earlier remarks.

Amendment carried; clause as amended passed.

Clauses 16 to 19 passed.

Clause 20.

The Hon. P. MALINAUSKAS: I move:

Amendment No 6 [Police–1]—

Page 9, after line 24 [clause 20, inserted section 54(3)]—After paragraph (b) insert:

(c) the information relates to the person and is disclosed by the person to a close family member of the person.

Amendment No 7 [Police–1]—

Page 9, after line 25 [clause 20, inserted section 54]—After subsection (3) insert:

(4) For the purposes of subsection (3)(c), a person is a *close family member* of another person if—

(a) 1 is a spouse of the other or is in a close personal relationship with the other; or

(b) 1 is a parent or grandparent of the other (whether by blood or by marriage); or

(c) 1 is a brother or sister of the other (whether by blood or by marriage); or

(d) 1 is a guardian or carer of the other.

Amendment nos 6 and 7 are related. This amendment will insert an exception to the confidentiality provision for disclosure by a person who is the subject of a complaint to a close family member, to enable that person to obtain support during the investigation of that matter. The amendment will be consistent with proposed provisions in the Police Complaints and Discipline Bill.

Amendments carried; clause as amended passed.

Clause 21.

The Hon. P. MALINAUSKAS: I move:

Amendment No 8 [Police–1]—

Page 9, line 31 [clause 21, inserted subsection (1)]—Delete 'under this Act' and substitute:

in relation to suspected corruption, misconduct or maladministration in public administration

Amendment No 9 [Police–1]—

Page 9, line 33 [clause 21, inserted subsection (1)(a)]—Delete 'under this Act' and substitute:

in relation to suspected corruption, misconduct or maladministration in public administration

Amendment No 10 [Police–1]—

Page 9, line 40 [clause 21, inserted subsection (1)(b)(ii)]—After 'action' insert:

in relation to suspected corruption, misconduct or maladministration in public administration

Amendment No 11 [Police–1]—

Page 10, lines 2 and 3 [clause 21, inserted subsection (1)(b)]—Delete 'as the investigation under this Act'

Amendment No 12 [Police–1]—

Page 10, lines 5, 6 and 7 [clause 21, inserted subsection (1)(c)]—Delete 'obtained by the exercise of powers under this Act and not' and substitute 'not obtained'

Amendment No 13 [Police–1]—

Page 10, line 9 [clause 21, inserted subsection (1a)]—Delete 'under this Act' and substitute:

in relation to suspected corruption, misconduct or maladministration in public administration

I am happy to speak to amendment nos 8 to 13, as they are all related. The intention of these amendments is to ensure that information or evidence obtained in respect to an investigation into corruption of serious or systemic maladministration may be used in any other investigation into a potential issue of corruption or serious or systemic maladministration.

Without this clarification, the wording may be read as referring to investigations undertaken under the ICAC only and not, for example, under the Ombudsman Act or by another inquiry agency. An investigation may be construed as an investigation into corruption in public administration only, precluding the use of information and evidence in relation to investigations into misconduct or maladministration in public administration.

Amendments carried; clause as amended passed.

Clause 22 passed.

Clause 23.

The Hon. P. MALINAUSKAS: I move:

Amendment No 1 [Police–2]—

Page 13, line 7 [clause 23, inserted Schedule 3, clause 4(6)(b)]—Delete 'Commissioner' and substitute "claimant'

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. K.L. VINCENT (17:57): Dignity for Disability supports this bill progressing to the committee stage but with some concerns about the mental impairment provisions in the bill. If the government could provide us with some more information to convince us that they are necessary, we will then decide whether or not we will support this bill further.

We particularly support, though, the introduction of new provisions for the cooperative interstate transfer of people under supervision orders. These provisions should benefit people experiencing mental impairment who are under relevant supervision orders and who wish to move to or from South Australia. They will now be able to move to the jurisdiction in which better employment opportunities, family connections and other supports are available.

Dignity for Disability supports the overall aim of the bill as it is largely in line, we understand, with the recommendations of the Sentencing Advisory Council and as this body comprises

representatives of the Director of Public Prosecutions, Parole Board, Legal Services Commission, SA Bar Association, Commissioner for Victims' Rights, Law Society of South Australia, the Attorney-General's Department, Commissioner for Aboriginal Engagement and SA Police, as well as other community representatives.

While the bill reflects most of the Sentencing Advisory Council's recommendations in its report 'Mental impairment and the law' on the operation of part 8A of the Criminal Law Consolidation Act 1935, there are major exceptions. These are provisions dealing with mental incompetence or mental impairment due, or partly due, to intoxication. The bill proposes to insert section 269C(2) to the effect that if a person is to be found mentally incompetent to commit an offence, and that the mental impairment was caused either completely or in part by self-induced intoxication, the person may not be dealt with under part 8A but may be dealt with under section 8 of the act, which deals specifically with intoxication.

To turn to some of our concerns in that area, I know that recommendation 11 of the Sentencing Advisory Council's report specifically argues that, 'The existing provisions on intoxication and mental impairment in the Criminal Law Consolidation Act 1935 should be retained without change.' Two other recommendations in the report deal similarly with particular aspects of mental impairment caused or partly caused by intoxication by drugs or alcohol.

The Law Society of South Australia has also expressed its opposition to the aspects of this bill dealing with intoxication. In his letter to the Attorney-General about the bill, dated 30 May 2016, the Law Society's president, David Caruso, writes:

> The most fundamental reason that the society is opposed to this amendment [introducing section 269C(2)] is because 'Drug Induced Psychotic Disorder' is a recognised mental condition pursuant to the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

Mr Caruso goes on to say:

> A further reason why a restriction on self-induced intoxication ought to be avoided is because the medical evidence suggests that it is often difficult for a psychiatrist to be certain of a diagnosis because methamphetamine and cannabis use can induce psychosis that can present in a very similar way to schizophrenia.

The minister's office has advised my office that an election promise—entitled, I think, 'Raising the bar for the mental incompetence defence'—was the origin of the bill's provisions aimed at stopping offenders with mental impairment caused by self-induced intoxication using the defence of mental incompetence. In other words, the picture presented by the second reading speech that this bill is the end result of the Sentencing Advisory Council's work is somewhat misleading.

There may well be good arguments for such a policy on intoxication and mental incompetence, but it is curious that the government has chosen not to present them, or even to highlight the policy, in speaking about this otherwise laudable piece of legislation. If the government could provide some explanation as to why they are going ahead with those —

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: Why they are being tricky, as the Hon. Mr Wade—very helpfully, as always—interjects, why they feel the need to implement this change, particularly when both the Law Society and their own Sentencing Advisory Council seem convinced that it is not necessary.

Of course, Dignity for Disability is not suggesting that people who are under the influence of drugs or alcohol should be able to do whatever they like and face no consequence but, given that drug-induced psychosis is recognised as a genuine health condition under the DSM-5, we would hate to see people who may be doing things without the intent suffer the unnecessary consequence. If the government could explain the mental incompetence provisions and the need for the change in the intoxication provisions we will consider that information, and give consideration as to whether we will support the bill at a further stage.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:04): I rise to conclude the debate, and thank all honourable members who have made a contribution. I look forward to an interesting committee stage.

Bill read a second time.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:05): I move:

That this bill be now read a second time.

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

Leave granted.

In recent years food trucks have brought a new element to South Australia's food culture and have allowed entrepreneurs to enter the hospitality market in an affordable and flexible setting.

Mobile food vendors have brought creativity, opportunity and innovation to South Australia. They have generated interest in South Australia's food and produce, improved Adelaide's street life and enhanced our state's reputation as a tourist destination.

The government wants to ensure that food truck operators have the opportunity to start their businesses and reach consumers without first having to tackle an inconsistent and burdensome regulatory environment. In order to achieve this outcome for mobile food vendors, we need to ensure that our laws keep pace with changing approaches to running a food business.

Unfortunately the permits and conditions imposed by councils under the *Local Government Act 1999* have become overly complex and inconsistent.

For example, some councils are only providing permits for certain type of businesses, such as ice cream vending, or only issuing permits limited to a few defined foreshore zones, with some not allowing food truck businesses at all. Further, other councils were reducing the number of permits all together.

In November last year the state government decided to act upon these challenges for our mobile food vendors, releasing a discussion paper asking South Australians to have their say on how we could better encourage these growing businesses.

A positive response was received to this paper, including support for the suggestions of a simpler regulatory environment, consistent permit arrangements across the state, and providing greater certainty for those wanting to invest in a food truck business.

In May of this year the government responded to this feedback and released a position paper on food trucks in South Australia.

The introduction of this bill—the Local Government (Mobile Food Vendors) Amendment Bill—is the first step to implementing the measures included in that position paper.

The key intention of this bill is to cut red tape and to provide a universal regulatory system for both new and existing operators.

This Bill will amend the *Local Government Act 1999* to introduce regulation making powers to enable the government to set out the key elements of council permits, and ensure consistent conditions on permitting, permit fees, operating hours and locations are not unduly restrictive on these businesses operating under this permit system.

Regulation should recognise what makes food trucks different – the ability to move around. This is a key element of the government's approach to the regulation of food trucks. Regulation on food trucks should be consistent across council areas, but respect local differences. Without state government regulation, this will not be the case.

The new regulations—which will be provided to parliament in draft form in the next sittings to inform debate—will establish that councils will no longer be able to restrict:

- the number of permits that can be issued (no minimum or maximum);
- operating hours (outside special events); and
- the type of food that can be sold.

The regulations will also establish maximum annual permit fees, with the requirement to provide daily, monthly and pro rata rates to encourage flexibility, and require councils to establish location guidelines to specify where food trucks can trade.

The government does recognise the need to allow councils the scope to accommodate the particular circumstances of their local area. As such, councils will continue to be able to set the locations for food truck trading in response to local needs.

We expect councils will take an approach to these guidelines that encourages trade and activity in their areas.

It is important to note that food trucks will still be required to comply with all relevant health and safety regulations—indeed as all food-based businesses—fixed or otherwise—must.

Councils will also be able to cancel a permit if a serious breach of permit conditions takes place—for example, if a food truck seeks to trade in an unsafe location outside of the location guidelines.

We want to see all food businesses thrive, no matter what form of trade they adopt. These measures are not intended to create undue competition with fixed premises. The aim is to help new and existing entrepreneurs and innovators try a different mode of trading that provides mobile delivery of food options across South Australia.

The evidence from the Adelaide City Council's own study showed very minimal impact upon existing fixed businesses from food trucks. In addition, some well-known operators have already transitioned between or employ both mobile and fixed trading as it has suited them in the market. This is a real demonstration of the role of the food truck industry as an entrepreneurial incubator.

This bill is vital to creating a simple, consistent and encouraging environment for our mobile food vendors.

Current and prospective food truck entrepreneurs must be given the opportunity to further contribute to our state's economic growth and to promote South Australia's reputation as a premier food destination.

I commend the bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 4—Interpretation

A definition of *mobile food vending business* is inserted.

5—Amendment of section 222—Permits for business purposes

Section 222 is amended to require a council to grant a permit for a mobile food vending business (subject to the regulations).

6—Amendment of section 224—Conditions of authorisation or permit

Section 224 is amended to require a condition imposed by a council in relation to a permit for a mobile food vending business to be consistent with any requirement prescribed by the regulations.

7—Amendment of section 225—Cancellation of authorisation or permit

Section 225(1) is amended to limit a council's power to cancel a permit relating to a mobile food vending business for breach of a condition to situations where the breach is sufficiently serious to justify cancellation of the permit.

If a council cancels a permit relating to a mobile food vending business, the council can set a period (not exceeding 6 months) during which another application for such a permit cannot be made by or on behalf of the holder of the cancelled permit.

Schedule 1—Transitional provision

1—Transitional provision

Holders of existing mobile food vending business permits are entitled to surrender their permit and obtain a fresh permit issued under the new scheme for such permits proposed in the measure. Any annual fee or charge paid for the surrendered permit must be refunded on a *pro rata* basis.

Debate adjourned on motion of Hon. S.G. Wade.

RELATIONSHIPS REGISTER (NO 1) BILL

Introduction and First Reading

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

At 18:06 the council adjourned until Wednesday 16 November 2016 at 14:15.

Answers to Questions

AIR QUALITY STANDARDS

In reply to **the Hon. M.C. PARNELL** (24 February 2016).

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

1. The Environment Protection Authority (EPA) has eight (8) permanent air quality monitoring stations in the Adelaide metropolitan area – the Central Business District (Victoria Square), Netley, Elizabeth, Northfield, Kensington, Christies Beach, and two (2) stations on the Lefevre Peninsula. Permanent monitoring stations are also located in the regional centres of Whyalla and Port Pirie.

2. In addition to its permanent stations, the EPA also has a mobile monitoring station to undertake short-term monitoring. This mobile station was located in Mount Gambier during the winters of 2009 to 2011 as part of the EPA's 5-year SmokeWatch program, which was focused on education and behavioural change aimed at reducing wood smoke from domestic wood heaters.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. S.G. WADE** (24 February 2016).

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

1. As a South Australian Government agency, South Australia Police (SAPOL) is mandated to implement the Information Security Management Framework (ISMF), as published by the Office of Digital Government. The ISMF is largely based on the international standard for information security. The ISMF is implemented by SAPOL's Information Security Management System which documents and tracks risk to information assets; provides methodology regarding security controls; and mitigates and treats risk (including risks to asset confidentially). SAPOL systems have a very high degree of inbuilt security measures and are able to log every access by every employee. Strict policies are in place in relation to accessing, managing and releasing information. SAPOL practice is that people only have access to systems that they require for work related purposes. Employee obligations, whether sworn or unsworn, are clearly reflected in training regimes.

2. SAPOL has log and audit practices generally at all levels of the agency, and particularly for operational policing IT systems. Policy and practice is that systems and records access is recorded against individual user credentials with actions searchable for audit purposes. Security controls are audited on a quarterly basis to measure compliance with the SA Government ISMF. Proactive random audits are done, particularly in relation to incidents of a significant profile having a 'curiosity' element. Any suspicious access identified is referred to the Ethical and Professional Standards Branch (EPSB) for investigation. In the 2014-15 year, seven matters relating to unauthorised access to criminal history records and three matters relating to unauthorised access to traffic history records were referred to EPSB.

3. The nature of the breaches range, for example, a relatively minor matter could be an employee checking on a SAPOL system to verify their own personal motor vehicle registration or their driver's licence number. This is considered to be a breach of policy and is investigated and dealt with. More serious matters which would be of concern to the broader public would include police officers or employees accessing confidential information and potentially compromising investigations as a result of releasing that information. The range of penalties would extend from a reprimand on the basis that someone has committed the lowest order of offending against the disciplinary framework, right up to criminal prosecution for people who have accessed and released information for personal gain or to the benefit of another person. From an internal disciplinary perspective, people have had their access restricted or removed completely, been transferred to a position where they no longer require or have access to systems and could potentially receive a monetary fine as well. Should an officer be identified having accessed information for personal reasons in the most serious of circumstances, even if there is no breach of the criminal law, termination of employment would be a consideration in terms of how that matter would be dealt with.

SAPOL also manages an extensive complaints process in relation to access and release of information which may come from SAPOL employees and/or members of the public. The process and management framework involves the Police Ombudsman and ICAC where appropriate.

DOMESTIC VIOLENCE

In reply to **the Hon. S.G. WADE** (9 June 2016).

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

Fifteen men engaged in the Domestic Abuse Program (DAP) which operated at Elizabeth Community Corrections and Cadell Training Centre during 2013-14 and 2014-15, respectively, and the results were evaluated. The key recommendations following the review of the DAP required the development of a more accurate and inclusive identification of suitable prisoners and offenders and to update the program content and structure to better reflect the needs of South Australian domestic family violence victims and perpetrators.

As a result, since October 2015, the Department for Correctional Services (DCS) has delivered the Domestic and Family Violence Program (DFVIP), which replaced the previously piloted DAP. DFVIP is an integrated program which operates in partnership with Women's Safety Services SA (WSSSA), formerly the Central Domestic Violence Service) to ensure the partners and ex-partners of DFVIP participants are offered specialised support and counselling. The program content centres on the key themes of safety, responsibility, accountability and respect and includes elements of the Duluth Model, Cognitive-Behavioural Therapy and Feminist Theory.

Following the rollout of the DFVIP, which is now delivered in both prison and community corrections settings, 72 men have commenced the 10-week program:

- Of the 45 prisoners who commenced the DFVIP in prison, 40 successfully completed the program (an 89 per cent completion rate).
- The reason for non-completion in prison was due to non-engagement by the offenders.
- In the cases of non-completion, the offenders continued to be intensively managed through the case management process. The Parole Board was also advised of their non-compliance as this may impact on the Parole Board's decision to release an offender back into community.
- Of the 27 offenders who commenced the DFVIP in the community, 16 successfully completed the program (a 60% completion rate).
- The reason for non-completion in community offenders was a combination of non-attendance and re-offending.
- In the case of non-attendance, the offender's community case manager would be informed and case management protocols followed. An offender would likely be breached for non-attendance.
- In the case of re-offending, the matter would be dealt with by the courts, and an appropriate action determined following the outcome of their court case (i.e. if they return to prison then they would be re-referred to the prison-based program, if they are returned to the community then they would be re-referred to a community program).

With regard to remand prisoners:

- The DFVIP is not currently offered to remand prisoners within DCS custody. The Courts Administration Authority (CAA) Treatment Intervention Program targets domestic violence offenders on bail in the community.
- DCS policy is to target prison-based intervention towards sentenced prisoners, and therefore the DFVIP is not available to prisoners who are remanded in custody.
- This is consistent with the intervention approach for other correctional jurisdictions across Australia.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. K.L. VINCENT** (23 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. The Department for Correctional Services is committed to providing opportunities for prisoners to undertake general health and education programs that provide them with the opportunity to prevent chronic health conditions.

Health Services available to prisoners are provided through Forensic Mental Health Services, SA Prison Health Service (SAPHS), Disability SA, the Department's High Risk Assessment Teams and departmental psychologists.

SAPHS provides health care to prisoners within state managed prisons, they provide a primary healthcare model which includes a focus on chronic disease management in line with services that would normally be provided in the community.

Most prisons also have health expos and in reach programs, in which outside organisations come into the prisons to promote a wellness model of health.

The department partners with a number of agencies and community drug and alcohol services to help address dependence issues. This includes the Drug and Alcohol Services SA, Offender Aid and Rehabilitation Services and the Aboriginal Sobriety Group. In addition, Alcoholics Anonymous and Narcotic Anonymous have regular meetings set up in a number of prisons across the state.

QuitSkills mentor training is delivered by the Cancer Council, with training occurring at Port Lincoln Prison, Port Augusta Prison, the Adelaide Remand Centre, Yatala Labour Prison, and Mobilong Prison. Further to this, prisoners have access to a free 12-week Nicotine Replacement Therapy program funded by SA Health.

The department offers the pilot Therapeutic Community program, currently trialling at Cadell Training Centre, a structured environment in which residents work together to understand their past substance abuse issues, and to

develop ways to change their thinking and behaviour to work towards a goal of developing a healthy and fulfilling life without drugs or alcohol.

2. I am very concerned that people with mental illness and substance abuse issues are overrepresented in our corrections system. This issue is not limited to South Australia. Prisoners with mental health and substance abuse issues are overrepresented within corrections systems within Australia as well as in the United States and the United Kingdom.

Despite the challenges, the department remains committed to addressing the needs of prisoners identified as suffering from mental illness and those identified as having substance abuse issues.

All prisoners, on entering the prison system, are appropriately assessed in conjunction with the SA Prison Health Service (SAPHS) and information from South Australia Police, to determine their risk and needs. Issues such as mental health, drug and alcohol, and risk of suicide or self-harm are reviewed during the admission process, enabling appropriate supports and accommodation to be provided to prisoners.

Prisoners identified during this process as having mental illness and/or substance abuse issues are provided with appropriate supports.

These services can be provided by Forensic Mental Health Services, SAPHS, Disability SA, the prison High Risk Assessment Teams, and departmental social workers and psychologists.

SAPHS provides support to prisoners with substance withdrawal as well as providing a Medication Assisted Treatment for Opioid Dependence (MATOD) program within all prisons.

Forensic Mental Health Service, provides specialist psychiatry services within prisons with support from SAPHS that provides day to day primary mental health care to prisoners within state managed prisons.

Psychological services provided by the department have a priority focus on the assessment of prisoners and the provision of crisis intervention and support services.

If there is further cause for concern, prisoners can be transferred to the nearest hospital for mental health assessment. If a prisoner is detained under the Mental Health Act 2009, they are moved to a mental health facility. This is a decision for health professionals.

Over recent years the department has introduced a number of accommodation units that are specifically suited to prisoners with certain health and mental health needs.

In 2014-15, a 20 bed secure unit was completed at Adelaide Women's Prison to accommodate high risk, high needs female prisoners with complex behavioural and mental health needs. The women's prison also introduced a program to assist women with Borderline Personality Disorder.

In 2015-16, the High Dependency Unit and the new Health Centre at Yatala Labour Prison were completed. The High Dependency Unit provides inpatient mental health assessment and treatment services (and a continuum of care), for prisoners presenting with multiple and complex needs.

The department continues to strive to ensure access and inclusion for prisoners with a disability, ensuring this is reflected in programs and strategies, such as:

- The department's Disability Access and Inclusion Plan, which is aligned with the National Disability Strategy and the Attorney-General's Disability Justice Plan;
- A Memorandum of Administrative Arrangement has been established with Disability SA;
- The SBC-me program has been introduced to target sex offenders identified as having a mild to borderline level of intellectual disability or cognitive deficit; and
- The Department run Special Needs Program in Repay SA.

3. I am advised that on admission to prison, all prisoners are reviewed within 24 hours by a nurse from SAPHS. Prisoners on medications are reviewed by a medical practitioner and depending on the prisoner's clinical requirements continued on those medications and additional medicines commenced as clinically appropriate.

PRISONER SUPPORT AND TREATMENT

In reply to **the Hon. S.G. WADE** (23 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 High Dependency Unit (HDU) at Yatala comprises a 26-bed Complex Needs Unit, which includes a six bed Acute Area for the assessment, treatment and observation of prisoners who are considered to be of high risk, high needs, or at risk of self-harm. It also includes a 12-bed Therapeutic Area for assessment, intervention, support, therapeutic programs and transition planning for prisoners with complex needs.

An eight bed Aged-Care/Infirm Facility is also included for assessment, speciality care and rehabilitation of older and infirm prisoners.

The Health Centre at Yatala comprises 12 beds for the monitoring of unwell prisoners.

This multifunctional and integrated unit provides prisoners with specialised care to the same standards as in the community.

There have been a number of changes in the models of health care provided to patients within the health centre which has meant that prisoners can be returned to the health centre from hospital far earlier that they would have in the past reducing the pressure on acute hospitals.

The Department for Correctional Services is unable to specifically quantify the number of transfers to hospitals and other health facilities as it is dynamic and dependent on the level of care required for a prisoner. This is ultimately decided by healthcare practitioners.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. T.J. STEPHENS** (5 July 2016).

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

South Australia Police (SAPOL) supports employees by providing flexible working arrangements, including paid maternity leave, paternity leave, part-time employment, career breaks and variations of local shift patterns.

This approach is underpinned by comprehensive policies and processes that balances the individual employee's needs against organisational obligations regarding service delivery and demand management.

SAPOL has taken deliberate steps to apply these policies in as flexible a way as possible. SAPOL has recently amended the delegation to approve part-time and other flexible working arrangements so that they are more accessible to those seeking to access them.

Flexible working arrangements, in particular part-time, are the subject of a significant review process to identify enhancements that can be made so the needs of the employer and employee can continue to be addressed.

COMMISSIONER OF POLICE

In reply to **the Hon. R.I. LUCAS** (5 July 2016).

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

No other items of clothing were borrowed or used by the Commissioner, or his family.

The register to which Mr Lucas refers is understood to be the SAPOL gift register pursuant to the Department of Premier and Cabinet PC035—Proactive Disclosure of Regularly Requested Information, and the item referred to was not included as Ms Stevens is not an employee.

Where there is a connection between the acceptance of a gift and the officer's employment then the officer is required to report the acceptance of that gift to the Commissioner. Where the Commissioner accepts a gift it is recorded in accordance with PC035.

COMMISSIONER OF POLICE

In reply to **the Hon. R.I. LUCAS** (6 July 2016).

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

No other items of clothing were borrowed or used by the Commissioner, or his family.

The register to which Mr Lucas refers is understood to be the SAPOL gift register pursuant to the Department of the Premier and Cabinet PC035—Proactive Disclosure of Regularly Requested Information, and the item referred to was not included as Ms Stevens is not an employee.

Where there is a connection between the acceptance of a gift and the officer's employment then the officer is required to report the acceptance of that gift to the Commissioner. Where the Commissioner accepts a gift it is recorded in accordance with PC035.

CORRECTIONAL SERVICES, VETERANS

In reply to **the Hon. A.L. McLACHLAN** (7 July 2016).

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

I can advise that as at 29 March 2016, there were 30 prisoners in South Australia who self-reported as having previously served in the Defence Force.

Only one of the 30 was identified as female.

BORDERTOWN COMMUNITY EARLY FLOOD WARNING SYSTEM

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 September 2016).

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

The total cost of the Bordertown Flood Monitoring System project was $180,327.

Available data would suggest that the Tatiara Creek has flowed from the upper catchment to Bordertown 144 times throughout the period of record (1977-2016).

The most recent significant flooding in Bordertown was in 2011 as reported in *The Advertiser* on 14 January 2011.