LEGISLATIVE COUNCIL

Thursday, 17 November 2016

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Ombudsman SA—
- Report, 2015-16
- Audit Reports—
  - Department for Education and Child Development's Education Related Complaint Handling Practices
  - Local Government Internal Review of Council Decisions Procedures

Reports, 2015-16—
- Berri Barmera Council
- Campbelltown City Council
- District Council of Cleve
- Naracoorte Lucindale Council
- Port Augusta City Council
- District Council of Robe
- City of West Torrens
- Wudinna District Council

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

Reports, 2015-16—
- Electricity Industry Superannuation Scheme
- Investment Attraction South Australia
- SA Metropolitan Fire Service Superannuation Scheme

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

Reports, 2015-16—
- Barossa and Districts Health Advisory Council Inc.
- Bordertown and District Health Advisory Council Inc.
- Ceduna District Health Services Health Advisory Council Inc.
- Child Death and Serious Injury Review Committee.
- Country Health SA Local Health Network Health Advisory Council Inc.
- Eastern Eyre Health Advisory Council Inc.
- Far North Health Advisory Council.
- Gawler Health Advisory Council Inc.
- Hills Area Health Advisory Council Inc.
- Kangaroo Island Health Advisory Council Inc.
- Kingston Robe Health Advisory Council Inc.
- Leigh Creek Health Services Health Advisory Council Inc.
- Lower Eyre Health Advisory Council Inc.
- Lower North Health Advisory Council Inc.

Loxton and Districts Health Advisory Council Inc.
Mallee Health Service Health Advisory Council Inc.
Mannum District Hospital Health Advisory Council Inc.
Mid-West Health Advisory Council Inc.
Millicent and Districts Health Advisory Council Inc.
Naracoorte Area Health Advisory Council Inc.
Penola and Districts Health Advisory Council Inc.
Port Augusta, Roxby Downs and Woomera Health Advisory Council.
Port Broughton District Hospital and Health Services Health Advisory Council Inc.
Port Lincoln Health Advisory Council
Port Pirie Health Service Advisory Council
Quorn Health Services Health Advisory Council
South Coast Health Advisory Council Inc.
TAFESA
The Whyalla Hospital and Health Services Health Advisory Council
Waikerie and Districts Health Advisory Council Inc.
Yorke Peninsula Health Advisory Council Inc.

Regulations under the following Acts—
Fisheries Management Act 2007—
Broodstock and Seedstock Fishery
Prawn Fisheries

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

Regulations under the following Acts—
Development Act 1993—Revocation of Transitional Provisions
Land and Business (Sale and Conveyancing) Act 1994—Miscellaneous
Motor Vehicles Act 1959—Miscellaneous
Public Sector Act 2009—Miscellaneous
Road Traffic Act 1961—Approved Child Restraints

Ministerial Statement

TRANSFORMING HEALTH

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:21): I seek leave to table a copy of a ministerial statement made by the Minister for Health in the other place, entitled More Services for the North and North Eastern Suburbs.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

NUCLEAR WASTE

The Hon. J.M.A. LENSINK (14:23): I seek leave to make a brief explanation before asking the Leader of the Government questions regarding the government's nuclear dump consultation process.

Leave granted.

The Hon. J.M.A. LENSINK: On 7 July this year, the Treasurer issued a media release committing $4.6 million to fund the consultation process on the Premier's high-level international nuclear waste dump. In this week's government response to the Nuclear Fuel Cycle Royal Commission, the anticipated cost is now $8.2 million for 2016-17. My questions for the minister are:

1. How much taxpayer funding does the government intend wasting in its pursuit of this issue?

2. How long will the consultation process go on for, given that it clearly does not have the support of either the parliament or of the South Australian community?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:24): I thank the honourable member for her questions. In relation to exact figures, I can refer them to the Treasurer in the other place and bring back a reply. In relation to the process, I am not sure it could be much clearer: the prerequisite for this going further is bipartisan support. There isn't bipartisan support. If there ever was, the Premier has outlined that there would be a referendum and that Aboriginal communities would have a right of veto. I don't know why the Deputy Leader of the Opposition in this chamber finds it so difficult to understand something so simple.

Members interjecting:

The PRESIDENT: Order!

NUCLEAR WASTE

The Hon. J.M.A. LENSINK (14:24): Supplementary: if the matter is not to continue, then why is your government pursuing this issue of a referendum?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:24): You've asked exactly the same question. I have said the prerequisite—

The PRESIDENT: Minister, on your feet. Answer the question on your feet. Don't answer it from sitting.

The Hon. K.J. MAHER: I thank the honourable member for the exact same question, and my answer from the previous one stands.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:25): Supplementary: is the bipartisan support for the conduct of a referendum or for the concept of a high-level nuclear waste dump?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): The Premier has been quite clear that for any further steps, which would be a referendum, it needs bipartisan support.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:25): Supplementary: is it for the conduct of a referendum or for support for a nuclear waste dump of a high level?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): Again, I don't see how such a simple answer is so difficult to understand. The Premier has been quite clear that there won't be a referendum without bipartisan support.

NUCLEAR WASTE

The Hon. J.M.A. LENSINK (14:25): Supplementary: perhaps because some of us would like to have this clarified, what are the conditions under which this government will conduct a referendum on this issue?

The Hon. P. Malinauskas interjecting:

The PRESIDENT: Order! Will the honourable Minister for Police show a little more respect in the member's right to ask a question.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:25): Mr President, this will probably be the last time I will get up and say exactly the same thing to exactly the same question—bipartisan support. Easy.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:26): Supplementary: if the Premier wrote to every party in this place and we said we supported a referendum, would that constitute bipartisan support?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): The Premier has made it very clear that for it to go any further it needs bipartisan support. I can't be any clearer than that.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:26): Supplementary question: will the government's administrative unit, known as the Consultation and Response Agency, be kept going, and if so, what will it do?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:26): This is not my area of ministerial responsibility, but that does sound like a genuine question and one that has a modicum of understanding entailed in it. I congratulate the leader of the Greens political party for being the first one in this chamber in question time today to do that. I will be very happy to take that on notice to the responsible minister and bring back a reply to such a sensible question.

PUBLIC SERVICE EMPLOYEES

The Hon. R.I. LUCAS (14:27): I seek leave to make an explanation prior to directing questions to the minister representing the Premier on the subject of gifts to public servants and other public officers.

Leave granted.

The Hon. R.I. LUCAS: A series of questions to the Minister for Police—

The Hon. S.G. Wade: He couldn't answer them.

The Hon. R.I. LUCAS: My colleague says he couldn't answer them. I am sure that interjection is out of order, Mr President.

The PRESIDENT: Totally out of order.

The Hon. R.I. LUCAS: Indeed, but it is on the record, though. After that out of order interjection, the Minister for Police yesterday, after a series of questions, indicated quite clearly that because a gift given to the wife of the police commissioner wasn't required to be disclosed, he, when invited to do so in relation to whether there were any concerns about that, did not respond in any way to that particular question. The minister's response quite clearly on two or three occasions has been that he just expects the police commissioner to comply with the existing government guidelines.

In relation to the code of ethics for the South Australian public sector issued by the Commissioner for Public Sector Employment, under the heading of 'Acceptance of gifts and benefits', there is the following section:

Public sector employees will not seek or accept gifts or benefits for themselves or others that could be reasonably perceived as influencing them in the performance of their duties and functions as a public sector employee.

It then goes on to mention non-pecuniary gifts or benefits as well and that all employees should comply with any policies, etc., in relation to receiving them.

My questions to the minister representing the Premier, who has responsibility for the Commissioner for Public Sector Employment, are:

1. When the code of ethics for public sector employees refers to 'Public sector employees will not seek or accept gifts or benefits for themselves or others', does the phrase 'or others' include the wives, husbands or partners of public servants?

2. Is there any requirement under the code of ethics, or any other determination of the Commissioner for Public Sector Employment, that, if the wife, husband or partner of a public sector employee was to receive a gift or benefit, for them to declare or reveal that in any way?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:30): I thank the honourable member for his question and his dogged pursuit of everything that he does, and I thank him for his dogged pursuit of his strategies and electoral strategies over the last few decades: it has served us very, very well on this side of the chamber. In relation to his questions, I absolutely agree with my colleague the police minister that I expect that everyone should abide by the rules and conditions of how they are employed in the public sector.

POLICE RECRUITMENT

The Hon. T.J. STEPHENS (14:30): I seek leave to make a brief explanation before asking the Minister for Police questions regarding SAPOL officer recruitment.

Leave granted.

The Hon. T.J. STEPHENS: *The Advertiser* today stated that SAPOL is attempting to recruit 286 officers by June 2017 in five planned intakes, in order to reach the promised 313 recruits by 2018. My questions are:

1. Given that the time frame for the 313 target has been adjusted three times previously, what is the likelihood of the 286 figure being reached by June next year?

2. Given the annual attrition rate of approximately 160 officers, what recruitment programs is SAPOL implementing to achieve this goal?

The Hon. R.L. Brokenshire: Good question.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): The Hon. Mr Brokenshire is right: that is a good question, so I thank the Hon. Mr Stephens for asking it. The government has in place a very committed and substantial strategy to ensure that the South Australian police force numerically, in terms of the number of active sworn police officers, reaches the highest ever level on record throughout the state's history, and the objective is to have that peak in mid-2018 (I think you might have said next year, but our commitment is mid-2018). In mid-2018 the government will have realised its target of recruiting an extra 313 police officers over and above the earlier number.

That recruitment exercise is substantial. In fact, a layperson would be forgiven for not necessarily realising the complexity and amount of effort that is associated with actually realising that objective. I had the great pleasure only last week to tour around the SAPOL facility, which is actually responsible for this particular objective. Indeed, there is another whole section within SAPOL headquarters in Angus Street now set aside for the additional staff who have the responsibility of recruiting all these additional people.

It is a great story, because the government, through a decision in conjunction with the police commissioner, has decided to stop any active potential recruitment of overseas officers, likewise with interstate officers, so that maximises the opportunity for South Australians to be able to have such a great career.

These are well remunerated jobs. Working in SAPOL can be an incredibly satisfying career in a number of respects: first, financially, because they are well paid, stable, good quality jobs; and, secondly, in SAPOL you can have a whole number of different careers all with the same employer. Not too long ago I met a gentleman who was in the forensic section of SAPOL, and I think he had been in the STAR Group at one point earlier in his career.

There are a whole variety of different roles within SAPOL in which people are able to serve, so that variety can add an enormous amount of spice to your career. Thirdly, the most important point: working for an organisation like SAPOL provides another level of satisfaction that a lot of people in our community, quite frankly, do not have the opportunity to have.

They have the opportunity to do a paid job, a good stable job, and do it in the service of the community. That is not to take anything away from the extraordinary difficulty and challenges that our men and women face on the front line, which are substantial, and they are challenges, I think, that everyone in this place is quick to recognise, including in particular the Hon. Mr Terry Stephens. These challenges do allow them to have the opportunity to get the fulfilment and satisfaction that comes with serving the community.

These are great jobs, which is why we are so keen to see the number of police officers increase. It will result in a safer community. It does come with expense, it does come with a challenge in trying to meet the recruitment objective, but I sincerely have confidence in the police commissioner to go about the task of realising that recruitment objective. Rest assured, it is something that I will be paying a lot of attention to for as long as I am fortunate enough to be in this position.

POLICE RECRUITMENT

The Hon. T.J. STEPHENS (14:35): Supplementary: do I understand that there has been a deliberate shift in policy so that 18 to 21 year olds now have much greater opportunity to virtually leave school and become a police recruit?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): The way that I would answer that question is I think SAPOL is of the mind to make sure that they are drawing in as many applicants as possible. A cohort of the community that they are particularly interested in making sure are interested in applying in the first place are younger people. So, the answer to that question is yes. But ultimately, when SAPOL is making decisions around who comes into the police force, merit comes first, as everyone, I think, would reasonably expect.

At the same time, there is an underlying philosophy that the leadership of SAPOL has, which is that having broad and diverse and numerous numbers of applicants maximises the quality of people who end up coming through the front door. There is also a genuine value in having diversity amongst those people who start within SAPOL. As I have stated previously, that diversity comes in a number of different ways. I think having diversity in terms of ethnicity, gender, sexuality, age, various life experiences, all these things are important, because you want to have a police force that is diverse and reflects the community it serves, and young people have to be an important component of it, hence the decision to streamline the process for those people who are school leavers.

Now, if they get an ATAR score of 70 or higher, they can streamline and avoid the academic test process, which otherwise wasn't necessarily gaining anything extra for those applicants. Likewise with university graduates. It is a policy that is about making sure that we are removing hurdles or impediments for young people to be able to have an aspiration to at least try to get into the police force. That's a good thing. I think having young people working with older people and different levels of experience is a healthy thing. Starting in SAPOL young, which is something our current police commissioner did—he started as a 17 year old—starting young in such a rewarding career and being able to serve in the organisation throughout your life, while having a number of different jobs with the one employer, is a great opportunity. We want to encourage young people to apply and hence the policy change.

POLICE RECRUITMENT

The Hon. R.L. BROKENSHIRE (14:37): Supplementary to the minister's answer regarding him confirming that he had been coerced or forced into honouring the delayed policy of 313 with the

recruitment: is the minister able to advise the house whether, of the 313, 50 per cent will be men and 50 per cent will be women, as was announced by the commissioner in recent months?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): No, I cannot. I think the honourable member is looking for a guarantee. I am not inclined to make any guarantees about exactly 50 per cent here or 50 per cent there. What I will say is this, that the police commissioner has made it clear that he has a target and an objective of dramatically increasing the number of women who are working within SAPOL. I think that is a good policy and one I wholeheartedly endorse.

POLICE RECRUITMENT

The Hon. S.G. WADE (14:38): Supplementary: my understanding is that 43 per cent of yesterday's graduates were women. Can the minister tell us what proportion of the applications were from women?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): I am not too sure at what particular month the cohort of people who graduated yesterday put in their applications. What I can say is that, since the commissioner's announcement, and various SAPOL recruitment activities, my advice is that the number of applicants coming into SAPOL in terms of the number of women who have applied has increased, which is a good thing because it maximises the likelihood of more women working within the police force, and that is something that is to be commended.

POLICE RECRUITMENT

The Hon. S.G. WADE (14:39): Supplementary question: I ask the minister if he is willing to provide the information about the proportion of applications which were from women and, if he can't provide that today, could he take that on notice?

Members interjecting:

The PRESIDENT: Let's not have any debate—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): I think my record speaks for itself when it comes to taking questions on notice and getting members opposite an expeditious response.

The Hon. J.S.L. Dawkins: It might be quicker than some others, but that doesn't make it good.

The Hon. P. MALINAUSKAS: You're not tired like everyone else next door, so you shouldn't be so readily grumpy, I have to say, but I am more than happy to seek that information from SAPOL, and when I get it on hand I will share it with you. So, yes, of course I am happy to take that on notice. The only qualification I will make is this: your question speaks specifically to a cohort of people that graduated yesterday. I think it would make more sense to look at the number of applicants over a broader period of time, rather than for a small graduate course. Anyway, it is not hard.

POLICE RECRUITMENT

The Hon. R.L. BROKENSHIRE (14:40): A further supplementary question based on the minister's answer regarding his support of the police commissioner's policy of trying to have 50 per cent men and 50 per cent women in the police force: will the minister assure the house that adequate budget and adequate additional numbers of officers will be employed so that policewomen have the right to have maternity leave when they have children, or will there be a vacuum of police officers when women take what is rightfully theirs, and that is maternity leave?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): I would have thought that the government dramatically increasing the size of the South Australian police force to its highest

ever level on record—a level that is far, far superior to the paltry record of the former conservative government and their police minister—will go a long way to alleviating the concern that Mr Brokenshire has.

Members interjecting:

The PRESIDENT: Order!

AUTOMOTIVE TRANSFORMATION

The Hon. T.T. NGO (14:42): My question is to the Minister for Automotive Transformation. Can the minister tell the chamber about how the government is assisting the automotive supply chain companies to take advantage of new market opportunities?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member for his question. I think this might be the third sensible question we have had in this chamber today, Mr President, which is fantastic. The government is delivering a comprehensive package of initiatives to assist the automotive industry as it transitions to new market opportunities.

In particular, the government's Automotive Supplier Diversification Program is supporting a number of companies to diversify and secure alternative revenue streams to ensure a sustainable future for these companies to secure key industry capabilities in South Australia and to secure the employment future of the many skilled workers that are exposed to the impact of the winding down of automotive manufacturing in this state and, indeed, in this country.

I had the opportunity today to visit the latest company to be provided with a grant from this program: Sonnex Engineering in Elizabeth South. Sonnex is a South Australian family-owned business that specialises in the design, fabrication and manufacturing of high-quality materials handling equipment, safety guards, platforms, ladders and stairways, manufacturing aids and other unique requirements, predominantly from steel.

At the time of the announcement of Holden's closure, the automotive industry equated to around 80 per cent of the company's turnover. Through the Automotive Supplier Diversification Program, the government has provided a grant of $417,500 to support Sonnex to diversify and reposition its business to take advantage of upcoming projects in global markets.

Sonnex is a great example of a South Australian automotive supply chain company taking on the challenge of repositioning to do what they can to ensure that their company has a viable future. The funding from this grant will be provided to assist the company in three core areas: business coaching and mentoring, the implementation of international certification ISO 9001 and the establishment of leading-edge laser cutting and robotic handling equipment, which I saw this afternoon.

As the company progresses to expand its exposure into defence related contracts, this global certification is essential and will be a core requirement for many of these contracts. Investing in this new technology will vastly improve the company's production capacity and capability, reducing the production cycle and increasing employment opportunities through the business, both here and interstate. In fact, the company told me they have taken on several new workers in the last couple of weeks, and even a new person today, in response to the extra work that they will be getting from the new equipment.

Today, the company's exposure to the auto industry is now somewhere around 10 per cent. This grant is expected to help protect the jobs of employees who are already at the company and pave the way for more employment through the awarding of new contracts in a diverse range of areas. I am pleased that the Automotive Supplier Diversification Program has already supported 14 companies to diversify, and I look forward to informing the chamber of the ongoing success of the program, particularly the success of Sonnex, as the company repositions to take advantage of new economic opportunities.

EMERGENCY SERVICES LEVY

The Hon. R.L. BROKENSHIRE (14:46): I seek leave to make a brief explanation before asking the Minister for Emergency Services questions about the emergency services levy.

Leave granted.

The Hon. R.L. BROKENSHIRE: According to the State of the Climate report, which was prepared by the Bureau of Meteorology and the CSIRO and released late last month—and according to minister Hunter, who always goes on about it—Australia can expect hotter days and an increase in extreme fire weather and longer fire seasons going forward. This information backs up the 2014 Climate Council report on the South Australian bushfire threat. That publication showed that South Australia's fire season was starting earlier and lasting longer and that fire danger weather was extending into spring and autumn and that the total economic cost of bushfires in South Australia during 2014 was expected to reach $44 million.

The report forecast a 2.2 per cent growth in these costs annually ongoing into 2050, with the total economic cost of bushfires in South Australia to reach $800 million by mid-century. The Labor Party, as we have heard recently in this chamber from minister Hunter, are certainly climate embracers, and we all know how quick they are to blame climate change every time the wind blows and the power goes out, so we are apt to believe the honourable member. However, relevant to the overall reports, my questions to the minister are:

1. Does the minister agree with his colleagues about climate change and as such accept these two reports?

2. If this government really believes in climate change and it agrees with these reports, then why does it refuse to re-establish a contingency fund in Treasury to underwrite the cost of natural disasters, rather than acting surprised and raising the ESL every time there is a declared state disaster?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I will answer those questions, hopefully, concisely. In answer to the first part of your question, do I stand with my colleagues in believing in climate change? Absolutely, I do. In fact, I passionately believe in it. I like the idea of policy being informed by science, and I think even for previous cynics and sceptics regarding climate change, of which I have to say I was not one, most people are now willing to accept that the verdict of science is in and climate change is real. It is being informed by human behaviour, and thus I think we have a fundamental obligation to try to do something about it.

So, I am very proud to be part of a government that acknowledges that and wants to introduce policies to do something about it. I commend minister Hunter, amongst others, for vigorously pursuing that policy and the Premier for being such an advocate of the pursuit of a policy to do something about it. In regard to the second part of your question, in the full acknowledgement that I, along with, I think, every Labor member of the parliament who sees this issue as being a real one, will keep an eye on and have our thoughts to future policy settings regarding a whole range of different issues that climate affects. They are numerous, and emergency services is all but one of them.

However, a particular part of the question pertains to the structure of the emergency services levy itself. Our objective, as a government, is to keep the emergency services levy as low as possible in order not to put too much of a burden on ordinary working families. At the same time, we have to balance that with making sure that we are providing our emergency services, both paid and volunteer, with all the equipment, training and support they need to be able to go out there and keep our communities safe, to be able to protect assets and agricultural industries, to do all the work they do without putting their own lives at risk.

That is a difficult balance to get right but it is one we are in pursuit of, and I think this year's state budget is probably a good example of getting that right. I don't think there was too much community angst regarding the 1.5 per cent increase that applied to the ESL. That 1.5 per cent is probably still a significant burden on a lot of low income families and I am very conscious of that, but

the expenditure of those resources went to important needs, things like investing in burn-over technology for the CFS, amongst others. That is a balance we want to continue to get right.

Regarding the contingency component, the Hon. Mr Brokenshire would be all too familiar with the structure of the ESL and the way it is set up because, of course, his former Liberal government was the architect of it. I think the ESL model works relatively well when it comes to the provision of the services and equipment required for our emergency services volunteers and employees. It is a balance we aim to get right. It is always difficult when you increase what is essentially a levy or a tax on families, but these are important investments to make sure that we can pursue a safer community for our outstanding emergency services.

POLICE RECRUITMENT

The Hon. A.L. McLACHLAN (14:51): I seek leave to make a brief explanation before asking the Minister for Police a question regarding SAPOL officer recruitment.

Leave granted.

The Hon. A.L. McLACHLAN: In question time yesterday, the minister advised that SAPOL was currently attempting to recruit university and high school graduates, and that these candidates would not be required to take pre-application numeracy and literacy tests. What proportion of candidates currently fail the pre-application numeracy and literacy tests?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): I would like to draw the Hon. Mr Wade's attention to the answer that I am about to very concisely and quickly deliver. I don't have any specific statistic at hand in terms of the number of people who have failed that test, but I am more than happy to take it on notice.

NATIONAL PARKS

The Hon. J.M. GAZZOLA (14:52): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the results of the recent Department of Environment, Water and Natural Resources parks visitation survey?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:52): I thank the honourable member for his most important question. Since 2012, South Australians have been surveyed by the Department of Environment, Water and Natural Resources about visiting the state's national parks and reserves. This survey is an important part of gathering the data necessary to ensure that the resources we spend in our reserves and parks system are put to good use.

The 2016 survey has been released, and we have some fantastic results. Seven out of 10 South Australians, or 69 per cent to be more precise, visited one of our national parks in the last year. This far exceeds the first target of the People and Parks visitor strategy that aimed for 50 per cent by 2020. This year, the three most visited parks were Cleland, Belair and Morialta. These three parks received a large increase in visitation of between 8 per cent and 16 per cent.

I am advised that part of this increase can be attributed to the quality of free community events that have been put on in these parks. These include events put on by Nature Play, along with park open days and mountain biking activities. A total of 46 per cent of people who visited parks in 2016 visited one to three times, 42 per cent visited four to 11 times, and 12 per cent visited parks more than 12 times. Perhaps the most positive result was that 97 per cent of South Australians indicated that they value our parks highly. This is a great reflection on the whole park system in this state, and underpins the South Australian government's $10.4 million investment to upgrade our metropolitan national parks. This was a commitment we made at the last state election.

The Connecting Residents of the North and South with Nature project drew on a comprehensive co-design process to engage the broader community about what they wanted to see in their parks. I am advised that 11,000 people were involved in an engagement process and that they said they wanted improvements and upgrades to facilities like camping and picnic grounds, walking and cycling trails, information hubs, Nature Play spaces and scenic lookouts.

One of the seven metropolitan parks allocated funding was the Cobbler Creek Recreation Park. On Saturday 8 October, I was very pleased to attend the first BioBlitz in Cobbler Creek Recreation Park to launch the new park upgrades. The BioBlitz was a great opportunity for the community. It saw families engage with the special nature of Cobbler Creek and the restoration work that has been ongoing there for a number of years.

The work that park rangers, DEWNR staff and Cobbler Creek volunteers do all year round to maintain such a great park is incredibly important to us. Without that buy-in and the cooperation across our parks staff and community volunteers, the park would not be anything like what it is today. The new raptor-themed 'kites and kestrels' playground and picnic area has been a huge hit, I am advised. The new facilities, along with trails and cycling tracks, are what the local community made clear they wanted for their parks.

They said they wanted better family-friendly amenities like picnic areas, drinking water and well-signed trails. These upgrades will transform the park and encourage even more local community members and groups to visit. In the end, that is what it is all about—getting more people out into nature, enjoying the nature in our parks around our city. By working with local communities and investing in our parks, we end up with a healthier population and a happier and more active community.

NATIONAL PARKS

The Hon. J.S.L. DAWKINS (14:56): Supplementary question: given that the minister and I have previously agreed that correct signage at parks is important for the information and safety of visitors, will he bring back to the council information about the replacement of old, outdated signage at the former Para Wirra recreation park—now a conservation park?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I was wondering whether the honourable member would resist asking a supplementary on that question. I knew he could not. Indeed, we have had this discussion and I will be very pleased to come back to the chamber with an update on how we are updating our park signs and our theming and, indeed, how we are utilising new technology, which I think I have referred to before in this place.

We are using RF codes and other such devices with smart phones and iPads, etc., not only to add to basic information but to allow visitors to access cultural information about the unique heritage of our Indigenous communities and our parks, the historical information that is available about our parks and how they have evolved, and the wildlife and fauna that people can expect to see in those parks in a little bit more detail.

The way signage is moving these days is just fantastic. It is certainly beyond me but I am very pleased that we have a whole bunch of young people in the organisation who can take these upgrades even further. For old-timers like the Hon. Mr Dawkins and myself, we will certainly stick to the old-fashioned signage as well, so that we have something for everyone. As I said, I will be very pleased to bring that information back.

Ministerial Statement

PINERY BUSHFIRES

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:58): I table a copy of a ministerial statement made in the other place by the Minister for Communities and Social Inclusion, entitled Pinery Bushfire Recovery Efforts.

Question Time

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (14:58): I seek leave to make a brief explanation before asking questions of the Minister for Sustainability, Environment and Conservation regarding the Adelaide Parklands.

Leave granted.

The Hon. M.C. PARNELL: I note with concern the growing trend of private and commercial development on the Adelaide Parklands, land that is dedicated and held in trust for the people of our city and state for their enjoyment and use. This alarming trend is affecting the rights of all people to access and enjoy the Adelaide Parklands.

Some recent examples include the development of 1,080 private apartments, a five-star hotel and retail and commercial development on the old RAH site; the SACA development on park 25 that I spoke about yesterday; Pulteney Grammar School's master plan to 'develop the campus on both sides of South Terrace, over coming years'; the Casino expansion and office tower block development on the Festival Plaza; a proposed building by the Adelaide Comets soccer club which will double the footprint of existing buildings in park 24; and others. I also note the Adelaide Park Lands Preservation Association's Eminent Persons' Statement of 5 July 2016, which says:

> We believe that any alienation of our Park Lands for private purpose is a gross breach of that trust…We therefore urge the South Australian Government and the Adelaide City Council to honour their trust, and reject notions of private residential and/or commercial property development within the Adelaide Park Lands.

Some of these signatories to that eminent persons' statement are former state Labor ministers and premiers, including the Hon. Rev. Dr Lynn Arnold AO, a former premier of this state; Ralph Clarke, former deputy leader; Dr Jane Lomax-Smith, former Labor minister and former Lord Mayor of Adelaide; Kym Mayes, a former Labor minister; and the Hon. Chris Sumner AM, a former Labor minister and member of this house. My questions to the minister are:

1. When will this Labor government stand up for the rights of all South Australians to continue to enjoy and access all of Adelaide's Parklands by protecting this public land from further private and commercial development?

2. Given the resounding success of the recent nuclear citizens' jury, will this government consider holding a citizens' jury on the future of the Parklands, so that ordinary South Australians may have a say on what they think is an appropriate use of their Parklands?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:00): I thank the honourable member for his most important questions, unfortunately misdirected to the minister—

The Hon. M.C. Parnell: Have a go anyway.

The Hon. I.K. HUNTER: Well, I might, but it was not directed to the minister with portfolio responsibilities for the Adelaide Parklands. It is interesting that the Hon. Mr Parnell, who I always thought was a reasonable sort of chap who wanted to encourage people to utilise parks more, would stand with those people who want to see an end to any increase in use of those Parklands by increasing amenities to encourage people to utilise those Parklands more, to give them the opportunity to visit more, and to open up those spaces for increased pleasure time activities by regular citizens.

There are a group of people, of course—and there have been historically a group of people—who just want to see the Parklands locked up and left underutilised with no investment into them whatsoever, let them run down, and really provide—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —absolutely no attraction to the vast majority of people who, with a little bit of intelligent facilities that people actually want to see, would go out and use these Parklands much more actively and much more often. That is precisely what we've been doing in our national parks—our peri-urban national parks. We have tried to encourage people to go out and use these parks more often and more frequently, with a little bit of investment—

Members interjecting:

The PRESIDENT: Order! No debate. No debate while the minister is—

Members interjecting:

The PRESIDENT: Minister, take a seat. Will the honourable Minister for Police please desist from debating or interjecting across the room while a colleague—

The Hon. P. Malinauskas: I want to say he started it but that would just be blame.

The PRESIDENT: You would not like it if you were trying to give an answer and the Leader of the Government starts interjecting (which he often does) while you are on your feet.

Members interjecting:

The PRESIDENT: It doesn't matter; the honourable minister has the right to answer this question in quiet. Minister, continue your answer.

The Hon. I.K. HUNTER: Thank you, Mr President. I am, just to recap, incredibly surprised the Hon. Mr Parnell would align himself with a group of people who want to see some elite access kept for an exclusive use of their own, whether they be people who keep locked-up tennis courts, or whatever, in the Parklands for no-one else to use but themselves. We have a different view. We think the Parklands are a fantastic asset for our community. They should be utilised more, and if it means, to get that extra utilisation and to get people out there enjoying those open spaces, that heaven forbid we should put some facilities in place to encourage them to stay and use them a little bit longer, then that is what we will look at doing.

We will be driven in this by community demands. They are the people we want to see in the parks, utilising the parks and using those parks around the clock, if possible, like they do in other cities. To do that, you need to make them safe, and you have to make them attractive. That's what we are having a discussion with the community about.

Members interjecting:

The PRESIDENT: Order!

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (15:04): Supplementary arising from the minister's answer. My question derives from the minister's answer, where he said they will be 'driven by community demands'. Does he agree that the citizens' jury might be a good way to determine the views of the community that he seeks to represent?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:04): They may be, but of course in my previous answer to a question this day I also mentioned that in our consultation to get more people into our peri-urban parks, we have consulted with about 11,000 people. That is another way of talking to the community and asking them, 'Actually what do you want to see in your parks that would encourage you to spend more time in them, bring your kids and have more fun?' and to have a better re-use factor, if you like, to encourage people to come back more than the occasional usage that they are using at the moment. And people tell us; surprisingly, when you ask people what they want, when you ask people, 'How would you like to see the government spend this $10.4 million in our peri-urban parks?' surprisingly they tell you. It will be a silly government that did not take advantage of that very free advice.

PUBLIC SECTOR EMPLOYMENT

The Hon. J.S. LEE (15:05): I seek leave to make a brief explanation before asking the Minister for Employment a question regarding the government's forced redundancy targets.

Leave granted.

The Hon. J.S. LEE: In late 2014, the federal government introduced its new policy for allowing forced redundancy of surplus public servants after a 12-month period. The government said this policy, detailed in Determination 7, would signal the end of 'departure lounges' in departments for long-term surplus employees. However, it was recently reported in *The Advertiser*, following evidence at a Budget and Finance Committee, that after two years not one single employee has been retrenched from the Department of State Development, despite the department having 36 excess employees. My questions to the minister are:

1. Can the minister explain the current status of the 36 excess employees?

2. What job responsibilities have they been given?

3. Will the minister commit to conducting a review of this policy to address concerns that a significant amount of taxpayers' money is being wasted in keeping excess employees, particularly when there is no permanent position for them?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:06): I thank the honourable member for her questions. Generally matters to do with employment, conditions and policy within the public sector are the responsibility of the public sector minister, and I am happy to take those questions that deal with elements of the public sector on notice and refer them to the Minister for the Public Sector.

On the topic of employment generally, I am pleased to report more generally in South Australia some very pleasing news today about employment. The release of the ABS monthly employment figures show that South Australia dropped on the headline unemployment rate 0.3 per cent. That is a drop on the headline unemployment over the last 12 months of 1.2 per cent.

The difference between South Australia and the national average is now half of what it was 12 months ago. Only the eastern states of Queensland, New South Wales and Victoria have better unemployment rates of states than South Australia now. The number of hours worked by South Australians this month compared to this month last year has grown by 1.7 million hours. That is a growth rate of 1.6 per cent. That is almost triple the national average.

Members interjecting:

The Hon. K.J. MAHER: That growth rate is almost triple the national average—and we have members on the other side interjecting. They will South Australia to do poorly. It is in their DNA, it has been for the decade and a half that they have been in opposition.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: They want nothing more than South Australia to do badly. They hate it when we do well. Last week, the National Australia Bank had business confidence in South Australia better than the rest of—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, honestly! It is embarrassing from this position watching you behave like that. You are far better than that, so allow the honourable minister to finish. Have you finished?

The Hon. K.J. MAHER: Thank you, Mr President, and I am glad the Hon. Terry Stephens has finished 'embarrassing' himself in his seat over there—1.7 million more hours work this month than this time a year ago. As I was saying, that growth rate is 1.6 per cent, which is nearly three times the national average growth rate of hours worked of 0.6 per cent over the last year. Despite the Hon. Terry Stephens wanting the worst for South Australia, willing the state to do poorly, we do not. On this side, we are optimistic about South Australia. We think the best of South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —and we have been going well in the last year and we want to see that continue, despite what the Hon. Terry Stephens wants for this state.

Members interjecting:

The PRESIDENT: Order! It is more than 60 million minutes! The Hon. Ms Lee, supplementary.

PUBLIC SECTOR EMPLOYMENT

The Hon. J.S. LEE (15:09): Supplementary: is the government on target in achieving the 100,000 jobs that have been promised as an election promise?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for her question. We have debated in here a lot about some of the circumstances in which we find ourselves in South Australia: the lower commodity prices, the slowdown in mining, but most importantly, her mates, the Hon. Jing Lee's mates, who deliberately chased the auto industry out of this state. I love it when she digs a big hole. Come in spinner, dig a bigger hole. You'll rue South Australia's bad decision after it being your mates—

Members interjecting:

The PRESIDENT: Order! The honourable minister, take your seat. The Hon. Mr Stephens, when you ask a question—I think you are second or third in line—you are able to get up and ask it in silence, without anyone interjecting. I think the minister has the right to answer his question with the same respect. Minister, are you still answering your question or have you finished?

The Hon. K.J. MAHER: No, I have finished.

ROAD SAFETY

The Hon. T.T. NGO (15:10): I have a question for the Minister for Road Safety. Can the minister update the chamber about the progress South Australia has made in reducing the state's road death and serious injury toll?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:11): I would like to thank the Hon. Mr Ngo for his question, as distinct from the Leader of the Opposition. This Sunday is World Day of Remembrance for Road Traffic Victims. On the third Sunday of each November, we remember the many millions of people around the world killed and injured on the roads, together with their families, friends and loved ones. I very much pay respect and homage to those people who have had their lives tragically cut short.

As members are well aware, not a week passes without us reading or hearing about a death or a serious injury on some road somewhere around our great nation. As a government here in South Australia, we recognise the impact that these unnecessary deaths and injuries have on way too many families and communities. Having said that, we have seen some positive results in respect to road deaths in South Australia during the course of this year. Of course, we are about halfway through November, so there are approximately six or seven weeks left until the end of the year, but at the moment we are ahead of last year's road toll. We have had 80 deaths in South Australia up to this point this year, including one tragically, I understand, yesterday evening, but that compares to, from memory, about 93 at the same point last year.

For a particularly important cohort, we are also on track; we have some good results. Again from memory—touch wood—last year for 16 to 19 year olds, seven people tragically died on our roads, but so far this year there has only been one person who is in that category, I am advised. That puts us on track to exceed that target as well for young families.

Earlier today, I had the opportunity to be in the RAH, where there was a program going on called the P.A.R.T.Y. Program. The P.A.R.T.Y. Program is a program where health professionals, generally speaking on volunteer time—nurses, emergency department surgeons and the like—take school students through the emergency department and also into the ICU, so that they can witness firsthand the potential consequences of their actions if they take unnecessary risks on the state's roads.

Having watched this unfold earlier today and seeing the young people who were bearing witness to the exercise, it was obvious that it was having a profound impact on them. These programs, along with a whole range of other state government initiatives, I think are starting to show some good results, but we do know that we are only a poor decision away from another tragedy on

our roads when a number of people die. We have to make sure that we remain vigilant as a government, as a parliament, towards providing improvements legislatively to make our roads safer.

Just as importantly, if not more importantly, as a community we need to make sure that we remain vigilant and conscious of sending the right messages to all South Australians about what is unacceptable behaviour on our roads, what is socially just not palatable. Those messages and the demonstrations and examples that are provided by adults are particularly important for younger people who are starting to use roads for the first time. We are coming into the end of the school year and schoolies is fast approaching. That is always a time, I am sure, that causes a degree of anxiety amongst so many loving parents.

It is a particularly important time to be getting the message out amongst young people, particularly those who are going to travel some distance to partake in schoolies festivities, that they should not take any unnecessary risks. There is no need to rush: you are a potential university student, so time is less precious than it is when you are older. So, use an opportunity to take your time, don't take unnecessary risks as you are on our roads travelling around during the festive period, and, of course, most importantly, don't take risks regarding the consumption of drugs and alcohol.

SOUTH AUSTRALIAN AMPUTEE LIMB SCHEME

The Hon. K.L. VINCENT (15:15): I seek leave to make a brief explanation before asking the minister representing the Minister for Disabilities questions regarding the provision of prosthetic limbs to new amputees, specifically the South Australian Amputee Limb Scheme (SAALS).

Leave granted.

The Hon. K.L. VINCENT: The SAALS budget is just over $2 million per annum to provide prosthetic services to the amputee population in South Australia. Clearly, this is an area that needs to receive increased funding and not cuts to services. SAALS will remain the primary funding body for prosthetic services for amputees until the National Disability Insurance Scheme is fully rolled out nationally, I understand, which, with the current rate of registration, may still be a number of years away. I understand that due to a budget overrun, currently the following demand management guidelines are operating:

- Primary shower prostheses are not being supplied;
- Primary medical activity (recreational) prostheses will not be supplied;
- Primary general purpose prostheses will only be supplied within available budget;
- Once the allocated budget for the year has been reached, requests will be declined; and
- No unmet need list will be kept at DES.

My questions to the minister are:

1. Will the minister immediately assist with budget, including topping it up if necessary, so that the prosthetic limb budget can continue to ensure amputee patients can continue to live as active members of our community?

2. Will the minister liaise with SA Health about the implications of budgetary restraint on prosthetic services to the Be Active campaign and Amputee Awareness Week?

3. Will prosthetist staffing levels be maintained throughout South Australia?

4. Can the minister give an assurance to newly amputated people that they will be provided with prostheses?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): As always, I am thankful to the Hon. Ms Vincent for her ongoing advocacy and passion towards this important area of public policy. I hope the honourable member understands that, this not being my portfolio area and instead belonging to the responsibilities of a member in the other house, I am more than happy to take that question on notice and hopefully she will be able to get you a response back as soon as possible.

NORTHERN CONNECTOR

The Hon. J.S.L. DAWKINS (15:18): I seek leave to make a brief explanation before asking the Minister for Employment questions regarding Northern Connector jobs.

Leave granted.

The Hon. J.S.L. DAWKINS: The government has announced that the Northern Connector motorway will be built from concrete. In the same announcement, however, it noted that, of the 70 workers on site currently on the project, only seven are former automotive industry workers and, further, once construction begins, of the 480 jobs annually on the project 'at least half will be filled by northern suburbs residents'. Given this, my questions to the minister are:

1. How many of the current predicted workers on this project are holders of 457 visas?

2. Why is there only a mere 10 per cent of the current workforce on the Northern Connector that have been sourced from the hundreds of former automotive industry workers?

3. Why is the government committing to only half the predicted workforce to come from the very adjacent northern suburbs?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:19): I thank the honourable member for his question and his advocacy for the northern suburbs of Adelaide. As I stated earlier, we wouldn't be here if it wasn't for your mates in Canberra closing down the auto industry. We wouldn't be here: everyone knows it, and we wouldn't be here.

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

The Hon. K.J. MAHER: I would challenge the honourable member to show us what his mob have done to have such an ambitious target to fill it with half of workers from a specific area. Only 10 per cent, he complains, are—

The Hon. J.S.L. Dawkins: How much of it is funded by your government?

The PRESIDENT: We will just wait for Mr Dawkins to finish. Have you finished? Thank you. Minister.

The Hon. K.J. MAHER: Quite frankly, the Hon. John Dawkins is a disgrace suggesting that an ambition of 50 per cent is not something we should be doing. We will commit to having the ambition of 50 per cent—I don't care what he says. If he thinks it should be less than that, that is not something we will aim for. We will look to fill it with auto workers. As he said, already it is 10 per cent of former auto workers, and I am pleased that my colleague the Minister for Transport has such an ambitious target for the people of this state and for the people of the north.

NORTHERN CONNECTOR

The Hon. J.S.L. DAWKINS (15:21): Supplementary: when will the minister concede that the great majority of people in the northern suburbs are at very close proximity to that project? The question I asked was: you are only saying 50 per cent—you are aiming for only 50 per cent. Why don't you concede that the workforce is right there next to the project?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:21): I thank the honourable member for the question. I challenge him to name anything that his mob has ever done where they have aimed for 50 per cent.

ABORIGINAL ART AND CULTURE

The Hon. J.M. GAZZOLA (15:21): My question is to the Minister for Aboriginal Affairs and Reconciliation.

Members interjecting:

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

The Hon. J.M. GAZZOLA: Can the minister advise the council about how Aboriginal art and culture is being supported in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:21): I thank the honourable member for his very important question. Art makes a huge contribution to Aboriginal communities, both in terms of economic opportunities as well as cultural legacies. Certainly, I know, from my experiences in the APY lands when I visit art centres and see firsthand the incredible work they are doing across a whole range of mediums, how they are improving the lives of people in those communities, keeping culture strong and having a recorded history.

There was a tangible sense of excitement about the future of Tarnanthi up there. You could sense that something big was about to happen, and all the art centres were getting ready, which is why I am so pleased about the support BHP Billiton is providing to the Tarnanthi Festival. The $17.5 million that BHP Billiton is providing will allow this festival to grow and continue from the huge success it was last year.

Right from the very start, we had the opening ceremony with Kaurna elder Uncle Stevie Goldsmith leading former prime minister Paul Keating dancing to the stage to formally open the festival. Some truly remarkable events took place during that festival, like the Kulata Tjuta spear installation, where senior men created spears for a sound and light installation on the lawns of Government House. You could literally feel the vibrations through the ground as the senior men danced around the spears. I know that particular project brought together very senior men from art centres and other places right across the APY lands to get ready for that project, which was quite simply like nothing they have ever done before.

As part of Tarnanthi last year, the art fair at Tandanya, I reckon, hosted more than 5,000 visitors and sold out, creating almost half a million dollars in sales from that one art fair. I was told that many visitors had never seen so many collectives and art centres come together for one event as that arts fair. There were art centres represented from literally right across Australia—WA, NT, I think Victoria and Tasmania, Queensland, and certainly our own art centres, particularly in the APY lands. The six art centres across the APY lands are recognised as some of the finest right across Australia, and certainly the Ernabella Arts centre, established in the 1940s, is the oldest continuing arts centre anywhere in this country, I believe. Much of the sales generated go directly back into those Aboriginal communities which were represented at that art fair last year.

I am very pleased that the future of Tarnanthi is a bright one. I am told that we will see five 10-day festivals in October each year from 2017-21: three major exhibitions in the odd years and two smaller exhibitions in the even years at the art gallery. As I have outlined, it is very pleasing how successful the return of the art fair was last year, with the city alive with exhibitions in locations all over the city. Something that stood out to me at last year's Tarnanthi event, was the diversity of exhibitions and exhibition spaces right across Adelaide.

Once again, I am sure that Tarnanthi will have the absolute best in Indigenous art from right around the nation and, importantly, will also attract tourists and artists from right around the nation and, I am sure, internationally as well. I am advised that last year there were more than 311,000 people who attended events: 25 per cent of these were visiting from interstate and 2 per cent came from overseas, which I am sure will grow as this event is built on year upon year.

I would like to take this opportunity to thank the principal sponsor, BHP Billiton, for their support for the first Tarnanthi festival and for their ongoing support, which will make the continuation of the Tarnanthi festival possible. Of course, the Art Gallery of South Australia will once again play the role of major host for the exhibition, and I pay tribute to the art gallery, their leadership and their whole team for their support for this festival. I am sure that Tarnanthi will go from strength to strength.

This festival, which I think someone said is the largest of its kind, at least in the Southern Hemisphere—and I have heard no-one dispute that fact, so it stands without being disputed—will continue to grow. I am sure, as we come to the lead-up to the next Tarnanthi festival, I will with great pleasure inform the chamber of what lays ahead.

The PRESIDENT: Minister, when you are debating with somebody on the other side of the chamber, choose your words wisely. Very often people are passionate about what they are saying and to call them a disgrace for just showing their passion can be offensive on occasions to them.

Bills

STATUTES AMENDMENT (BUDGET 2016) BILL

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Emp–1]—

Page 6, line 8 [clause 2(2)]—After 'Part 5,' insert 'Part 8,'

This amendment relates to the introduction of the $1 levy on all metropolitan point-to-point transport journeys and seeks to amend the commencement of the $1 levy to a date to be set by proclamation.

The Hon. R.I. LUCAS: This is a bit of a dog's breakfast, at the moment, but let us work our way through it. I have a general question which was canvassed in the second reading in relation to the total collections from the transport levy or the taxi levy, or however it is referred to. The issue was raised by a number of members in the second reading. Is the government or any of its advisers in a position to outline what is currently in the forward estimates and be more specific in terms of the Hon. Mr Parnell's amendment, which comes later (and we will be able to address the detail of that later), in relation to the overall collections for the levy; that is, that the compensation is to be used for only a certain component of the total collections over the ten-year period?

Uber has raised the issue that a total sum of up to $80 million might be collected, of which, from recollection, $30 million or $40 million was going to be used for compensation for taxi owners and others. During the briefing that I had, which seems months ago now, I was advised that the minister was going to use the remainder of the money for good purposes. That might not have been the exact phrase that was used but, in essence, the minister would have discretion as to where that money would be used. I want to clarify what is currently in the forward estimates in terms of both collections and expenditure. More particularly, what is the government's current position, as we look to pass the bill today, in terms of whatever that lump of money is in excess of compensation, with regard to the purpose for which it will be used?

The Hon. K.J. MAHER: I thank the member for his question. What I have been advised is that over the forward estimates, over the four years, it is expected that the levy will raise $8 million a year. What I am also advised is that the operating expenses are estimated in the first year to be just over $20.5 million, just under $19.5 million in the second year, $2.13 million in the third year, and $2.185 million over the fourth year.

The honourable member also asks over the life of the collection of this levy, as I think he phrased it, what good purposes will any additional revenue in addition to the industry assistance package be used for? I am advised that some of that access will be used for things such as to reduce the annual fees for all passenger transport services and any impacts from introducing a lifting fee for people with disabilities who use a wheelchair and travel in a wheelchair accessible taxi. The levy will also be used to fund additional compliance and enforcement resources, with any further surplus funds to be directed to adopting new South Australian Transport Subsidy Scheme technology.

The Hon. R.I. LUCAS: Can I ask the minister to take on advice: are there provisions within this legislation that govern how that money will be spent? That is, for those examples that he has given.

The Hon. K.J. Maher: The additional revenue?

The Hon. R.I. LUCAS: Yes, the additional. Is it restricted by this legislation, or is it entirely unrestricted and that is just a decision of the government of the day?

The Hon. K.J. MAHER: I can inform the honourable member that it is not restricted by this legislation, but I have given you the areas that it is anticipated to be spent in.

The Hon. R.I. LUCAS: Just to nail this down completely: it is not restricted by any other legislation either? What the minister has put on the record is, in essence, if the government was re-elected in four years' time and the compensation had all been paid out and the money was still being collected, it would be the current government's intention to spend the money on the sort of purposes that he has outlined. A new government could make different decisions, should it so choose.

The Hon. K.J. MAHER: I am advised that in essence, yes, that is correct.

The Hon. M.C. PARNELL: In relation to the actual amendment, effectively, my recollection is that the levy was originally going to be collected, I think, from 1 July, then it became 1 October, now it is by a date to be fixed by proclamation. So, my question is: if this bill perchance were to pass the parliament today, what is the expected date for the levy to start being collected?

The Hon. K.J. MAHER: I am advised that it would be as soon as possible but after consultation with the industry in terms of the metering ability to collect these levies and so forth, which will need to be consulted with the industry. It will be as soon as possible but with consultation to make sure it will work properly.

The Hon. M.C. PARNELL: I might just pursue this line of questioning here, because it does not fit as neatly into other areas of the bill. I thank the minister for his answer, because what I have heard from taxi drivers is that implementation will be difficult and that no assistance has been provided. I guess one case is where there is a meter; we would like to think that is always used but perhaps it is not always, but there is a meter. You have a different situation with Uber, and another situation again with licensed chauffeured vehicles.

Can the minister provide any information about whether the consultation with the people expected to pay this tax will include any negotiations around assistance that will be provided, whether that be technical assistance or financial assistance? In other words, what help is the government going to give those who are to be subjected to this tax to help them administer, collect and then forward that tax to the government?

The Hon. K.J. MAHER: As I said, there will be consultation with those who will need to collect it, and the department will be open to discussing with operators if there are expenses they have incurred in transitioning to that.

The Hon. M.C. PARNELL: I thank the minister for the answer and for his commitment to consult and for the government to consider how it might help industry. At a more general level, I just ask what thought has been given to methods of collection? Will it be a monthly process? Will people who conduct these services be required to lodge some sort of a return online? What is the actual mechanism that the government has in mind?

The Hon. K.J. MAHER: I have been advised that on the number of trips, quarterly in arrears.

The Hon. M.C. PARNELL: I might just ask one other question; I am not sure it fits into another clause so I will ask it now. I think one of the most exciting aspects of Uber, and various other computer-based online booking services, is that the concept that simple point-to-point transport is disrupted. My understanding of some of the Uber share-type arrangements that operate in other places is that someone might be going from point A to point B but, as part of the process, they deviate to point C and collect someone else and then they deviate to point D and collect someone else.

By the time the eight-seat van, for example, arrives at the theatre, casino, pub or whatever there might be seven passengers on board, all of whom have had a different point-to-point trip. Are each of those passengers who hop on the van obliged to pay $1 or is the trip regarded as a single point-to-point trip A to B, and all those intermediate points do not count? In other words, would it be a $1 levy or a $7 levy?

The Hon. K.J. MAHER: I have initial advice, but I might take that on notice to just clarify it. My initial advice is that if it is one point-to-point trip, that counts as the one trip. I am glad that the Hon. Mark Parnell is down with the hip kids and is considering all the disruptive ways this technology is being used—and it is not just Uber, there are a lot of ride-share services around the world. I think

it is increasingly going to be car sharing as we move to hydrogen/electric cars, particularly in inner metropolitan areas.

My understanding is that if it is one point-to-point, even if there are offshoots along the way, that is one trip. However, rather than saying definitively that that is it, I will take that on notice and come back with a full answer for the honourable member.

The Hon. M.C. PARNELL: I thank the minister for that answer. Certainly, it is just not within the realm of the new online booking services. Taxis, for some time, I think, have had the ability to take multiple passengers and to split the fare. They might drop people off at different points along the way. It will not be exactly the same point-to-point trip that each of those people take. They will all start somewhere and they will all finish somewhere but the starts and finishes could be different. It could effectively be one transaction. If the minister can take that on notice, that would be good.

The CHAIR: This will be a suggestion from the Legislative Council. I put the question: that it be a suggestion to the House of Assembly to amend clause 2 by inserting part 8 at line 8.

The Hon. M.C. PARNELL: Mr Chairman, I am always keen to learn parliamentary procedures. If we were dealing with a direct money clause, I can see why that would be necessary. I am just curious why the commencement clause is such that this council cannot just approve the amendment, unless the answer is that what we are doing is changing the period over which money might be collected. I might be answering my own question, but it seems odd that that is how it works.

The CHAIR: It deals with taxation. Much smarter people than you and I are pulling the strings on this one.

Suggested amendment carried.

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

Amendment No 1 [Broke–2]—

Page 6, after line 10—After subsection (3) insert:

(3a) Part 7A will come into operation 6 months after the day on which this Act is assented to by the Governor.

With your concurrence, sir, I will give an overview to the house on the whole set of amendments because amendment No. 1 [Brokenshire-2] is procedural. It says that part 7A will come into operation six months after the day on which this act is assented to by the Governor. I apologise to the house for the late notice. I thank parliamentary counsel for their expediency and I thank our staff.

Yesterday, I introduced a bill that, based on advice I had received, would not affect taxation at all but would merely affect who collects the taxation—and I am glad that the NRM levy is now acknowledged as a tax and not a levy. Notwithstanding that, I accepted wise counsel from the President regarding my bill yesterday. I sought more advice today. I apologise for the lateness but I only had a chance to work this out over lunchtime. I am advised that I can move this amendment in the budget bill.

Without going through all the detail of the second reading speech I made yesterday, I will summarise it to the house. If the house wants to report progress and duly consider this over the next week before we sit again, I accept that. I think that that would be a fair and reasonable outcome at this point in time because of my lateness. The Local Government Association on behalf of councils across South Australia in the metropolitan area have made representation publicly on these matters.

I have also had constituents make representations, as I am sure have my other colleagues, particularly now with the absolutely exorbitant increases in the natural resources management levy (or tax). There is also the fact that the state government have decided to take approximately $6 million, which was otherwise in the capable hands of the NRM boards, back to Treasury. They also took another 300 full-time equivalent positions, which were transferred from independent natural resources management boards to the Department for Environment, Water and Natural Resources, at corporate service charges of about $22,000 per FTE. That adds up to about another $6 million, so around $12 million has come out. On top of that, there have been other cost pressures, sometimes up to 150 per cent increases, in certain NRM boards.

This does give the chamber a chance to consider and deliberate on this amendment, which does not affect one dollar when it comes to the overall money that the government want from the NRM. But, it clearly slates the fact that this NRM levy is a government levy (or tax) which goes back to the state government. I cannot be anymore open and honest than that. Councils are now saying that if governments want to bring in new taxes, then governments should collect their taxes. Governments should then be in a position where they either receive accolades or brickbats for their new tax, depending on what the constituents of South Australia think.

This is about transparency. I am advised that this is the best way for me to be able to put this amendment to the Legislative Council. With those words, I not only move the amendment, but commend the amendment to the house. As I said, if progress needs to be reported, then I am clearly accepting of that. It could be dealt with in the next sitting week without having any impact on the government being able to write out their cheques in the meantime.

The Hon. K.J. MAHER: I note the amendments that were sprung on us by the Hon. Robert Brokenshire. We do not think progress needs to be reported. The NRM levy is being collected, as it currently is for quite some time, and the government just does not see a need to change that.

The Hon. R.I. LUCAS: The Hon. Mr Brokenshire is full of surprises, as always. He lobs into this chamber in the middle of the debate, plonks a significant policy issue on the table and asks for a response. He does have his plan B, which is, 'Well, let's delay the whole budget bill for a couple of weeks, and—'

The Hon. K.J. Maher: He's waiting to see his options.

The Hon. R.I. LUCAS: Yes; by that time, he might have been off to the Senate by then and he will leave us with a mess to clean up.

The Hon. R.L. Brokenshire: I will still write the cheques out.

The Hon. R.I. LUCAS: This is and has been an ongoing debate for a number of years. As the honourable member will know, the issue of the old levies—the plant levies and others that were amalgamated into the NRM levy—were the original precursors or forerunners to the NRM levy. There is undoubtedly angst in the community at the way this government has tackled and, I think many in the regional community would say abused, the extent of NRM levies.

My colleagues are more eloquent in the area than I can be because it is their area rather than mine, but if I can be frank, I think some NRM boards have been extravagant in their expenditure. I do not absolve all responsibility away from some NRM boards. Some have been very good and acidulous, meticulous in terms of how they have spend their resources. But, I can think of one in particular, not too far from here, that in my view has been excessive in terms of its expenditure. Put aside that issue, because that is not really the issue of the debate here.

The issue the Hon. Mr Brokenshire has raised is one that has been canvassed for a number of years; that is: should local government continue, as it always has since the establishment of these arrangements, to collect the levy, or should it be done by the state government? On behalf of my party, I will not be supporting the amendment for two reasons. One is it has just been plonked on the table in the middle of the debate and there has been no discussion or debate about it, or even any forewarning that this was to occur.

The Hon. R.L. BROKENSHIRE: I only found out yesterday when I—

The Hon. R.I. LUCAS: Yes, sure; I understand that. The second reason, and I can only speak personally because I have not had a chance to canvass even my colleagues in this chamber let alone the joint party room, but certainly my strong personal view has been that the current arrangement should continue. If and when we come to another debate about this particular issue, whether it be as a party in opposition or as a party in government hopefully after 2018, that would remain my personal view. In essence, I think the time for that debate will be when we have all been well prepared for it, and we can come armed with our arguments for and against it in the parliament or in the community generally.

Certainly, when asked about this issue by representatives of local government or regional communities, I have expressed the view as shadow treasurer that I do not propose to change the

arrangements. That has not been our particular position and it is certainly not a policy position that our party room has adopted at any stage that I can think of. Whilst I know it has been raised by some, it is never been a policy position that our party room has adopted. For those reasons, I will not be supporting the amendment and I would not propose on the basis of this to report progress to consider this particular issue.

The Hon. M.C. PARNELL: I have a lot of sympathy for the Hon. Rob Brokenshire's predicament, having had a bill before parliament deemed inappropriate and not able to progress. I understand that he has taken the opportunity to raise the same issue in another bill that just happened to be before us. What excites me about the honourable member's amendment is that—the note that I have made to myself is that next year, when the budget comes around and a budget measures bill is introduced that amends 13 separate acts of parliament, if I do not think the budget has done everything I want it to and I can find a different act of parliament not mentioned in the government's budget measures bill but nevertheless is one where I think some reform might be needed, I am very grateful to the honourable member for establishing the precedent that that is what we can now do with government budget measures bills.

I will be looking forward to perhaps using the precedent that the honourable member has created with his amendments to this bill being accepted, because I think it is going to be important for us, in representing South Australians, to make sure that we get the best possible budget that we can and that all relevant matters are considered. Notwithstanding that, for the very same reasons that the Hon. Rob Lucas gave, I am not able to support the actual amendments at this stage. We will see whether there is some other way that these issues can be brought to a debate. So, good try to the Hon. Rob Brokenshire but no cigar today, but thank you for setting the precedent.

The Hon. J.A. DARLEY: I am sympathetic to the Brokenshire amendment mainly because if the government of the day had given any thought to this situation when the natural resource management levy came in, they would have automatically attached it to the emergency services levy, which is taxing exactly the same properties.

The CHAIR: We have heard the contributions. I am going to put the question, but this amendment is a test for all the other amendments; do we agree on that?

The Hon. R.L. BROKENSHIRE: Yes, sir, for expediency. I can count.

Suggested amendment negatived.

The Hon. K.J. MAHER: I move:

Amendment No 2 [Emp–1]—

Page 6, line 11 [clause 2(4)]—Delete subclause (4)

This amendment is in relation to the first amendment that I moved earlier and is consequential.

Suggested amendment carried; clause as suggested to be amended passed.

Clauses 3 to 7 passed.

Clause 8.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Employment–3]—

Page 7, lines 21 to 25 [clause 8(2)]—Delete subclause (2)

This amendment relates to the introduction of the new limited major betting operations licence class contained in this bill. 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 the limited licence has substantial business assets and infrastructure located in South Australia. This amendment will remove that requirement. This will reduce the compliance burden obligations placed on betting operators who may want to take up a proposed limited licence.

The Hon. R.I. LUCAS: I just need to seek further detail in relation to this particular issue. This amendment has been moved subsequent to briefings that I had with the government outlining their position and subsequent passage in the House of Assembly. I am told that it has been as a result of lobbying by some of the sports betting companies. Can the minister outline what meetings have been held between the government or Treasury officers and sports betting companies that have prompted this particular amendment?

The bill as it was drafted, and as I was briefed, made it quite clear that the minister was going to have to, in essence, say that the minimum requirement is that you have substantial business assets and infrastructure located in South Australia. I am assuming that someone has come along and said, 'Hey, we either don't comply or will not comply with that, but we still want to be approved.' What is it that has changed, where the government is no longer going to insist on it?

The suggestion which the minister has just read out is that this will reduce the compliance burden. That clearly says nothing. Yes, it does reduce the compliance burden, but the government, in the advice I was given, was going to insist on this but has now decided not to. I am told, or I understand, that it is as a result of lobbying by some sports betting companies. What is the background and the true reason for the removal of this requirement?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that, after substantial stakeholder consultation, the government no longer thinks that this is required to meet the aims of this scheme.

The Hon. R.I. LUCAS: Is it correct that some operators have said that they would not or could not comply with the draft requirements, or the bill requirements, of substantial business assets and infrastructure being located in South Australia?

The Hon. K.J. MAHER: The advice I have on that very specific question is that they are not aware of that having been said, but I am happy to make sure that Treasury officials provide any further advice on that for the honourable member.

The Hon. R.I. LUCAS: I am happy to receive it on notice, but one can only assume that the logical or rational explanation for the removal of this requirement is that somebody has told the minister and/or the government that they either do not or will not comply with this particular requirement, otherwise the requirement that was there would have just continued. I am happy to accept the minister's assurance that he will provide advice on that, and that is specifically, as I said: have some companies advised that they do not and will not comply with that particular original requirement and that that is the reason why it has had to be removed?

My question then is: is it possible that the minister will approve a sports betting company with, in essence, virtually no infrastructure or business assets in South Australia? That is, the requirement for substantial business assets and infrastructure has been removed, but there is no new requirement in there. So, in essence, it would appear that the minister has the flexibility to approve any company, essentially, which has either no or virtually no business assets or infrastructure in South Australia as a qualifier for this particular licence.

The Hon. K.J. MAHER: As you have outlined, that is correct.

The Hon. R.I. LUCAS: The government's position is that that is not of concern to them, obviously, that is, that the position of having operators with these licences not being located in South Australia is of no policy or practical concern to the government?

The Hon. K.J. MAHER: I am informed that, in terms of the regulation and the costs of regulating these that we have cost recovery provisions for any licenced operators, and we can recover costs of the regulatory regime for them.

The Hon. R.I. LUCAS: I think this is the appropriate section to ask the question. I stand to be corrected, as so many of these betting companies have similar names, but I think it was Sportsbet that went public and announced—and they certainly met with me and told me they were going to do this and then they did announce publicly—that a $20 million data centre that they were going to establish here in South Australia, with the associated number of direct and indirect jobs connected with that, as a result of this legislation would not proceed. Can the minister confirm whether

government advisers met with that particular company, and is it correct that this data centre that had been discussed with the government is no longer proceeding?

The Hon. K.J. MAHER: My advice is that we are not aware of a meeting that that particular agency had with government representatives where they put that scenario to the government, but the government became aware of their view through a media release.

The Hon. R.I. LUCAS: In relation to the whole notion of this place of consumption wagering tax, the government has answered some of the questions I put at the second reading, but as we debate this today are the government advisers aware of whether any other jurisdiction in Australia is currently actively considering the implementation of a similar place of consumption wagering tax?

The Hon. K.J. MAHER: I am advised that the regime that we are doing in South Australia has been raised with a number of other jurisdictions around Australia, but whether they are actively contemplating it or not, I cannot speak for a cabinet or a government.

The Hon. R.I. LUCAS: I will take it from that that at this stage you are not aware that any other government is actively considering its implementation. When I met with a number of the sports betting companies, who are obviously implacably opposed to the government's proposed arrangements, a number of them raised what their response would be. One was that they would not proceed with a $20 million data centre with associated jobs. Clearly that threat has been followed through and they are not doing it.

The threat of a number of companies, in terms of their response to this, was that they would do one of two things: some of them may well not accept bets from South Australian located customers, and the second option a number of the companies indicated was that they would reduce the extent of the payout on a sports bet to the extent of the tax. That is, South Australian punters would get a lower return than punters in other parts of Australia. Are the government advisers aware of whether any of the companies are pursuing or are continuing to threaten either of those two options in terms of the ramifications of this legislation for South Australian punters?

The Hon. K.J. MAHER: I thank the honourable member for his question. We are aware of statements that some companies have made; we are not aware of any companies taking any action to follow through with such suggestions.

Suggested amendment carried; clause as suggested to be amended passed.

Clauses 9 to 34 passed.

Clause 35.

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

Amendment No 1 [Broke–1]—

Page 13, after line 39—After inserted section 40D insert:

40DA—Payments to Fund

(1) Subject to this section, the Commissioner of State Taxation must pay, out of the taxation revenue collected under this Division during each financial year, an amount of $500,000 into the *Gamblers Rehabilitation Fund* established under the *Gaming Machines Act 1992* (the *Fund*).

(2) The amount required to be paid into the Fund in respect of taxation revenue collected during a particular financial year is, on or after 1 January 2018, to be adjusted on 1 January of each year by multiplying the amount that would be required to be paid in accordance with subsection (1) by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2016, on the basis that the quotient used for the purposes of the adjustment will be calculated to 2 decimal places and that the amount obtained from the adjustment will be rounded to the nearest dollar.

(3) Regulations made under section 40G(1)(i) may require the Commissioner of State Taxation to pay amounts into the Fund in addition to the amounts required under this section.

(4) If in any financial year the revenue collected under this Division is insufficient to make the payment required by this section, the Commissioner of State Taxation is relieved of the obligation to make the payment under this section to the extent of the insufficiency.

(5) Amounts paid into the Fund under this section may be applied and dealt with as if they had been paid into the Fund under the *Gaming Machines Act 1992*.

(6) In this section—

CPI means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics.

I will just give a brief outline to this. Family First commend the government—as we often do—for their initiative in trying to get some taxation that otherwise would not have been available to the state. Several million dollars is the estimation from Treasury, and out of that the government have agreed that through the Gamblers Rehabilitation Fund they will receive $500,000 each financial year from a share of the moneys generated from the new gambling tax.

To simplify it, I have been on the record as saying I thought that while $500,000 is better than nothing, it is still measly really when you consider that the AHA (SA) and NGOs put a lot more money into problem gambling and gambling rehabilitation and counselling than the government. I would like to see the government get off of the gambling problem that they have with taxation, mainly driven through Treasury, I am sure, and realise the impacts and the damage caused to not only the direct percentage of people who become addicted to gambling, but their families and loved ones.

However, as I say, $500,000 of additional funding is better than nothing, so for that I give an accolade. What we do not want to do in time is see this slip back, and so this amendment simply says that it be adjusted according to CPI each year. CPI at the moment for Adelaide is not that high, I think it is less than 2 per cent, but there will be times when it will be considerably higher and that is when, in real terms, you lose opportunities of the original intent of the sharing of this income for government.

I also have a further clause there that does protect the government, and of course I am very keen to always protect the Commissioner of State Taxation. If there are any years where there is less than $500,000 then we cover the fact that the commission is only obliged to pay whatever they do raise, up to and including the $500,000. The key point of this is simply to cover it with CPI. I would hope the goodwill of the government is there and that they will support this amendment. I commend it to the house.

The Hon. K.J. MAHER: I can advise that the government supports this amendment. Simply legislating the new contribution amount by betting operators will give greater assurance to the office of problem gambling that administers this fund.

The Hon. M.C. PARNELL: As I understand it, the difference between the Brokenshire amendment and the Darley amendment is that the Brokenshire amendment is $500,000 CPI adjusted, and the Darley amendment is 5 per cent. My question is, maybe of the mover of the motion, are they roughly the same amounts that we are talking about?

The Hon. R.L. BROKENSHIRE: The short answer is that the Hon. Mr Darley's amendment would actually be a larger amount. He has gone for the large cake, and I can understand why and I support him with that, but sometimes in this place it is clear that it is about the art of being able to get a compromise.

The Hon. M.C. PARNELL: I thank the honourable member for his response, because the Greens' position was to support the greater of the two amounts. The minister said he is supporting the Brokenshire amendment. Can the minister give any indication that if that was unsuccessful that he would support the Darley amendment?

The Hon. K.J. MAHER: The government's position is that if the Brokenshire amendment is not successful, we will not be supporting the Darley amendment. I think, as the Hon. Rob Brokenshire points out, sometimes it is the art of the possible in this place to make sure that results are near to what we like.

The Hon. M.C. PARNELL: I will be supporting the Brokenshire amendment.

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

Amendment No 1 [Darley–1]—

Page 13, after line 39—After inserted section 40D insert:

40DA—Payments to Fund

(1) The Commissioner of State Taxation must pay 5% of the taxation revenue collected under this Division during each financial year (or such greater percentage as may be prescribed by regulations made under section 40G(1)(i)) into the Gamblers Rehabilitation Fund established under the *Gaming Machines Act 1992* (the Fund).

(2) Amounts paid into the Fund under this section may be applied and dealt with as if they had been paid into the Fund under the *Gaming Machines Act 1992*.

This amendment will allocate 5 per cent of the tax revenue collected through the place of origin of betting operations, to go towards the Gamblers Rehabilitation Fund. It is different from the Hon. Robert Brokenshire's amendment, which is suggesting that $500,000 be placed into the fund and then indexed at CPI each year. The government has projected that this tax will raise approximately $10 million in the first year of operation. They have undertaken to commit $500,000 from the tax alone to the GRF, which is equivalent to 5 per cent. If this taxation revenue increases, it is only fair that the amount that goes to problem gamblers is also increased.

Similarly, if taxation revenue decreases, the amount that is allocated to the GRF will decrease. Although this will result in less moneys going to the GRF, I am not unrealistically greedy and am only asking for a very small proportion of the tax revenue to go towards the GRF. I understand the government's argument is that there is no precedent for placing into legislation how much money will be allocated to the GRF. However, as I pointed out in my second reading speech, the method of determining current contributions to the GRF is unknown. I ask again: how are contributions to the GRF determined, whether from the government, Casino or hotel sectors?

In the 2013-14 financial year, only 1.5 per cent of total gambling taxation revenue was committed to the GRF. If the government continues to contribute 1.5 per cent of the total gambling taxation revenue to the GRF, but added the proposed $500,000, the government would still only be committing 1.58 per cent of the total gambling revenue to the GRF in the 2017-18 financial year, and this is not enough. Whilst $500,000 is a good start, the amount going to the Gamblers Rehabilitation Fund is clearly not enough, as the government not only reduced funding to the Statewide Gambling Therapy Service, but has also awarded the delivery of the service to a private company.

The Statewide Gambling Therapy Service is one of the government's most successful gambling therapy programs, yet it is earmarked to close in December. If funding to the GRF were increased, we may be able to see this service continue to operate and assist problem gamblers.

The Hon. R.I. LUCAS: Consistent with the position that we outlined in the second reading, if the government is prepared to support the Brokenshire amendment we will support that and not the amendment being moved by the Hon. Mr Darley.

The Hon. R.L. Brokenshire's suggested amendment carried.

The ACTING CHAIR (Hon. J.S.L. Dawkins): We now do not proceed with the Hon. Mr Darley's amendment.

Clause as suggested to be amended passed.

Clauses 36 to 64 passed.

New clause 64A.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Emp–2]—

Page 22, after line 17—Insert:

64A—Amendment of section 2—Interpretation

Section 2(1)—before the definition of *business of primary production* insert:

association includes—

(a) a group consisting of 2 or more persons (whether or not incorporated); and

(b) any person, or group of persons, holding land on trust (whether or not incorporated);

These amendments insert a definition of 'association' into the Land Tax Act 1936. The insertion of this definition will ensure that, where a trustee holds land on behalf of any association that is eligible for a land tax exemption under section 4 of the act, the trustee will qualify for that land tax exemption. The amendments reflect feedback included in the Hon. Robert Lucas's second reading speech.

The Hon. R.I. LUCAS: I support the amendment and thank the government, in particular the RevenueSA officers, who, consistent with last year's practice when they received advice from tax lawyers experienced in the field, did reflect on those further submissions and moved some amendments to the government's legislation. This is an example where, having received the views expressed by the eminent tax lawyer, they have moved this particular provision. I am pleased to support it.

Suggested new clause inserted.

Clause 65.

The Hon. K.J. MAHER: I move:

Amendment No 2 [Emp–2]—

Page 22, lines 19 and 20 [clause 65(1)]—Delete subclause (1)

Amendment No 3 [Emp–2]—

Page 22, line 22 [clause 65(2), inserted subparagraph (i)]—Delete ', or that is owned on behalf of a trust,'

Amendment No 4 [Emp–2]—

Page 22, line 27 [clause 65(2), inserted subparagraph (ii)]—Delete ', or that is owned on behalf of a trust,'

I propose that amendments Nos 2, 3 and 4 standing in my name are consequential on the first amendment that has been moved.

The Hon. R.I. LUCAS: The government advised in the second reading that they responded to some of the details raised by the tax lawyer that I put on the record in the second reading. In relation to comments and concerns raised about clause 65(2), I provided RevenueSA's response to the government's response to the initial concerns. I have received further advice from the tax lawyer and I want to place those comments on the record before we conclude debate on clause 65(2). Those comments are as follows:

2. The intention may be to expand the exemption to commercial land of certain sporting and racing bodies, but it does so by introducing limitations that do not currently exist. In particular, the exclusion of vacant land as previously highlighted could have unintended consequences.

3. No basis for the assertion that the proposed amendments will not limit any existing rights or impact on clubs, establishing themselves is provided. This is an annual tax and it is generally to be applied as at 30 June in each year based on the existing facts. As previously highlighted:

3.1 a newly formed association holding land for development and use of their association but as yet undeveloped may not satisfy this requirement at one or more taxing points;

3.2 the exclusion for vacant land may also impact adversely on the poorest or simplest of cricket and other sporting clubs that have the most basic facilities; and

3.3 land that is below a floating marina moored to adjoining land may not constitute vacant land.

4. As the primary concern in the foregoing is with the 'vacant land' that is actually used or about to be used or in the course of development for use, I would suggest the exclusion for vacant land be so qualified by expressed words. This simply addresses the issue.

I do not seek any detailed response from the government's advisers unless there is a tax expert sitting amongst the assembled multitude of advisers. I assume there is not, but I place on the record the ongoing concern of this particular tax lawyer.

Suggested amendments carried; clause as suggested to be amended passed.

Clause 66.

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

Amendment No 2 [Darley–1]—

Page 24, after line 10 [clause 66(1)]—After inserted paragraph (ad)(iv) insert:

(ae) land may be wholly exempted from land tax if—

(i) the land is owned by a natural person (whether or not he or she is the sole owner of the land); and

(ii) the buildings on the land have a predominantly residential character; and

(iii) no part of the land is used for a business or commercial purpose; and

(iv) the Commissioner is satisfied that the person has temporarily ceased to occupy the land as his or her principal place of residence because the person is working elsewhere; and

(v) the person is not receiving an exemption from land tax under another provision of this subsection in relation to other land that constitutes the person's principal place of residence;

Amendment No 3 [Darley–1]—

Page 24, after line 42—After subsection (2) insert:

(3) Section 5—after subsection (12) insert:

(12aa) An exemption granted under subsection (10)(ae) will remain in force for a maximum period of 12 months only but may be applied for again at the end of that period.

These amendments are paired, so I will speak to both of them together. My amendment provides a 12-month exemption for a person's principal place of residence in the circumstances where they are not able to live there because they have to live elsewhere for work. The most obvious example of people who would be caught up with this are fly-in fly-out workers, who are required to be away from their home and live elsewhere for extended periods of time.

For example, a FIFO worker owns a property in Woodville but works at Roxby Downs. They are on a rotating roster of three weeks on and then one week off. While they are at Roxby they live on site with a small suitcase of possessions, such as their clothes and laptop. Notwithstanding the fact that the vast majority of their personal possessions are at their Woodville property and that they consider Woodville to be their home, RevenueSA may determine that, because they principally shower, eat and cook at Roxby, they are liable to pay land tax on the Woodville property. A member of the Armed Forces may find themselves in similar circumstances.

This is an unfair situation and can be a cause of great financial stress. My amendment would allow someone in this situation to be eligible for an exemption, provided they are not earning any income from the property. This could be checked by way of rental and rental bonds being automatically advised to the Commissioner of State Taxation by the commissioner for business affairs. The exemption will be valid for 12 months; however, there is provision for this to be renewed in following years if circumstances are still the same.

The Hon. K.J. MAHER: I thank the honourable member for his explanation of his amendment; however, the government does not support the amendment. It is considered appropriate that a residential property becomes liable for land tax where it is not used as a principal place of residence. Owners who relocate for work have the option of renting out their former principal place of residence when they are not living in it and, if they do spend any time in the city where their former principal place of residence is located, looking for other options that may be cheaper than what they can derive from the rental income.

The Hon. R.I. LUCAS: For the reasons we have outlined in the second reading we will not be supporting this amendment. However, I do have a question to put to the government, and I appreciate that they may need to take it on notice. Should a change along the lines of the

Hon. Mr Darley's be approved, what would be the annual cost to revenue? Has that been calculated? If it has not, is the government prepared to take that on notice and provide advice?

The Hon. K.J. MAHER: I am advised, via slight shakes or nods of the head, that we do not have that information available but that we are prepared to take it on notice and provide what we can as an answer.

Suggested amendments negatived.

The Hon. R.I. LUCAS: The tax lawyer had raised some questions in relation to clause 66, and some specific questions on whether the word 'repairs' would also be included in proposed section 5(10)(ad), as well as some other specific questions. There was a response provided by RevenueSA to those. I just place on the record the tax lawyer's further comment on this. I am happy for the government to take it on notice and, if there is any further response by way of letter, I would be pleased to receive it. The tax lawyer says:

> 5. The submission previously suggested (based on some authorities) there was some doubt about whether renovation and rebuilding covered repairs and demolition and reconstruction. Whilst the Government is of the view they are covered, is there any reason why any doubt cannot be removed by express provisions addressing such concepts?

As I said, I am happy for that to be taken on notice.

The Hon. K.J. MAHER: I can indicate that we are happy to take that on notice.

Clause passed.

Clauses 67 to 77 passed.

Clause 78.

The Hon. M.C. PARNELL: I have more questions in relation to the point-to-point levy. I asked a few before but some are more directly relevant to this part of the bill, so I will ask those questions first and then move my amendment. I asked a question before, which the minister agreed to take on notice, in relation to what might more strictly be called ride sharing. I have taken the opportunity to reacquaint myself with the fine detail of the bill.

Clause 80 inserts schedule 2, which deals with the point-to-point transport service transaction levy. That makes clear that the levy is $1 per point-to-point transport service transaction. It makes it pretty clear that, if somebody rings up for a taxi or they get their phone out for an Uber, it does not matter how many passengers they have: they pay $1. That seems pretty straightforward.

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: Yes, same origin, same destination, one booking—you pay $1. The bill also deals with the situation, as has often happened at this place when the parliament sits late at night, where one person books the taxi and drops off colleagues on the way home. That is clearly covered as well because clause 80, new schedule 2, section 3(2) provides:

> The taking of a booking for a point to point transport service to transport more than 1 passenger in a vehicle, or that results in the passengers being transported to different destinations, is to be taken to be 1 point to point transport service transaction.

What is not clear from the drafting is the situation that, I understand, is more common with an Uber ride sharing, where there are multiple pick-up points. It is not about people being transported to different destinations. They might all be going to the same destination. They are all going to the pub, the Casino or the concert but the booking system allows them to be collected from different locations. In other words, the pick-up points can be different, rather than the destination point.

My rough interpretation is that those people would be caught. The eight-seater van picking up eight people from eight different locations and dropping them all at one destination would result in an $8 tax on that ride. I know the government has taken it on notice and I am not going to pursue it at great length now, but it seems to me that that is possibly an oversight in the legislation.

I think what they have in mind is the situation I mentioned before where the van might pick up eight people from Parliament House and drop them at eight different destinations. That is one transaction. However, if it picks them up from eight different houses and takes them to one

destination, that is $8. If it can be answered now, that is great. If it cannot, I ask the minister to take it on notice, but I point out that we may need to come back and fix that up. If the minister has any further observations on it, I will hear those now. Otherwise, I will move on.

The Hon. K.J. MAHER: I am happy to take that on notice, but I want to be clear what exactly I am taking on notice. I am only familiar with how Uber works in a couple of overseas jurisdictions. I have not known it to involve picking up eight different people on one trip and dropping them off at eight different locations. Is your question: if a ride sharing service exists (or one came into operation) that was somehow able to pick up eight different people from eight different initial start points then somehow drop them off at eight different locations, with some overlap of some of the trips—

The Hon. M.C. Parnell: They are all going to one location.

The Hon. K.J. MAHER: Eight different people are all going to one location—not to different locations. If eight different people are going to one location, would that be taken as one trip? Is that the question?

The Hon. M.C. PARNELL: Yes.

The Hon. K.J. MAHER: I am happy to take that on notice. I am not going to speculate. I suspect that it may be covered, but I am happy to take it on notice and see whether any refinements are needed.

The Hon. M.C. PARNELL: I thank the minister for his answer because my recollection from my discussions a year or more ago with Uber, and looking at how it worked in San Francisco for example, was that one of the exciting things about this was that it could provide a fairly efficient service that was far cheaper than taxis and certainly far cheaper than driving your own car and finding a car park, especially in the congested cities. The way it was put to me was, say there is a baseball game on and you have eight people all wanting to go to the baseball game and they all happen to live close by, then a single van is dispatched. It is up to the passenger. If they want to get there faster, then they are going to say, 'No, just me, and you take me to the destination.'

But if it is a longish trip and all the other people who want to get picked up live in the same neighbourhood, and it is going to mean that it is going to cost them a fraction of what it would have cost them to get an exclusive trip, then apparently that happens. The thing that I found quite exciting about it is that what Uber tells me is that, in some of those big American cities, having a facility like this available means that some people are dispensing with the need for a car. They can use these sorts of services, not have their own car, save on the garaging costs and it is a good thing all around. Anyway, I do not need to pursue that any further.

I want to ask a few other questions that have been put to me by Uber. One of the things that they are concerned about is that the government has not provided any information on who will be compensated and whether any of those people compensated need to show that they have suffered any loss. They make the point that South Australia is the only state that provides compensation irrespective of the number of licences held by an entity, and that the South Australian approach seems to be a fairly blunt instrument. Is the minister able to cast any more light on exactly who is going to be getting compensated, how much they will receive, and how many of those recipients are companies and trusts as opposed to individuals who drive their own taxis?

The Hon. K.J. MAHER: My advice is that the assistance package is $30,000 per taxi licence and they will be available for those held as at 12 April 2016, and there is no cap on the number of licences held. I am further advised that the South Australian industry assistance package is comparable with those offered interstate. For example, in Queensland and New South Wales, financial assistance for plate owners is $20,000 capped at two plates. WA has announced $20,000 per plate as financial assistance to the taxi industry. In Victoria, licence holders will be eligible for payments of a maximum of two licences: $100,000 for the first licence and $50,000 for the second licence.

The Hon. M.C. PARNELL: I thank the minister for his answer. Does the minister have any figures on how many recipients of South Australian compensation have more than two licence plates, because that is the cap in those other states that he has referred to? What proportion of licence plate holders are multiple licence plate holders who hold more than two licences?

The Hon. K.J. MAHER: I do not have those figures but I am happy to go away and see if they can be brought back. The figure I have is that there are 1,035 eligible taxi licences in South Australia, but I will go back and see if we can break it down some more.

The Hon. M.C. PARNELL: I thank the minister for his assurance and I look forward to the answers. I have a supplementary question in the same vein. In the information that Uber have given me, they say:

> While the government refuses to release taxi licence information, the taxi industry has previously stated that fewer than 40 South Australian taxi licence holders actually operate their taxi.

The source for that information is the report of the Select Committee on the Taxi Industry in South Australia 2009. If that is correct, and it is only 40 of 1,035, then on my calculation 995 taxi owners are going to be compensated for an unlimited number of licences and they are not people who drive taxis.

The Hon. K.J. MAHER: As for the last one in terms of multiple licences, I do not have that information, but I am happy to check the veracity of the assertions that are being made.

The Hon. M.C. PARNELL: In order to expedite the matter, I will move the amendment standing in my name, that it be a suggestion to the other house that the amendment be accepted. I move:

Amendment No 1 [Parnell–1]—

> Page 30, after line 10 [clause 78, inserted section 62A]—After the present contents of inserted section 62A (now to be designated as subsection (1)) insert:
>
> (2) This section and Schedule 2 will expire 4 years after the day on which this section comes into operation.

In doing so, I want to put on the record two recent submissions that I have received. It will come as no surprise to the minister or to members that all of the people to be subject to this levy oppose it. I have a letter from Suburban Taxis and another letter from Uber. I will read the letter from Vince Mazzone, the CEO of Suburban Transport Services Proprietary Limited. It is quite a short letter. He writes:

> Dear Mr Parnell,
>
> I would like to express my support for your proposed amendments to the Statutes Amendment (Budget 2016) Bill 2016 regarding the introduction of a $1 levy on taxi trips.
>
> Collecting a levy remains a significant cost on the taxi industry at a time when there is substantial reduction in passenger transport services. For my business to collect a levy from drivers a significant upgrade to infrastructure and systems would be required.
>
> Importantly, while the levy has been introduced as a means of paying compensation for taxi licence owners, the Bill put forward by the South Australian Government provides no indication that the levy will cease once the total compensation has been paid.
>
> Your amendment ensures the levy will cease once the compensation package for taxi licence holders has been paid. This provides an important guarantee to my business and our customers that this will not be an ongoing tax.
>
> As such, we welcome The Greens opposing a new ongoing tax on our industry.

I think that goes to the heart of my amendment; it is why I have introduced it. The government has said that they want this levy to raise money to pay compensation to the taxi industry. The compensation is to compensate them for the introduction of competition that they say they were not expecting. That was the purpose of this levy.

How long will it take to raise the amount of money necessary to pay the $30,000 per plate, plus there is another ongoing 12-month compensation period? On the government's own figures, it is about four years. In other words, four years of levy does all the work that the government said it wanted to do. The only interpretation of the government's bill is that its intention is for this to be an ongoing open-ended tax beyond the period of collecting the levy. In other words, after the four years is up, we are talking about consolidated revenue.

I am grateful to the Hon. Rob Lucas. He asked questions early on as to the government's intentions. I think some of that has been taken on notice, but clearly there is nothing in this bill that guarantees that the extra money raised after year four—in years five, six, seven, through to 400, 500, whatever—would in fact be spent on the matters that the minister said it would be spent on. It is going into consolidated revenue. The minister could just as well have said hospitals, schools, police; he could have said anything.

The Hon. R.I. Lucas: They sound like things you would like, though.

The Hon. M.C. PARNELL: The Hon. Rob Lucas interjects that they sound like things the Greens would like—and he is right. The Greens are very fond of helping the government to maintain a sensible taxation base, but the question we are asking ourselves here is whether the best taxation base for this state going forward is to tax people getting home. It is not something the government has put to the people at an election, for example, as an ongoing tax. They are basically sneaking in an ongoing tax on the coat-tails of a need to raise compensation.

I will refer to the submission that Uber has written to me just recently. I will not read the whole of the letter. It is signed by Mr Tom White, the general manager of Uber in South Australia. He points out that introducing a per trip levy will significantly reduce mobility options for the travelling public, stifle important innovations, such as carpooling networks, and limit economic opportunities for thousands of drivers in South Australia. He says:

> Whilst the levy has been introduced as a means of collecting compensation for taxi licence owners, the Bill put forward by the SA Government provides no indication that the levy will cease once the total compensation has been collected.
>
> Your proposed amendment ensures the levy will not be established as a new and permanent tax on the travelling public and would see the levy cease when it has achieved its stated purpose—collecting the compensation package for taxi licence holders. This provides an important guarantee to the hundreds of thousands of South Australians who rely on point to point transport to get around that their cost of living will not permanently increase.
>
> As such, we welcome The Greens taking a leadership role and opposing a new tax to get home.

Then they go through a number of other reasons. As I pointed out before in my second reading contribution, ride sharing will become 8 per cent less affordable. There are serious disincentives to carpooling, the levy will be expensive to collect, and they conclude with an assessment of the lack of transparency on the economic modelling that has led us to this point. Mr White says:

> The government has to date not made it clear who will be compensated or provided the modelling for why this should be the case. Information on who owns taxi licences, including whether it is trusts or companies is not publicly available. In addition, unlike other states, the South Australian Government is providing compensation irrespective of the number of licences held.
>
> Prior to the levy being implemented, it is critical that the government is transparent with the South Australian public and the various business required to pay the levy and provide the modelling that outlines the economic case for compensation.

Mr White concludes, under the heading, 'A price tag on progress':

> A levy on new market entrants deters innovation. It would mean asking new customers to pay for the repair of bad laws. This is an unprincipled approach to law reform and the levy amounts to a price tag on choice, innovation and progress.

That is why the Greens have decided to assist the government to be more open and honest with the South Australian public by clarifying that this new tax is for precisely the purpose that the government said it was, and no more.

We welcome the opportunity to work with government about creating additional taxes that will raise more money for consolidated revenue. We can talk about taxes on pollution; we can talk about a whole range of taxes on activities that we want less of in the community—why are we taxing things that we want more of, such as ride sharing?

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: The minister's interjections get me on my soapbox. We can get into taxation policy and principle. Why do we tax things we want more of; why don't we tax things we want less of? If we think that things like ride sharing are a good idea, why on earth do we tax them

more? It is a bizarre way to look at raising revenue for the works of this state. I will not take the minister's bait and get into a lengthy discourse on this, but I will say that supporting this amendment gives the government what they said they wanted.

I will add at this point that the Hon. Rob Lucas has been consistent in everything he has said in relation to this. They will not support this amendment; they do not support amendments to the budget bills unless they are car parking taxes, and they have another reason for doing that. I am disappointed that the opposition is not joining with the Greens, and I hope members of the crossbench, in holding the government to its word.

It is a good opportunity for us to do it now, and I am disappointed that this will not get through at this stage. I am sure the Hon. Rob Lucas might have a word to say about it, but if he does then I will not need to divide as I will have everyone on the record stating their positions.

The Hon. K.J. MAHER: I thank the Hon. Mark Parnell for his contribution, but I have to say that this is the quintessential example of having a bob each way in trying to appeal to everyone on everything. His line of prosecution a bit earlier in his questions on behalf of Uber against the taxi industry suggested that the taxi industry is getting too much and has been too generously compensated. Then he turns around with letters from the taxi industry as their best friend. He is having an absolute bob each way on this one.

It is cynical and hypocritical politics from the Hon. Mark Parnell, quite frankly. He comes in and says, 'I am all for taxes and all for schemes in any other way,' and he talked about a pollution tax—he brazenly mentioned the pollution tax. We all remember, under prime minister Rudd, it was the Greens who voted down the emissions reduction scheme that would have been permanently in place to this day if it were not for the Greens. I am not going to have a bar of him sitting there saying he is for things that reduce pollution and pollution taxes, and I am not going to accept, unchallenged, that he is going to prosecute on behalf of Uber that we are being too generous with the taxi industry and then hold up a letter and say, 'I am the best friend of the taxi industry.' That is not going to cut it, so I just want to pull him up on those points.

In relation to some of the specifics that he has talked about, he wants this to stop after a four-year period. I answered an earlier question from the Hon. Rob Lucas about the expected revenue and the cost over four years. Under the current scheme, you stop it after four years and there is a shortfall in the package. As such, you will be making sure the industry—and I think is what you wanted from your earlier line of questioning, Hon. Mr Parnell—is not compensated, as is suggested in this scheme, because after four years of about $8 million a year, that falls short of the compensation scheme that has been suggested.

I am exceptionally surprised that the Hon. Mark Parnell would be suggesting, as has been outlined, and it is the acknowledged hearing earlier on, that some of the things that the government anticipates putting the money in after the compensation scheme is paid is for things like guaranteeing a flat fee lift for access cabs, replacing the hire meter charge, which is something we have been asked for. If the Hon. Mark Parnell is against doing that, I am sure our advocates from the disability sector would be very keen to talk to him about it. The government does not support his amendments. They will make this scheme for compensation fall short, which he might well think is a great thing, but it will mean that other things we want to do later on will not be able to be done. We strongly disagree with his amendments.

The Hon. M.C. PARNELL: I am not going to take too much of that bait, but I will just make the point—

An honourable member: Just a little bit.

The Hon. K.J. Maher: Just the right amount.

The Hon. M.C. PARNELL: I am going to nibble on the hook; I am not going to swallow it. It is not inconsistent. Think about it: neither the taxi industry nor Uber want this tax. Sure, the taxi industry likes compensation, but they do not like the tax. Uber does not like the tax. There might be some slightly different reasons as to why they do not like it, but what is entirely consistent is that neither of them want to collect this tax. It is expensive, you have not told them how it is going to work, and you have not offered them any help to collect it. One thing that they are both in furious agreement

on is that, in the absence of the Liberals stepping in and challenging this measure, they recognise this tax is coming in, and they are in lockstep agreement that it only lasts for as long as the government said it was needed.

The minister provided some figures before and he now says that four years is not enough. That is a bit different to the figures that I was provided earlier, but let's say it is five years. Does the minister want to agree that we will end the tax after five years? The point is the minister does not want to end the tax at all. The only thing that he did not promise to spend this extra money on was cute puppies. Just about every other thing that you could imagine—some good cause—he may want to spend it on cute puppies. The point is you cannot just raise a new tax and then trot out a list of things that the public all like their taxes to be spent on. That is really dishonest. The point is here—

The Hon. K.J. Maher interjecting:

The CHAIR: Will the minister allow the Hon. Mr Parnell to make his contribution.

The Hon. M.C. PARNELL: The point is that if the government was saying to people, 'We are going to create a permanent tax on your ride home. By the way, we are going to use it for the first few years to pay compensation, and after that we are just going to put in consolidated revenue,' then that would have been honest and that would be fair enough. We could have judged on its merits, but that is not what you have done. You have basically said it is a levy to compensate the taxi industry and then when people ask how long that will take, you are now fudging on the figures. Maybe it is four years, maybe it is five, but the government admits that it will raise much more money than is needed. The only people being dishonest here are the government. This is a brand new permanent tax on people getting home. I was not going to divide. I see where the numbers lie, but if the minister keeps baiting me, then we might have to go down that path.

The Hon. R.I. LUCAS: The minister has the numbers and he keeps provoking him. In relation to the compensation package that is being paid, is the minister proposing to compensate the taxis in the fair city of Mount Gambier? As the minister knows, the taxi arrangements in Mount Gambier are quite different from those in the metropolitan area. Are they currently proposed to be compensated in the same way as taxis in the CBD?

The Hon. K.J. MAHER: I am advised that this scheme operates in the metropolitan area, so none of the regional areas will be paying the levy; but, by the same token, they might be eligible for the compensation.

The Hon. S.G. WADE: I ask the minister whether that applies to the Mount Barker taxi services, which are country plated?

The Hon. K.J. MAHER: I am advised that it depends on what plate they are operating under. Very specifically for Mount Barker, I am happy to take that on notice and help the honourable member with that.

The Hon. S.G. WADE: If I could generalise the question: if a taxi which services the metropolitan area is country plated, will it be subject to this change?

The Hon. K.J. MAHER: I am advised that it is only metro plates.

The Hon. R.I. LUCAS: I am not sure how recently the minister has used the taxis in the fair city of Mount Gambier, but if he has he might be aware that some of those drivers have indicated some concern in relation to the impact of Uber and ride sharing arrangements on their profitability. Some have indicated very significant reductions in the value of the trading of licences in Mount Gambier. As a frequent visitor to Mount Gambier, is the minister aware of those concerns and what is the government's response, if he is aware of those concerns, in relation to Mount Gambier taxi drivers?

The Hon. K.J. MAHER: I thank the honourable member for his question. I know a couple of taxi drivers in Mount Gambier but no, those concerns have not been raised with me.

The Hon. R.I. LUCAS: The Liberal Party's position in relation to the amendment, consistent with what we have said in the second reading, is that we will not be supporting it for the reasons that we gave, which are on the record. What I can indicate, and I would ask the minister to take on

notice—he has taken on notice to provide some greater detail in relation to the expenditure post the four-year period. I think from recollection the numbers that he added up came to a bit over $40 million, which would have required five and a bit years, if the Hon. Mr Parnell's amendment was to get up—it is not going to get up, obviously.

What I would also seek from the minister is further detail—and he gave the actual allocations of expenditure; I think it was about $19 million or $20 million in the first year or so—as to the components of that. How much of that is actually the $30,000 compensation and how much are other expenditures? My recollection was that the $30,000 per number of licence holders was not going to add up to just over $40 million. There is clearly other expenditure that is involved. Can the minister provide, for each of the forward estimate years, a breakdown of the compensation and the other expenditure that comprises the figures he placed on the record earlier?

The Hon. K.J. MAHER: I am happy to take those on notice. I think the figures I provided earlier, the global figures, were directly out of the budget papers. In relation to what sits behind those, I am happy to get the good people who work in this area to find out for you

The Hon. R.I. LUCAS: I think this is an important policy issue, and it is one that any government elected post 2018 will obviously need to address. Should the Liberal Party be in government, we will need to address as part of our budget deliberations, as a matter of policy, do we continue it after the five-year or six-year period, or whenever it is? Do we spend it on the cute puppies that this current minister has outlined it was going to be expended on, or do we have other cute puppies that we would wish to spend it on?

The minister has made it clear that it is not binding, so clearly an incoming government could either agree with some or all of what is proposed by this government, or indeed could find alternative good purposes for the expenditure of that particular revenue source. That would be a decision that, if there was to be an alternative government, an alternative government would need to make upon its election.

The Hon. K.J. Maher: You said only a little bit.

The Hon. M.C. PARNELL: I am here to help the chamber because questions have been asked about the fair City of Mount Gambier and the fair City of Mount Barker. I note that the $1 levy does not apply for journeys that commence outside metropolitan Adelaide. I do not know how many people in Mount Barker might get taxis to and from the city, but it would seem to me that, if you get in a taxi in Mount Barker and you go to the theatre, you do not pay a dollar but, when you get in a taxi on North Terrace to go back to Mount Barker, you do pay a dollar. Whether that taxi is based in Mount Barker or based in Adelaide is irrelevant.

This bill is not about who gets the compo, this bill is about who pays the levy. I think there is going to be an interesting issue raised about whether or not compensation is only going to be paid to people who operate entirely in an area where the levy is collected. I think there is more work for the government to do here. He has committed to consultation with the taxi industry and Uber, and I am sure some of these things can be ironed out. Just bear in mind that you are putting some of these things in the legislation and, if it turns out that they are wrong, you are going to have to come back and fix them up.

The Hon. K.J. MAHER: I thank the honourable member, and I certainly will take that back so that those who are in charge of this policy can discuss them. Unlike his previous contributions, I suspect that was actually helpful.

Members interjecting:

The CHAIR: Order!

Suggested amendment negatived; clause passed.

Clause 79 passed.

Clause 80.

The Hon. K.J. MAHER: I move:

Amendment No 3 [Emp–1]—

Page 31, lines 4 and 5 [clause 80, inserted Schedule 2, clause 2(1)]—Delete 'during an assessment period is liable to pay' and substitute:

> of a point to point transport service during an assessment period must collect from persons using the service, and pay to the Minister,

This amendment relates to the $1 levy on all metropolitan point-to-point journeys. It clarifies that the relevant provider must collect the levy from the passenger and pay it to the minister for each assessment period.

Suggested amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 4 [Emp–1]—

Page 31, after line 6 [clause 80, inserted Schedule 2, clause 2]—After subclause (1) insert:

> (1a) A levy amount required to be collected from a person using a point to point transport service is separate from, and does not form part of, the fare or consideration payable by the person for the use of that service.

This amendment clarifies that the $1 levy is separate from the fare itself and to reduce the likelihood that GST will apply to the levy component.

The Hon. R.I. LUCAS: My question relates to the reason for the amendment being moved by the government. Has somebody raised concerns with the minister that there were problems with the original drafting?

The Hon. K.J. MAHER: It is based on advice to make it as clear as it possibly can be that this is not part of the levy, to make sure that there is as great a likelihood as possible that that levy will not attract a GST component.

The Hon. R.I. LUCAS: I accept that, but what I am saying is: was this something that the government's own officers devised or suggested, or did someone, such as Uber or someone else, raise this issue as a matter of concern, and is that why it is being clarified?

The Hon. K.J. MAHER: My advice is that this was not someone external coming to us but that this was internal from within government.

Suggested amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 5 [Emp–1]—

Page 33, line 35 [clause 80, inserted Schedule 2, clause 10(1)(a)]—After 'levy' insert 'to the Minister'

This amendment is so that, where regulations may make provision for the paying of the levy, this amendment clarifies that the payment is to be made to the minister.

Suggested amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 6 [Emp–1]—

Page 33, after line 37 [clause 80, inserted Schedule 2, clause 10(1)]—After paragraph (a) insert:

> (ab) make provision in relation to the collection of the levy by a relevant provider of a point to point transport service from persons using the service; and

Simply, this amendment will allow for the four regulations to make provision in relation to the collection levy by a relevant provider.

Suggested amendment carried; clause as suggested to be amended passed.

Clauses 81 to 89 passed.

Clause 90.

The Hon. R.I. LUCAS: I thank the minister for RevenueSA's response to the tax lawyer's questions and concerns on clause 90. I place on the record the further advice from our tax lawyer as follows:

> 6. If the provision is administered in the way suggested, then it should address the concern at a practical level. The issue is that the words still appear to be open to a broader interpretation and that could be applied in border line situations or pursued in the Courts.

Again, if RevenueSA on reflection has any further advice to provide to me, I would be pleased to receive it by way of correspondence from the minister.

Clause passed.

Clauses 91 and 92 passed.

Clause 93.

The Hon. M.C. PARNELL: This is the provision that relates to the extension of concessional stamp duty for purchases of off-the-plan apartments. The policy regarding the current concession, which started in the CBD moved to the inner suburbs and is now going statewide effectively, is that if you buy an apartment off the plan, you do not pay stamp duty. I had a briefing with the minister's staff for which I am grateful. We discussed this at some length, but an issue has arisen in the meantime which has me perplexed. It relates to the old Royal Adelaide Hospital site. What we are going to see there apparently is luxury apartments for a few thousand people.

My understanding is that they will probably be similar to the situation in Canberra in the ACT where they are very long-term leases, 99-year leases or something. You are not going to be able to buy an apartment in the Parklands. You are not going to be able to buy part of the Parklands. You cannot get rid of the title to the Parklands without this parliament agreeing to it, and we have not done that yet.

Whilst it might seem a little bit academic because maybe people are not going to be in a position to be buying apartments on the old hospital site off the plan before June 2017, my question is a bit broader. Let's say the apartment has been built. If you buy an apartment already built in the city, you did not buy it off the plan, you buy it and you pay $600,000 for it. You pay $26,830 stamp duty. It seems to me that if you buy one of these new apartments on the old Royal Adelaide Hospital site for $600,000, you will not pay stamp duty at all. So, my question is: is the government now cutting the price of luxury apartments on the old Royal Adelaide Hospital site by some tens of thousands of dollars by not collecting stamp duty on those transactions?

The Hon. K.J. MAHER: To clarify, is your question whether there is some other form of title?

The Hon. M.C. Parnell: Yes.

The Hon. K.J. MAHER: Other than tenants in common or fee simple or strata or community title, if it is some sort of lease title, do you pay stamp duty? Is that the question basically?

The Hon. M.C. PARNELL: I will just explain a bit further. Under the Stamp Duties Act, section 71DB, there is a definition of a qualifying, off-the-plan contract, and it says that means a contract for the purchase of an apartment. When we talk about buying apartments we talk about buying the freehold or strata, or whatever title it might have; what we do not have in this state is the idea that you would actually be buying an incredibly long leasehold, which has a similar effect to being freehold.

It might seem a little bit out of left field, but I will change it if you want. Let us say that before 2017 someone buys, off the plan, an apartment on the old Royal Adelaide Hospital site. Under this amendment no-one is paying stamp duty in that situation, but if they buy it after the expiry of this scheme will they pay stamp duty? It is a really simple question: will the new apartments on the old Royal Adelaide Hospital site attract stamp duty?

The Hon. K.J. MAHER: I thank the honourable member for his question. It is a hypothetical academic question at this stage. I do not have that answer; it was not something we came prepared to look at for this bill. However, it is an interesting question and I will make sure that the honourable

member is provided with a briefing on those forms of ownership and what may or may not apply in terms of stamp duty.

Clause passed.

Clauses 94 to 106 passed.

Clause 107.

The Hon. R.I. LUCAS: I place on the record the tax lawyer's further commentary on RevenueSA's response:

8. As previously described, up to the 2015 Budget voluntary dispositions of property wholly for charitable or religious purposes were exempt from duty. The 2015 Budget legislation effectively removed the requirement that disposition be voluntary, but then limited the exemption to property that was not used for commercial purposes. At the same time Government announced the phased abolition of duty on commercial land.

9. This amendment now moves the exemption to the general exemptions. In doing so it persists with the exclusion of commercial property, even when the property is a voluntary disposition, this is notwithstanding the proposed complete abolition of duty on commercial properties by 1 July 2018. The policy approach is in the circumstances, I suggest somewhat puzzling.

Again, if RevenueSA has further commentary on that I would be pleased to receive it by way of correspondence from the minister.

The Hon. K.J. MAHER: I am happy to take that on notice, and I thank the honourable member for more commentary from the tax lawyer.

Clause passed.

Remaining clauses (108 to 132) and title passed.

Bill reported with suggested amendments.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

POLICE COMPLAINTS AND DISCIPLINE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2016.)

The Hon. A.L. McLACHLAN (17:20): I rise to speak to the Police Complaints and Discipline Bill 2016. I speak on behalf of my Liberal colleagues. The Liberal opposition is supporting the second reading of the bill. The bill before the chamber seeks to amend the way in which complaints about police officers and disciplinary proceedings are handled in South Australia. The Liberal Party understands, on advice from the government, that there has been consultation with interested parties and, further, that the Office of the Independent Commissioner against Corruption (ICAC) and South Australia Police are largely content with the proposed legislation.

This legislation comes after three reports that exposed difficulties in the operation of the current system in South Australia to examine and determine police complaints. The first was the South Australian Police Ombudsman annual report of 2013-14 by Ms Sarah Bolt. In that report, it was apparent that the relationship between the Office of the Police Ombudsman, ICAC and the Office for Public Integrity needed to improve.

Secondly, in March 2015, the Crime and Public Integrity Policy Committee (of which I am a member) heard evidence from Mr Wayne Lines. He outlined that legislative change is required to overcome duplication and inefficiencies within the system. The committee reported on 30 June 2015.

Thirdly, in July 2015, Commissioner Bruce Lander QC tabled a report in parliament entitled, 'Review of legislative schemes: The oversight and management of complaints about police'. Lander's review was conducted at the request of the Attorney-General in the other place.

The bill before the chamber is the government's response to the Lander review. It was introduced on 6 July by the Attorney-General in the other place. I must acknowledge the work of the shadow attorney-general (member for Bragg in the other place) who previously introduced a private member's bill, namely, the Police Complaints Bill 2016, which sought to effect similar changes to the law. The member for Bragg has indicated that she will withdraw her private member's bill with the passage through the parliament of the bill before us.

We are therefore in agreement with the government that the recommendations of Commissioner Lander should be adopted in this instance. The work of the police officer is hard and can, at times, be dangerous. I admire the men and women who volunteer to serve the people of South Australia. They have my gratitude. However, no organisation that has individuals in its service can claim to be perfect. There are instances where individual officers stray from the ethical path. Thankfully, in this state, their number is relatively few.

This is not to suggest that we should tolerate any deviation from the high standards our community expects from its police force. Unfortunately, it is the way of things that some in our community focus on the odd failure and not on the many successes. I am reminded of the oft-quoted passage of lord chancellor Sir Thomas More in his famous defence of the English clergy in pre-Reformation England. He said:

> Where we see a good man and hear or see a good thing, there we take little heed. But when we see once an evil deed, thereon we gape, thereof we talk and feed ourself all day with the filthy delight of evil communication. Let a good man preach, a short tale shall serve us thereof, and we shall neither much regard his exhortation nor his good example. But let a lewd friar be taken with a wench, we will jest and rail upon the whole order all the year after and say, 'Lo what [an] example they give us.'

We must resist this urge but, at the same time, provide for a legislative regime that will process police complaints in an effective and efficient manner for both the complainant and the accused, thereby ensuring that the public retains its confidence in its police force. Constant vigilance is also required to ward against corruption and misconduct taking hold in the police force as we have seen in other states to the east.

The foundation logic of these amendments upon which the clauses of the bill have been built is that the processing of complaints against police must be independent. It is my view that police complaints and public reporting of them is critical not just for ensuring the ethical health of the police, but is also a valuable tool for the minister and the police executive to ensure a degree of self-regulation and a key management tool to improve responsiveness.

Those interested in these matters should have regard to the academic work of Mr Andrew Goldsmith. Mr Goldsmith argues that police complaints should be seen as an opportunity for its leadership to self-correct. From my observation of the current police executive, it is not apparent they have adopted this approach. A casual reading of the commissioner's responses to the Police Ombudsman's recommendations gives an indication of diffidence and reluctance to admit improvements in the force as a whole could be improved.

Perhaps I am being unfair, but I point out to the chamber that we have Commissioner Lander to thank for kickstarting this debate, not the police executive. Mr Goldsmith, in a paper titled 'Complaints against the police: a "community policing" perspective' states:

> …a broadly-conceived, publicly credible complaints system for handling complaints against the police is important not only in terms of public confidence in the police generally but also specifically in facilitating the diagnosis of problems in police operations which affect the effectiveness and legitimacy of police practices.

I believe this is a considered view and, holding that view, I consider that the bill before us is an advance on where we are presently encamped. While South Australia has enjoyed an excellent police force since its inception in the early days of the colony, it must not be complacent. Public attitudes to its police force have changed over time. For example, the police response to the conscription protests and homosexuality as well as the Salisbury affair have impacted the community's perceptions.

South Australia was the last state to adopt a system of civilian oversight of its police force. It appears that it was largely driven by experiences interstate. The system we adopted was one that allowed for external monitoring of internal investigations rather than for an independent investigation. This proposition has been tested and endorsed by Commissioner Lander but with modification. He came to the view that police should remain investigating police but subject to appropriate and rigorous safeguards in the form of a strong and independent oversight agency capable of overseeing, directing and intervening in police conduct matters. Commissioner Lander crafted his recommendations accordingly.

South Australia Police will retain primary responsibility for the assessment of complaints and reports about police, but the process will be subject to scrutiny because police will be reviewing police. Members of the council should be mindful that if the arrangements in the bill once enacted prove ineffective, then parliament will need to revisit whether an independent investigative service is required. Going forward, this will in turn rest largely with the police executive and their leadership in maintaining and improving the integrity and ethical practices of its officers as well as building community trust and confidence.

In essence, the commissioner is expected to lead and ensure the effectiveness of the police force. An essential part of ensuring effectiveness is the maintenance of discipline. Under the new legislation, the commissioner still plays a critical and important role and importantly retains the ability to deal with minor matters. The changes seek to effect a more simple and efficient system that serve both the complainant and the accused with necessary independent oversight. If the bill provides for a system that is an improvement on the past, it will have resolved unnecessary complexity, duplication and delay.

The bill repeals the Police (Complaints and Disciplinary Proceedings) Act 1985. The bill seeks to achieve these objectives by introducing the following amendments. The Office of the Police Ombudsman will be abolished. The Office for Public Integrity will have general oversight of the police complaint system. A streamlined complaint system will be established in which South Australia Police retain primary responsibility for the assessment of complaints and reports about police, with independent oversight by the Office for Public Integrity instead of the ombudsman.

The Office for Public Integrity will have 24-hour access to a complaints management system to remove duplication and increase efficiency and ensure the resolution of a complaint is appropriate and audited. The ICAC will provide an annual report on the types of sanctions imposed at the outcome of the complaints process. The Office for Public Integrity will continue to refer matters to the ICAC where appropriate.

A code of conduct for police officers will be established by regulation. The bill establishes an informal process for dealing with complaints about police conduct that are minor and suited to being dealt with internally. This will provide a more suitable avenue for resolution of minor matters that do not warrant formal proceedings being heard before the tribunal.

The outcomes of the internal management cases will be subject to audits by ICAC. Proceedings heard and determined by the Police Disciplinary Tribunal remain largely unchanged, except for provisions regarding the use of evidential aids. The ICAC is required to prepare an annual report regarding the number and general nature of sanctions imposed under the act. The public is entitled to expect that every police officer will observe the highest standards of integrity. The public is also entitled to expect that the state will enact a system to identify and deal effectively with police officers who fail to meet the standards of propriety expected.

The bill is welcomed by the Liberal opposition, as it seeks to adopt the recommendations of Commissioner Lander. While the review of Commissioner Lander was comprehensive and considered, the chamber must remember that it is the view of one man at a moment in time. We must remain ever vigilant to ensure that we have in this state the appropriate mechanisms in place to ensure the integrity of action in our police force. Commissioner Lander's review and this bill must not be the end of the debate; rather they should just be a point on the continuum of consideration of these issues.

Civilian oversight of the police should remain, as always, a live issue for those of us who have the franchise of the people. In time, the expected practice may well be an independent

investigative service as well as an independent board overseeing police operation. I am confident that Commissioner Lander's pronouncements on the oversight of police will not be the last word on the same. The Latin phrase 'Quis custodiet ipsos custodes?', penned by the Roman poet Juvenal and literally translated as 'Who will guard the guards themselves?', should remain front of mind.

In a perfect Socratic world, all of us would be ruled by divine reason. Unfortunately, the practical reality of our society differs. We need a police force and we need a system to investigate our police and a mechanism to discipline them. I commend the bill to the chamber.

The Hon. M.C. PARNELL (17:31): The Greens also believe that reforming the police complaints system is a worthwhile exercise, but we do have some concerns with the approach that is being taken. I would say at the outset that I am grateful to the Hon. Andrew McLachlan for his summary of what the bill achieves and some of the processes that led up to the bill before us. I think at the heart of this whole matter is something that everyone would agree on, and that is that public trust in our police force is absolutely critical. Without it, society is in deep trouble.

It is also certainly my view, and I hope it is a common view, that overwhelmingly the trust that the public has in the police force comes from the exemplary behaviour of the police: their professionalism and in many difficult situations, their kindness towards the community that they look after. Unfortunately, what happens in parliament is that often we are legislating for the exception rather than the rule. I think that the community does in general trust the police. I might, just as an aside, say that I have not seen one of those surveys lately where they rank different professions according to trust. My recollection is that members of parliament are around where used car sales folk are. We are certainly much lower than people in the health professions. I would expect—and I might do this research later—that police would be up there near the top, in terms of people who are trusted.

We do need to legislate for the exception rather than the rule. Things do go wrong in policing, and when they do go wrong the public demands that there be a system of accountability. I have been a lawyer for many decades, and it is almost inevitable in that profession that you come across cases where things go wrong. In very rare cases, it is corruption. In many cases, it is lack of attention to detail. In other cases, it is the incredible stress of the job that leads people to behave in a less than responsible manner. We do need to have a system for people to be able to raise complaints where they believe the police have behaved inappropriately. I will also mention, as an aside, that one of the main innovations of the last couple of decades that I think has changed this debate a lot is the introduction of closed circuit television right through our public places, including in police stations and police cells.

The Hon. P. Malinauskas interjecting:

The Hon. M.C. PARNELL: The minister interjects that the police are carrying cameras with them on their bodies. That technical innovation I think is a great incentive to those who might not have otherwise behaved properly to behave properly. Again, it does not have work to do in the vast majority of cases, but we now have a situation where people's behaviour is witnessed and is recorded.

I guess we only need to reflect on what has happened in the United States, where we have had riots and deaths as a result of people's perception of how the police have treated suspects. The whole Black Lives Matter campaign was driven by images and recordings of police officers who have often overstepped the mark. I still find it difficult to believe how many people die in that country through firearms, whether by criminals in the vast majority of cases, or by being shot by the police. Nevertheless, that is slightly off the point: we do need to look at the police complaints regime and have a robust mechanism in which the public can have confidence.

The Lander recommendations provide that the police will still be primarily responsible for reviewing the conduct of their own, but that that regime will be superimposed with oversight from the Office for Public Integrity and from ICAC. The fundamental question for us is whether that regime is good enough. One submission to which I want to refer suggests that it is not. When I say 'submissions', I am referring to submissions that were to the ICAC inquiry back in March 2015. Relatively few people have written to me in 2016. Certainly we have had submissions from the police

union and one or two others, but the vast bulk of the submissions were made to the Lander inquiry last year.

The submission I refer to in particular is that of the Aboriginal Legal Rights Movement. That body probably feels like it is a bit of a broken record, because I have lost count of the number of submissions I have read where they urge us to go back to the findings of the Royal Commission into Aboriginal Deaths in Custody. The submission that relates to this police complaints and disciplinary regime refers us to recommendation No. 226, which specifically relates to police complaints.

I will put that recommendation on the *Hansard* record; I think it is important. The ALRM must think that it is like a broken record, but as a community we forget the recommendations of that important royal commission at our peril, so I will put recommendation No. 226 on the record. That recommendation reads as follows:

> That in all jurisdictions the processes for dealing with complaints against police need to be urgently reviewed. The Commission recommends that legislation should be based on the following principles:
>
> a. That complaints against police should be made to, be investigated by or on behalf of and adjudicated upon by a body or bodies totally independent of Police Services;
>
> b. That the name of a complainant should remain confidential (except where its disclosure is warranted in the interests of justice), and it should be a serious offence for a police officer to take any action against or detrimental to the interest of a person by reason of that person having made a complaint;
>
> c. That where it is decided by the independent authority to hold a formal hearing of a complaint, that heating should be in public;
>
> d. That the complaints body report annually to Parliament;
>
> e. That in the adjudication of complaints made by or on behalf of Aboriginal persons one member of the review or adjudication panel should be an Aboriginal person nominated by an appropriate Aboriginal organisation(s) in the State or Territory in which the complaint arose. The panel should also contain a person nominated by the Police Union or similar body;
>
> f. That there be no financial cost imposed upon a complainant in the making of a complaint or in the hearing of the complaint;
>
> g. That Aboriginal Legal Services be funded to ensure that legal assistance, if required, is available to any Aboriginal complainant.
>
> h. That the complaints body take all reasonable steps to employ members of the Aboriginal community on the staff of the body;
>
> i. That the investigation of complaints should be undertaken either by appropriately qualified staff employed by the authority itself, or by police officers who are, for the purpose of and for the duration of the investigation, under the direction of and answerable to, the head of the independent authority;
>
> j. That in the course of investigations into complaints, police officers should be legislatively required to answer questions put to them by the head of the independent authority or any person acting on her/his behalf but subject to further legislative provisions that any statements made by a police officer in such circumstances may not be used against him/her in other disciplinary proceedings;
>
> k. That legislation ensure that the complaints body has access to such files, documents and information from the Police Services as is required for the purpose of investigating any complaint.

I have put all of those on the record and I think the minister, no doubt, in his head is ticking off, 'Yes, we have done that—that is in there,' and a number of those things are in there. I am not suggesting that none of those things are in the current system, but if we go back to the very first one:

> 'that complaints against police should be made to, be investigated by or on behalf of and adjudicated upon by a body or bodies totally independent of Police Services;'

That is the number one recommendation and that is the one where the Lander recommendations do not really cut it, according to the ALRM submission. The submission goes on to say:

> I commend the detail of this recommendation from the Royal Commission to you. ALRM makes the following commentary upon the existing Police Complaints & Disciplinary Proceedings Act in light of its expectation that unless there is wholesale amendment to the Act it is unlikely that implementation of [recommendation] 226 a. will be achieved in practice. Nevertheless, ALRM submits recommendation 226a. should be implemented and investigation of Police complaints should be taken wholly from the hands of police and given to an independent body with full powers of investigation and resolution. That is subject to a requirement that cases where judicial determination takes place, that

judicial determination should resolve the factual issues in the complaint. ALRM is also concerned to ensure that [recommendation] 226(e) is implemented.

Recommendation 226e. was the one that said that the adjudicating panel should have an Aboriginal person on it, and ALRM say they are keen to ensure that that recommendation is implemented. It continues:

The continued ability of ALRM to implement 226(g)—

and that is the recommendation about funding for Aboriginal legal aid—

is contingent upon our ability to maintain a high level civil legal practice despite funding cuts. A recommendation should therefore be made, that this not occur.

I am only going to read those parts of the submission—it goes for many, many pages. The point I make is that there is at least, in that one submission, a fundamental difference of opinion with that reached by Mr Lander. I look forward to the committee stage of the debate. As we go through the bill, clause by clause, there will be opportunity to raise a number of the other submissions that were made to the Lander review. I note, for example, Mr Michael O'Connell, the Commissioner for Victims' Rights, made an extensive submission. A former police ombudsman made a submission, as did a great many other organisations. I understand that we are not going to be dealing with the committee stage of this bill today, so I expect that we will be dealing with it in the last sitting week of parliament.

The Hon. R.L. BROKENSHIRE (17:44): I rise on behalf of Family First to speak to the Police Complaints and Discipline Bill. To pick up a point from my colleague the Hon. Mark Parnell, whilst the *Notice Paper* today did show an arrow indicating that this bill was going through, following discussions and phone calls, that will not be the case, and I am very pleased about that.

I put on the public record that if the government did indicate, through its advisers, to the opposition, that everything was okay and ready to proceed, then I trust that the government has since indicated to the opposition, and, if not, I certainly am right now, that it is not all okay. I think there should have been better communication between advisers of the minister. I do not blame the minister at all, the Attorney-General in this case—he does a pretty good job with his workload. Certainly, we were not in a position to proceed anywhere past the second reading, at best. In fact, I was waiting on further consultation with interested sectors, prior to consideration of amendments to this bill, and I hope that the government will proceed with openness and some haste now to try to work through some of the concerns that are still there.

I acknowledge that the Attorney-General's staff and the Attorney-General have worked with the Police Association to come up with compromises and amendments, that were tabled in the lower house, to overcome some of the concerns of the Police Association. I foreshadow that, if the government is not in a position where they have ratified a reasonable outcome with the Police Association prior to the next sitting week, then I will be endeavouring to look at amendments to bring into this house, and I will try to get them in as soon as possible to give the government, the opposition and the crossbenchers a chance to consider them.

It would be good if the government could lead the way and sort this out in the next sitting week. In the worst-case scenario, I would suggest there is no reason why this legislation has to be pushed through in the last sitting week, if we have not been able to properly deliberate and consult with all people and all sectors of representation involved in this, because it is important. But, if it had to be February, that would not be the end of the world, because we still have a legislative framework, and we still have a lot of processes in place to ensure that police are full of the integrity that the South Australian community expects of them.

Just on that, I am proud to remind the house that South Australia Police is still voted as the number one police force for respect and integrity and honesty in the whole of Australia. They are the third oldest police force in the world, and they can hold their heads very high on the fact that they have been a leading model in South Australia of how you go about the business and the terms of reference of the business in which you work.

I just want to say that I noticed in my years, when I had the privilege of being police minister, and the police minister here now would be noticing this, that there has been a continuing trend, over a long period of time now, that certain elements of the South Australian community want to actually

target complaints against police, because the police are out there doing a difficult job, and there has been an ongoing and continuing trend that if you, as a citizen, do not necessarily want to abide by the law or elements of the law, and you take offence at the way a police officer may go about some of the very difficult and delicate work they do, you can actually antagonise those police officers—who are still only human beings after all—and then you can put in frivolous complaints.

I have seen a considerable growth in frivolous complaints against police officers over a long period of time. So, obviously we have to be careful that we have the checks and balances in the way that we go about complaints and disciplinary procedures that are bona fide to SAPOL officers, but also ensure that they get a fair go. The Westminster system says that you are innocent until proven guilty, but I have noticed over the years that, even with internal investigations within police—it is not the first time I have said this, but I am happy to put it on record again—the exception to that basic Westminster principle, which we all stand for and are proud of and passionate about protecting, is that if there is a complaint against a police officer it is almost that you are guilty until you can prove your innocence. That is where it is. That is absolutely where it is.

There are lots of checks and balances on our police now. I would suggest to the chamber that there is no job I can think of in South Australia where there is more scrutiny, more checks and balances and more procedure in how you go about your duty of work than in South Australia Police. I leave members to consider that in the context that I have just described.

The Police Association of South Australia is a major stakeholder in this. It is a very professional association that represents 4,600 members. Ninety-nine percent of South Australian police officers are members of the Police Association of South Australia. The Police Association is engaged in the discipline processes of police officers on a daily basis. The Police Association did hold serious concerns about the bill but, to give credit to my colleague in another house, the Attorney-General, he has been working with them, and many of those amendments have been sorted out, I am now advised.

However, there are some amendments and some matters still to be dealt with with the Police Association as one stakeholder. I accept that they are only one stakeholder, but they are a very important stakeholder when it comes to the representation of the officers. Those officers expect the Police Association to ensure that this legislation is fair, reasonable and balanced for the police officers. That is what they expect, and that is what the police association wants to do and intends to do.

I, for one, our party and I know the Police Association are not against changes that make sure that, when it comes to police complaints, police discipline and police integrity, we have the best possible legislation, practices and standards that could possibly be made available. Again, it has to be a two-way street: a balance of protecting community, but also protecting the fairness to those officers.

I understand there are still some outstanding matters. I encourage the advisers of the Attorney-General to work closely and expediently with the Police Association. My understanding is that all of us will receive advice prior to the debate in the next sitting week on where those meetings and discussions pan out. Hopefully, we can then fairly quickly proceed with the completion of this bill through committee and a third reading. I have been, and will continue to be, a strong supporter of the appointment of the Hon. Bruce Lander QC as the ICAC Commissioner, and I respect him very much. I know that he has done a lot of detailed work on recommendations following the inquiry that he did.

There is a chance to modernise the matters around police complaints and discipline but, as I say, it needs to be done in the context of fairness for our South Australian policemen and women, so that they have the confidence to go about their duties. Also, as we recruit additional police officers, particularly over the next 12 to 18 months, people who put their hand up need to know that, if they get into a difficult and complicated situation, there will be a fair and reasonable assessment situation and structure for them, just as the general citizens of this state expect that to be the case through the courts of South Australia.

With those words, we will be supporting the general principles of the bill that the government has put forward, but we will be reserving our right to make amendments if the government itself does

not finalise discussions that are urgently needed between the Police Association and the government.

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

HISTORIC SHIPWRECKS (MISCELLANEOUS) AMENDMENT 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) (17:54): I would like to thank the Hon. Michelle Lensink for her contribution to the discussion on the bill. In short, this bill is about being able to better protect South Australia's shipwrecks and relics of historic significance and brings our legislation up to date. As I said in my second reading speech, the government invited submissions from the community, key stakeholders, relevant state and commonwealth government agencies. Feedback received during the five-week consultation period held across May and June this year has been documented in a report which has since been made available via the government's YourSAy website and has been very supportive.

I would like to briefly respond to some matters raised during discussion. Firstly, I would like to clarify a point that the Hon. Michelle Lensink brought up in regard to previous information tabled in Estimates Committee B on 1 August 2016. There may have been some confusion that arose due to the fact that the area subject to the 23 court prosecutions, being the *Zanoni* historic shipwreck protected zone, is both a protected zone under the Historic Shipwrecks Act 1981 and a marine park sanctuary zone.

Compliance monitoring of the Off-Shore Ardrossan Sanctuary Zone as a result of the implementation of the Marine Parks (Zoning) Regulations 2012 has also led to increased detection of offending in the *Zanoni* protected zone. The 240 warning letters and six expiations mentioned in estimates relate to breaches of the Marine Parks Act 2007, as distinct from the 26 breaches prosecuted under the Historic Shipwrecks Act 1981.

In addition, the Hon. Michelle Lensink raised a query about the compliance vessels across different areas and sought clarification on how many vessels there are, where they are based and how many authorised officers are involved. The Department of Environment, Water and Natural Resources, I am advised, has four blue-water trailer vessels that are used for marine compliance activities. Two are based in Adelaide, one in Port Lincoln and the other in Kingscote. The two Adelaide-based vessels have conducted patrols of the protected zones at the *Zanoni* and *Hobart* historic shipwrecks.

I am advised that PIRSA Fisheries and Aquaculture operates 11 primary vessels including the offshore patrol vessel, FPV *Southern Ranger*, which is surveyed to 200 nautical miles and 10 other large trailer vessels surveyed to 30 nautical miles. These are based in Largs North, Ceduna, Port Lincoln, Whyalla, Moonta, Yorketown, Kingscote, Kingston SE and Mount Gambier. PIRSA also operates 12 other support and special purpose vessels from the same locations and Loxton. I can clarify that some of the *Zanoni* breaches were detected by PIRSA Fisheries officers in the course of their routine enforcement of the Fisheries Management Act 2007. Details of offending vessels were provided to DEWNR for prosecutions.

There are 18 DEWNR officers specifically authorised under the Historic Shipwrecks Act 1981, and 228 wardens appointed under the National Parks and Wildlife Act 1972. All these wardens, I am advised, are also authorised officers for the purposes of the Marine Parks Act 2007. I understand PIRSA Fisheries and Aquaculture employ 40 operational fisheries officers authorised under the Fisheries Management Act 2007. These officers are also automatically authorised under the Marine Parks Act 2007.

In summary, the proposed amendments to the Historic Shipwrecks Act aim to make the operation of the act more effective and efficient, thereby ensuring South Australia is well placed to

protect its important historic shipwrecks and relics. I commend the bill to members and look forward to its speedy passage through committee.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PUBLIC INTEREST DISCLOSURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2016.)

The Hon. A.L. McLACHLAN (17:59): I rise to speak on the Public Interest Disclosure Bill 2016, and I speak on behalf of the Liberal members in the chamber. The Liberal Party will support the second reading of the bill and will be moving amendments at the committee stage.

In March 2013 the Independent Commissioner Against Corruption, Mr Bruce Lander, undertook a review of the whistleblower legislation in South Australia. His report was tabled in parliament on 30 October 2014. The bill before the chamber is the government's response to this report. The bill will replace the current whistleblower scheme that operates in South Australia and, if passed, will replace the Whistleblowers Protection Act 1993 that currently operates in South Australia.

In his report the commissioner formed the view that the Whistleblowers Protection Act was no longer fulfilling its primary objective of facilitating disclosure and providing protections for those who make disclosures. He acknowledged criticism of the extant act that it is no more than a framework or set of principles. Further, the ICAC Act has subsequently been enacted. The ICAC Act evidences a legislative intention that is not entirely consistent with the remarks made in the second reading speech in 1993. There are tensions between the Whistleblowers Protection Act and the ICAC Act that need to be resolved.

The commissioner also highlighted, inter alia, that the current act contains language that was unnecessarily confusing and offered no guarantees to a whistleblower who takes the risk of making a disclosure of public interest information that anyone will do anything to address the disclosure. The act also did not make an act of victimisation an offence.

The commissioner did not favour amending the Whistleblowers Protection Act. He suggested it be repealed and new legislation enacted. The government followed the commissioner's counsel. The bill that is before us comes, as it were, virtually complete as if it were received from the head of Zeus. I do not intend to recount all the advice that the commissioner set forth in his missive on whistleblowing. The report is available to the public and honourable members can read the report for themselves if they have not already done so.

For the benefit of the chamber I wish to emphasise a few salient points that I consider of weight and useful to have regard to during the debate. The existing act has been legislated for over 20 years. We do not have a clear understanding of whether it has been effective; there have been very few litigations surrounding the workings of the act. The Law Society pointed out in its submission on the bill that this may suggest that, despite the best intentions of the legislators at the time, there is still a prevailing fear on the part of persons, in particular employees, of an adverse impact upon them if they should make a whistleblower complaint.

As the commissioner points out, there are two explanations. One is that the legislation is working well and whistleblowers are making disclosures without fear of adverse consequences and the disclosures are appropriately acted upon without any consequential adverse impacts to the whistleblower. The alternative explanation is that whistleblowers lack confidence in the legislation and its processes, and therefore do not make disclosures or, having made a disclosure, do not seek a remedy when they suffer victimisation as a result of the disclosure. The reality may even be somewhere between these two positions. There is no empirical evidence. We simply do not know.

There has not been much substantive evaluation of the experience of public officers and contractors making public interest disclosures. There has also been limited evaluation of the impact of those disclosures on public administration or the effectiveness of various whistleblower regimes. The commissioner's report does reference a number of studies. They indicate that when public sector employees consider that reporting wrongdoing is something that could or should be done, their tendency is to report internally to management rather than to responsible officers. Only a very small proportion of respondents would make a disclosure to the media and, not surprisingly, fear about reprisals, lack of clear reporting channels and lack of faith that any action will result from the disclosure are disincentives to potential public interest disclosers. It is in the government's and the people's interests that unacceptable conduct in public administration is uncovered.

Government has become increasingly complex and there is a corresponding need for effective legislation to facilitate disclosure. Therefore, despite the lack of research into the impact of the current act, we still need legislation of this type and this bill seeks to update our existing regime. The bill before us has been drafted having regard to four key principles: who should be given legislative protection from making public interest disclosures; what should be the content of such a disclosure; to whom should the person should make the disclosure to obtain statutory protection; and what should be the extent of that protection.

From a whistleblower's perspective, they need to know what type of information can be the subject of a disclosure, to whom the disclosure should be made, that a disclosure will be appropriately and adequately investigated by an integrity agency that has that responsibility as part of its core functions and that he or she will be protected, as far as is possible, from any act of victimisation from any person, whether or not that person is the subject of the disclosure. It is in the state's own interests to exercise its powers to pursue official secrecy. Cardinal Richelieu is reported to have said, 'Secrecy is the first essential in the affairs of state.'

It is arguable that the whistleblower legislation regimes themselves represent an exercise of state power. There is a defined pathway for the individual as well as tests that apply. This is a degree of social control, albeit one that is designed with good intentions to facilitate disclosure that is in the public interest. Whistleblowing is an individualistic, moral response to wrongdoing. The individual is still pitted against the might of the state, despite the protections in this bill. In his paper published in the *Adelaide Law Review* in 2000 on the existing act, Mr Matthew Goode points out:

> All participants appear to define wrong-doing in their own moral terms, usually as a breach of some absolute rather than relative ethic, and all want to do something to improve the situation, whatever it is.

In his review of the motivations of the players in any disclosure regime, Goode highlights that the worth of this type of legislative intervention is less in the immediate efficacy in exposing wrongdoing than its ability to bring about a shift in attitude from the notion of a whistleblower or an informer as a person betraying a secret to one revealing the truth.

The whistleblower acts on principle. They have to grapple with much internal conflict. They are acting against authority for what they believe is the greater good. In response, organisations tend to see such an act as a challenge to its authority. In other words, the whistleblower consciously abandons the accepted culture and practice of their organisation. They cast themselves adrift from their own community. This inevitably places them under great personal stress. Even with protections in place for a whistleblower, they are still putting their lives, employment and relationships at risk.

Organisations in the public sector are perpetual and have long embedded memories. An organisation can take as long as it wants to wear down a whistleblower and make them leave. It can be done subtly and insidiously with no formal action or process to provide proof of evil intent. Legislation is important but is not the whole solution. Strong leadership and a healthy organisational

culture is what is required in the public sector, together with ministerial encouragement, rather than abuse, such as is described by the ICAC in respect of the Gillman land sale.

Without these things, the bureaucracy will always be at risk of gravitating to adopting without question the view of the leadership cadre and giving blind obedience to its will. That is the undercurrent or rip that we must always be on the lookout for, as it eats away the pillars that support our democratic institutions. In other words, this legislation may be no more than symbolic and a cultural signal from the parliament of our expectations of the public sector.

The bill's stated objectives are to encourage and facilitate disclosures of certain information in the public interest by ensuring that proper procedures are in place for making and dealing with such disclosures and by providing protection for persons making such disclosures. The bill contains definitions that are consistent with and complement the scheme established under the ICAC Act. We see the inclusion of the terms 'corruption', 'misconduct' and 'maladministration in public administration' with the same meanings as in the ICAC Act.

The bill provides protection for disclosure by members of the public about wrongdoing in the private or public sector where the information relates to a risk to public health, safety or the environment, provided that it is disclosed to an appropriate recipient. Members of the public sector also receive protection for disclosing matters concerning corruption, misconduct and maladministration in public administration. Under the proposed scheme, there will be designated and responsible officers in the public sector agencies and councils who will be required to take appropriate action when reports are made to them.

For disclosure to be protected, the reporting person must believe on reasonable grounds that the information is true or may be true and is of sufficient significance to justify disclosure. The public officer must make the disclosure to a relevant authority defined in the bill. The relevant authority will depend on the nature of the disclosed information. For example, it could be a designated officer or a supervisor, the Commissioner for Public Sector Employment, the Ombudsman, the Environment Protection Authority, the Auditor-General, the Judicial Conduct Commissioner or the Office for Public integrity, and the list goes on.

The bill creates a duty on the person who receives an appropriate disclosure to take action in relation to the information and take reasonable steps to keep the informant advised of the action or outcome of the investigation. The bill also permits disclosure to be made to a member of parliament, other than a minister of the Crown, if a person makes appropriate disclosure according to the requirements of the act and either does not receive notification within 30 days that an assessment will be made or does not receive notification within 120 days of the outcome.

Currently, the Whistleblowers Act does not cover disclosures made to a member of parliament unless the member is a minister of the Crown. The bill creates an offence for knowingly divulging without consent the identity of an informant except in certain circumstances. The penalty for this offence is stated to be a maximum $10,000 fine or imprisonment for one year. The bill also makes it an offence for someone to victimise a potential whistleblower. It has been drafted in the same terms as the ICAC Act.

I now turn to the Liberal amendments. The amendments that have been filed by the opposition are in response to the commissioner's recommendations 14, 19 and 21. Amendment No. 1 accommodates recommendation 14 of the commissioner's report. The bill unamended permits a public officer to re-disclose information to a member of parliament where there has been a public interest disclosure in accordance with the act but there has been a failure to investigate or keep the public officer informed.

The opposition's amendment seeks, in the same circumstances, to also permit the disclosure to be made to a journalist. My understanding of the Attorney-General's view in the other place is that disclosure in these circumstances is sufficient, as the member of parliament can, under privilege, bring the matter to the attention of the parliament. The commissioner takes a different view. He has made this clear not only in his report but in recent public statements to a parliamentary committee.

I am in agreement with the commissioner on this issue. Other states make provision for disclosure to journalists. The media plays a critically important role in our society. It is critical that the

new regime meets the needs of our citizens who desire the administration of their state free from the scourge of corruption, the pain of negligence or nadir of indifference by those who purport to serve them in the bureaucracy and oversee the community's wealth.

This is an important amendment. If we fail to provide for disclosure to the media, not only are we going against the wisdom of the commissioner, but we are sending a signal to the community that we favour secrecy over transparency, darkness over light, and are putting the interests of the executive over the interests of the whistleblower and, in turn, the community that wants that ethical person to come forward and shed light on those who prefer to live in the shadows.

Amendment No. 2 adopts recommendation 21 of the commissioner's report. Whilst the bill as drafted provides for vicarious liability, this amendment clarifies that there is a duty on agencies of the Crown to take reasonable steps to prevent victimisation of employees at the hands of other employees. The amendment also provides that, if the principal officer of a public sector agency follows the correct procedures required of them in the bill, they will have a defence to any proceedings commenced against the Crown.

Amendment No. 3 is consequential to amendment No. 2. The amendment clarifies that the other defence provision contained in clause 9 of the bill applies to persons not being the crown. Amendment No. 4 adopts recommendation 19 of the commissioner's report. This amendment provides an injunctive remedy to a whistleblower who reasonably suspects that they are at risk of being victimised. The whistleblower can apply to the Equal Opportunity Tribunal for an injunction.

The academic, Irving Janis, developed the concept of 'groupthink'. I understand it was derived from the Orwellian expression 'doublethink'. According to Janis, the groupthink stands for an obsessive form of concurrence-seeking amongst members of a policymaking group. Group members value their membership of the group above all else. This in turn causes them to strive for agreement within the group without critical debate.

Group members suppress personal doubt, silence dissenters and blindly follow the leader's wishes. Group members develop a strong belief in the superior morality of the group, combined with a disdain for those opposed. Mr Janis argues that the result of groupthink is a distorted view of reality and excessive optimism, producing hasty and reckless policies and a neglect of ethical issues. Members of the Labor Party will be very familiar with this mode of operation. Groupthink is one of the key principles on which the party operates—I think it is called 'the pledge'.

The people of South Australia are suffering the results of this pledge. We have a Labor government addicted to secrecy and opposed to transparency, and it has an irrational hatred for community engagement debate, unless it suits the politics of the day or season. I ask members of the chamber to reflect on the Gillman debacle, in particular on an inquiry which gave us an insight into the deplorable manner in which our public servants are treated: members of the board resigning in protest; executives being subject to crude abuse.

We have a hospital building on North Terrace, but no patients being treated within its walls; we have Transforming Health, but no efficiencies in the health sector, only increasing costs; we have a health department that appears unable to move into the new hospital; we have a Riverside development clouded in mystery and a contract that was only reluctantly made public and only then after certain redactions. We need a strong and robust whistleblower regime, but we also need more: we need a government committed to open debate about the challenges in South Australia and the actions the executive is taking to address the same. Ethical resistance to corruption and other forms of wrongdoing are constantly foiled by secrecy and workplace silence.

We not only need this bill, but we also need a cultural change in leadership of the state. Alas, we have to wait the election of a Liberal government. We must not see this bill as a panacea of discovering the ills of the executive or its bureaucracy. There is much work to be done at every level of government to ensure that there is a right culture of compliance and a willingness to be transparent. We must constantly revisit the compatibility of disclosure protection policy to important cultural realities.

As a community, we should make sure, without waiting for a complaint, that there is no impact on whistleblowers' lives after protected disclosures have been made, for the individuals who do show

the courage to make disclosure are doing so for our collective benefit. They are putting at risk their lives, employment and relationships for our betterment.

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

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (GENDER IDENTITY) 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) (18:18): I move:

That this bill be now read a second time.

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

Leave granted.

Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) people around the world continue to face wide ranging levels of discrimination because of their sexual orientation and gender identity. Unfortunately this discrimination means many LGBTIQ people feel unsafe, undervalued and isolated.

Just as all in South Australia, LGBTIQ people deserve to live their lives free from discrimination.

That is why, in 2015, the Government began the process to identify and remedy discrimination LGBTIQ people face due to our state laws. This commitment was announced by His Excellency the Honourable Hieu Van Le AC at the Opening of Parliament in 2015. In his speech, the Governor indicated that the South Australian Law Reform Institute would be tasked with reviewing all South Australian laws to identify discrimination on the grounds of sexual orientation, gender, gender identity and intersex status.

The South Australian Law Reform completed its review and released its findings in an Audit Report on 10 September 2015. This comprehensive review identified more than 140 pieces of South Australian legislation that discriminates on the grounds indicated above. In addition, the South Australian Law Reform Institute made a series of recommendations to redress this discrimination. These recommendations included action that could be enacted immediately and five broad areas that required further review prior to issuing recommendations to the Government. These broad areas include:

- Registration and recognition of sex, gender and gender reassignment
- Equal recognition of relationships and parenting rights
- Surrogacy
- Exemptions under the Equal Opportunity Act 1984; and
- The operation of provocation laws in South Australia.

The Premier proudly introduced the Statutes Amendment (Gender Identity and Equity) Bill 2016 in Parliament this year to implement recommendations made in the South Australian Law Reform Institute's Audit Report. This Bill passed this Parliament on 26 July and laid the foundation for the broader reforms recommended by the Institute.

In February 2016, the South Australian Law Reform Institute released the first of its further reports concerning the registration and recognition of sex, gender and gender reassignment. In April this year, the Legislative Review Committee of this Parliament completed its review of the Sexual Reassignment Repeal Bill 2014. Both of these reports reviewed the manner in which sex and gender is legally recognised in South Australia and the process by which people undertake to have this legal registration changed to accurately reflect their gender identity.

The South Australian Law Reform Institute and the Legislative Review Committee received various submissions describing the difficulty members of our community face when seeking to have their sex or gender identity legally changed. One person was quoted as saying:

> Although I have been classified as a transgender female by two psychiatrists qualified and expert in the field, and have been placed on appropriate hormone treatment and live publicly as a female (in my case with the public profile that I have), I cannot however be registered as a female in this State. The only basis upon which I can be registered as a female is by having gender reassignment surgery. This is both archaic and anachronistic.

Another person described the difficulty of not having appropriate categories to choose from when required to specify their gender identity on forms and documentation:

> Here are two boxes and you must pick one. An easy choice for someone who feels comfortable picking one. The most stressful choice ever for someone that looks at those two boxes and can't see their option that makes them feel comfortable... Thus where is the my option to simply state not specified and be able to remove that dreaded marker from my record from the day I was born which I maintain was in error.

It is clear from the reports of the South Australian Law Reform Committee and the Legislative Review Committee that immediate change to the law is required.

Firstly, both the South Australian Law Reform Institute and the Legislative Review Committee recommended repeal of the Sexual Reassignment Act 1988. Currently the Sexual Reassignment Act 1988 provides the only means for a person to change their registered sex or gender on their South Australian Birth Certificate. In its report, the Legislative Review Committee noted that the Act was well intentioned legislation at the time it was enacted, and was the first of its time in Australia. However, both the South Australian Law Reform Institute and the Legislative Review Committee submit that the Act is no longer appropriate and its provisions are outdated. This Bill will see this Act is repealed.

To replace this outdated scheme, the South Australian Law Reform Institute and the Legislative Review Committee recommended amendments to the Births, Deaths and Marriages Registration Act 1996 to provide for a simpler and less invasive process for people to change their registered sex or gender identity on the formal record. These recommendations are broadly consistent with one another.

Although both reports recommended the need for a clearer, more direct process, each report provided an alternative approach to the application process for both adults and children. The South Australian Law Reform Institute recommended that to process a change, the Registrar must not require evidence that the applicant has undergone sexual or gender reassignment treatment. Conversely, the Legislative Review Committee recommended that applicants provide a statement from a medical practitioner stating that the applicant has undergone or is undergoing appropriate clinical treatment. The Committee expressly stated that hormone treatment or sexual reassignment treatment are not to be a pre-requisite for establishing 'appropriate clinical treatment'. Unlike the current requirements in South Australia, appropriate clinical treatment can be in the form of counselling from a trained professional. This is a far less invasive approach, however one which ensures that people access some level of care and support during this process.

After close consideration of these alternative options, the approach recommended by the Legislative Review Committee was identified as the most appropriate for adoption. These recommendations are aligned to current Births, Deaths and Marriages Registration practices in South Australia and share consistencies with Commonwealth process, in particular, registration of alterative sex or gender on Australian passports.

These amendments have been drafted with appropriate safeguarding measures, in particular, measures to ensure the effective control and management of sensitive information.

On 4 August the *Births, Deaths and Marriages (Gender Identity) Amendment Bill* was proudly introduced into this Parliament. This Bill was the next step in a suite of legislative reforms aimed at removing discrimination experienced by Lesbian, Gay, Bisexual, Transgender, Intersex or Queer (LGBTIQ) South Australians.

Unfortunately, on 22 September 2016, the Bill was defeated by a vote in this House during its second reading.

Despite this, the Government's commitment to LGBTIQ people and removing discrimination remains steadfast. It was to this end that the Premier introduced a revised Bill in the other place, the *Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill 2016*, to ensure that these reforms are progressed.

This revised Bill is a result of strong consideration of the diverse views previously expressed by members of this Parliament and the broader community.

The revised Bill remains predominantly consistent with the earlier Bill. Unlike the earlier Bill however, this revised Bill features the following amendments:

- Magistrate Court approval must now be sought for a child (under the age of eighteen) seeking to register a change of sex or gender identity (previously, it was proposed that Magistrate approval only be required for children under the age of sixteen); and
- The requirement that the Registrar for Births, Deaths and Marriages must retain all historical information preceding a change of sex or gender identity on the register in addition to limiting access to this historical information as a privacy protection measure.

Before the Bill was passed in the other place, it was further amended, to now require that a person must first have received a *sufficient amount* of 'appropriate clinical treatment' prior to being eligible to apply for a change to be made to their birth registration. With respect to counselling as a form of 'appropriate clinical treatment', the bill was additionally amended to provide that clinical treatment constituted solely by counselling must first satisfy a prescribed period before it is acknowledged for the purposes of changing a person's birth registration.

The Government remains strongly committed to ensuring that discrimination based on LGBTIQ status or gender is struck from our statute book. It is not good enough that we continue to have people feeling unsafe or undervalued in our community.

As stated in the Australian Human Rights Commission's 2015 Report, *Resilient Individuals*, 'most Australians take their identity documents for granted.' For many in our community, these changes will have little or no impact, but for those who are impacted, these changes will be significant. Our people deserve a system that is respectful, direct and easy to navigate and it is hoped that these reforms will go far to achieving this outcome.

This Government is fundamentally opposed to South Australian LGBTIQ and gender diverse people facing discrimination at the hands of our very own laws. Much more is required to ensure every area of discrimination is erased, and that as a community we celebrate the rich diversity amongst us.

Our fellow LGBTIQ South Australians are valued members of our community and it is my aim to ensure that like their peers, LGBTIQ people feel valued, safe and are given every opportunity to thrive in South Australia.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

4—Amendment of section 3—Objects of Act

The objects of the Act are amended to reflect the scheme for changing sex or gender identity.

5—Amendment of section 4—Definitions

The definition of registrable event is amended to reflect the scheme for changing sex or gender identity.

6—Insertion of Part 4A

New Part 4A is inserted:

Part 4A—Change of sex or gender identity

Division 1—Preliminary

29H—Preliminary

Definitions and an interpretative provision are inserted for the purposes of the measure.

In particular, an interpretative provision is inserted to provide that clinical treatment constituted by counselling only cannot be regarded as a *sufficient amount of appropriate clinical treatment* (for the purposes of the Part) unless the period of the counselling is equal to or greater than the prescribed period.

Division 2—Applicants born in South Australia

29I—Application to change sex or gender identity

Persons 18 or older born in the State may apply for registration of a change of their sex or gender identity.

The regulations will recognise kinds of sex or gender identities that may be registered.

29J—Application to change child's sex or gender identity

A parent or guardian of a child under the age of 18 years may apply for registration of a change of the child's sex or gender identity.

29K—Material supporting application

An application must contain evidence from a medical practitioner or psychologist certifying that the person has undertaken a sufficient amount of appropriate clinical treatment in relation to the person's gender identity or specified evidence from another jurisdiction.

29L—Change of sex or gender identity

The Registrar may register a change of sex or gender identity.

29M—Special provision relating to access to Register and issue of extracts and certificates

Provision is made in relation to access to the Register and issue of extracts and certificates from the Register after a person has had a change in their sex or gender identity registered. Historical entries in the register will be maintained but access to those will be strictly limited.

29N—Use of old birth certificate to deceive

An offence is prescribed (in relation to a person whose sex or gender identity has changed) of producing a birth certificate that shows a person's sex or gender identity before the registration of a change to deceive.

Division 3—South Australian residents born outside Australia

29O—Application for identity acknowledgement certificate

Persons 18 or older born outside Australia whose births are not registered in another State or Territory and who are resident here may apply for an identity acknowledgement certificate.

29P—Application for identity acknowledgement certificate in respect of child

A parent or guardian of a child under the age of 18 years born outside Australia whose birth is not registered in another State or Territory and who is resident here may apply for an identity acknowledgement certificate.

29Q—Issue of identity acknowledgement certificate

The Registrar may issue an identity acknowledgement certificate.

29R—Effect of identity acknowledgement certificate

It is provided that a person issued an identity acknowledgement certificate is of the sex or gender identity specified in the identity acknowledgement certificate.

Division 4—General provisions

29S—Registrar may limit number of applications

The Registrar is authorised to determine a limit on the number of applications that may be made in respect of a person under the Part.

The Registrar may refuse to deal with an application in excess of the limit. An appeal against the refusal is provided for.

29T—Entitlement not affected by change of sex or gender identity

A person who has an entitlement under a will, trust or other instrument does not lose the entitlement only because of a change in the person's sex or gender identity or the issue of an identity acknowledgement certificate (unless the will, trust or other instrument otherwise provides).

29U—Change of sex or gender identity—interaction with other laws

An interpretative provision is included to the effect that a person who has changed their sex or gender identity or has been issued an identity acknowledgement certificate under the Part will be taken to have satisfied a requirement under another Act or law that the person provide details of their sex if the person provides details of their sex or gender identity as changed.

Schedule 1—Repeal and transitional provision

1—Repeal of *Sexual Reassignment Act 1988*

The *Sexual Reassignment Act 1988* is repealed.

2—Transitional provision

A provision is included that continues in effect a recognition certificate issued under the *Sexual Reassignment Act 1988* before its repeal (so that those certificates may continue to be registered).

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

STATUTES AMENDMENT (SURROGACY ELIGIBILITY) BILL

Introduction and First Reading

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

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Introduction and First Reading

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

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

At 18:20 the council adjourned until Tuesday 29 November 2016 at 14:15.

Answers to Questions

BUSINESS GRANTS

In reply to **the Hon. R.I. LUCAS** (11 February 2016).

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

In 2015-16, I had responsibility for approving grants paid directly to businesses through the following programs:

No.	Grant	2015-16 Total Funding ($000)
1	South Australian Micro Finance Fund	850
2	Business Transformation Voucher Program	1,750
3	Innovation Voucher Program	600
4	Strategic Industry Development Fund	1,500
5	Automotive Supplier Diversification Program	1,600
6	Regional Job Creation Grants Program	516
	TOTAL	6,816

APY LANDS, RENAL DIALYSIS UNITS

In reply to **the Hon. T.J. STEPHENS** (18 May 2016).

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

1. The Minister for Health is aware of the model of service delivery in the Northern Territory that facilitates clients' self-dialysis.

2. There are several clients in South Australia utilising self-dialysis where it is safe and appropriate to do so, and SA Health financially supports clients through an electricity rebate. However, there are factors that need to be taken into consideration with this model of care, including reliable electricity and quality water supply.

3. On 26 July 2016, the Minister for Health announced that SA Health is entering into formal contract discussions with Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation, also known as The Purple House, for the operation of a renal dialysis unit in Pukatja on the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands.

NORTHERN ECONOMIC PLAN

In reply to **the Hon. R.I. LUCAS** (21 June 2016).

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

The position of Strategic Coordinator for the Northern Economic Plan is funded equally between the NEP partner councils (50 per cent) and the State Government (50 per cent) for a period of three years.

The Strategic Co-ordinator reports to the NESIB. The Northern Economic and Social Implementation Board (NESIB) reports to the Community Leaders Group.

ABORIGINAL LANGUAGE INTERPRETERS AND TRANSLATORS

In reply to **the Hon. S.G. WADE** (22 June 2016).

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

1. The South Australian Policy Framework: Aboriginal Languages Interpreting and Translating was introduced in February 2014 and implemented under the auspices of the Government's Chief Executives Group on Aboriginal Affairs and the Senior Officers Group on Aboriginal Affairs.

Shortly after the policy's release, the Chief Executive of the Department of the Premier and Cabinet wrote to all State Government Chief Executives to ensure that all agencies were aware of the policy and their obligations under it. The policy and an accompanying 'quick reference guide' were disseminated in February 2014 and at the time, Aboriginal Affairs and Reconciliation worked across government to promote its use by all departments and agencies.

Interpreters and their services have not been utilised as much as they could be and the government is working to ensuring greater awareness of access to interpreters.

As a response to these concerns, and to support the ongoing implementation of the policy, the South Australian Government is working with the Federal Government to ensure things are done better in the future. We are scoping opportunities for a Northern Territory Aboriginal Interpreter Service (NTAIS) base in metropolitan Adelaide to support more accessible supply for Aboriginal people.

2. The reference group met once in 2015 (on 11 February). The group met again on 23 August 2016.

3. Specific concerns about an agency's use of Aboriginal languages interpreters and translators should be addressed in the first instance through the agency concerned. Where a complainant is not satisfied with the response by the agency to their individual concern, they should be directed to the appropriate review authority. This might be, for example, the Health and Community Services Complaints Commissioner or the SA Police, as appropriate.

Government agencies can raise systemic issues regarding the implementation of the policy framework with the Reference Group, through the Senior Officers Group on Aboriginal Affairs or through the APY Lands Steering Committee.

GREYHOUND RACING

In reply to **the Hon. T.A. FRANKS** (7 July 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 Racing has received this advice:

The South Australian racing industry was corporatised in 2000 by the former state government. The effect of corporatisation was to hand control of the racing industry to three controlling authorities representing each of the racing codes (thoroughbred racing, harness racing and greyhound racing).

Greyhound Racing SA Limited is a Company Limited by Guarantee. Greyhound Racing SA operates independently of government.

The state government does not record the number of bred to race greyhounds euthanased per year. The state government has always made it clear to Greyhound Racing SA the welfare of greyhounds has to be at the centre of their decision-making.

Greyhound Racing SA's commitment to animal welfare predates the live baiting and current controversy surrounding the industry in New South Wales, which is evidenced by animal welfare being one of the eight key pillars of their 2012 strategic plan.

Greyhound Racing SA has no tolerance for the mistreatment of greyhounds.

To date, there is still no evidence of live baiting in this state or that Greyhound Racing SA has failed to perform its duty as the designated controlling authority for greyhound racing in South Australia.

In contrast, the South Australian greyhound racing industry is leading the country in rehoming of greyhounds post racing and is a strong advocate for the reforms the industry needs on a national basis. In 2013, Greyhound Racing SA established the Prison Pet Partnership Program in the Adelaide Women's Prison. Greyhound Racing SA is working towards establishing a second program within the Mobilong Prison near Murray Bridge.

Back in 2012, Greyhound Racing SA committed to continuous growth in funding for its Greyhound Adoption Program (GAP). Their target was to lead industry best practice in greyhound adoption rates by 2017.

As a state government we have been advising GRSA to publicly disclose the figures. I welcomed Greyhound Racing SA's decision to publicly disclose euthanasia figures on September 21 2016 and their aim of reaching zero unnecessary euthanasia of greyhounds.