LEGISLATIVE COUNCIL

Thursday, 18 May 2017

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 community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Remuneration Tribunal Report in relation to Determination 3 of 2017—Alternative Lease Vehicle for the Honourable Justice Anne Bampton
District Council By-laws—
Barunga West—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Cats

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

South Australian Abortion Reporting Committee, Report, 2015
Regulations under the following Acts—
Education Act 1972—Miscellaneous
TAFE SA Act 2012—Miscellaneous
SA Health Response on Inquiry into Work-related Mental Disorders and Suicide Prevention Report by the Parliamentary Committee on Occupational Health, Rehabilitation and Compensation

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

Regulations under the following Acts—
Construction Industry Long Service Leave Act 1987—Appeal Provisions Revocation
Courts Administration Act 1993—Participating Courts
Evidence Act 1929—Prescribed South Australian Courts
Fair Work Act 1994—Clothing Outworker Code of Practice
Fair Work Act 1994—Miscellaneous
Fair Work Act 1994—Representation
Harbors and Navigation Act 1993—Fees No. 3
Long Service Leave Act 1987—Miscellaneous
Marine Safety (Domestic Commercial Vessel National Law (Application) Act 2013—Fees No. 3
Motor Vehicles Act 1959—Fees No. 2
Motor Vehicles Act 1959—National Heavy Vehicles Registration Fees No. 2
Passenger Transport Act 1994—Fees No. 2
Police Act 1998—Applications
Public Sector Act 2009—Miscellaneous No. 2

Return to Work Act 2014—Dissolution of Workers Compensation Tribunal—Transitional—No. 2
Sherriff's Act 1978—Participating Bodies
South Australian Employment Tribunal Act 2014—Criminal Jurisdiction of Court
South Australian Employment Tribunal Act 2014—Miscellaneous
Summary Procedure Act 1935—Industrial Offences
Supreme Court Act 1935—Definition of Prescribed Court
Work Health and Safety Act 2012—Miscellaneous No. 2
Work Health and Safety Act 2012—Prescription of Fee No. 2

Ministerial Statement

RIGNEY, DR ALICE

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:20): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.J. MAHER: I rise today to speak about the life and significant contribution Dr Alice Rigney has made to the South Australian community. Dr Rigney was a Kaurna and Narungga woman and grew up at Point Pearce on the Yorke Peninsula. She was a passionate supporter of education, not only for her own children, but for all children. Dr Rigney was also a strong inspiration to generations of Aboriginal children in this state and has shaped the lives of many through her work.

From a very young age, Alice knew the importance of education and, despite all the barriers that were presented for a young Aboriginal girl at the time, persevered. Despite most Aboriginal children at the time not even being given a basic education, Alice's determination and hard work gave her the opportunity to leave Point Pearce and finish her schooling at Unley Girls Technical High School in Adelaide.

Dr Rigney was a passionate supporter of education, not only for herself or her own children but for all children. It was for this reason that Alice began working as a teacher's aide in Aboriginal mission schools around the Yorke Peninsula. She thrived in the classroom and went on to complete her Diploma of Education through the University of South Australia. Alice never looked back and her career went from strength to strength. She broke through glass ceilings and was the first to do so many things that were elusive and out of reach for Aboriginal people who came before her.

Dr Rigney was a pioneer, leader and trailblazer. She was one of the first Aboriginal people to work in the Department for Education in the 1960s and was the very first person to join the administrative ranks of the Department for Education in 1985. Just one year later, in 1986, she became the first Aboriginal female principal in Australia—an outstanding achievement. She remained at the helm of the Kaurna Plains School for 11 years.

Dr Rigney was recognised for her leadership and commitment to education with an Australia Day Honours Public Service Medal in 1991 and received her doctorate from the University of South Australia in 1998. Officially retiring from teaching in 1997 did not stop Dr Rigney from mentoring and shaping young people's lives in this state. She was involved with South Australia's Guardianship Board, Aboriginal Education and the Training Advisory Committee for a number of years. Dr Rigney was also a tremendous champion of language and culture and was highly influential in promoting and reviving Aboriginal languages.

Dr Rigney's legacy lives on through her children, grandchildren and great-grandchildren and, perhaps more influentially, the 5,000-plus Aboriginal children whose lives she touched through the education system and through her lifetime's work to ensure that future generations of Aboriginal people would no longer suffer discrimination through unequal access to education.

I send my thoughts to Dr Rigney's family during this difficult time, and I am pleased that they have accepted the offer to have a state memorial next month.

INNER CITY STREET CREW

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23): I table a copy of a ministerial statement made in the other place by the Minister for Communities and Social Inclusion, entitled Inner City Homelessness Services.

OAKDEN MENTAL HEALTH FACILITY

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:24): I lay on the table a ministerial statement by the Minister for Mental Health and Substance Abuse regarding the update of progress at Oakden.

TECHPORT AUSTRALIA

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:24): I table a ministerial statement made in the other place by the Hon. Martin Hamilton-Smith on the topic of naval shipbuilding.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SOUTH AUSTRALIAN EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before having a discussion with the Minister for Manufacturing and Innovation on some questions around the South Australian commercialisation fund.

Leave granted.

The Hon. D.W. RIDGWAY: One of the core commitments at the last election was to establish the South Australian commercialisation fund. In estimates last year, the minister described the South Australian commercialisation fund as a two-part plan. Part A was the early commercialisation fund, and part B the venture capital fund. The minister went on to say that the early commercialisation program would be delivered in three stages. Those three stages are the ones I am most interested in today.

You mentioned, minister, that phase 1 is a proof of concept grant of up to $50,000. Phase 2 is a product development phase, provided the company meets milestones under the proof of concept phase, of up to a further $150,000. If milestones are met from phase 2, then phase 3 will involve early commercialisation of up to an additional $300,000 for the company.

My question to the minister is: how many businesses have been successful in getting phase 1, phase 2 and phase 3 funding?

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I call the minister, I would just like to acknowledge the presence of the Renmark School. It is good to have them here.

Question Time

STATE EARLY COMMERCIALISATION FUND

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive

Transformation, Minister for Science and Information Economy) (14:27): I thank the honourable member for his question and the opportunity to speak about our support for innovation in South Australia. Members would be aware of, and I have talked about it a number of times, the support in the last budget we gave for this area. It was the biggest investment we have ever seen: $80 million worth of new money in this area.

One of the important areas was the South Australian Early Commercialisation Fund that set out a number of tranches of funding that could be applied for and could be granted. I know when the fund opened a number of months ago, there were somewhere between 180 and 200 expressions of interest, ideas from companies that wanted to avail themselves of those funds.

I don't have an exact figure. I am happy to go away and find out, but it's in the order of payments that have been made from the Early Commercialisation Fund. I think it's somewhere around a dozen companies already have received funding from that fund. Off the top of my head, most are at that very early stage but will be looked to be progressed through to the further stages. That is the idea of this fund. Seed funding can be applied for at the very early stage and companies will be case managed through TechInSA and worked through to further stages of funding.

It is also the case that there may be companies in SA that are already past that very early stage and may receive funding at the second or third level. The exact numbers at the different levels, I am happy to go away and find an exact answer for the honourable member. Off the top of my head, it is at least a dozen companies that have accessed funding through the South Australian Early Commercialisation Fund, but I'm happy to get the exact numbers for the honourable member.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): Supplementary question: is the dozen companies for phase 1, phase 2 or phase 3, or all three?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:29): I am happy to bring back exact details. The information is—and, again, I will correct it if I am wrong, but I think 18 companies have been awarded funding.

The Hon. D.W. Ridgway: Is it 18 now?

The Hon. K.J. MAHER: I said, at least a dozen—I think it is about 18, so that is even better. But wait, there is more. We are doing even better than I first thought, so that's good then, isn't it? What I will do is find out the exact breakdown between that dozen and a half that have already been awarded funding through this, which I am sure the member opposite would applaud us for.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Further supplementary: I will give him another opportunity, Mr President—we may get to 24 companies at the next answer.

The Hon. I.K. Hunter: Keep spruiking it for us.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: What is the total amount of funding that has been allocated to each phase and how much has been spent in each phase?

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 am very happy to go away and get the exact details of those 18 fantastic South Australian companies that have already accessed the scheme. I'm happy to get the details of those and in fact I am sure it will please the honourable member that I might bring back an answer that I can read out in parliament and go through the exact details of all of the companies that have received funding.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I have a further supplementary, Mr President: this is a flagship policy of $80 million. Why is the answer not in your hot issues folder—as you would have prepared for the Hon. Terry Roberts if you had a chance?

The PRESIDENT: That question does not arise out of the answer. The minister has already stated that he will go back and get the information.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): A further supplementary: how many jobs have been created as a result of this Early Commercialisation Fund? Jobs will be foremost in your thinking today, I would think?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:31): As I said, I am happy to go away and get exact details of these things, but I am glad the honourable member seems to be very pleased with just how many companies. At first I thought it was at least a dozen. I have been able to confirm that it is 18 companies already. So, it is fantastic that he is so supportive of our programs.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Another supplementary question: if it is exactly 18 companies, then how much money has been allocated to each company and which phase? If your text messages are that good, how many is for each phase, in 1, 2 or 3?

The PRESIDENT: The Hon. Mr Ridgway, he has already answered with the fact that he will go away and bring the information back.

STATE EARLY COMMERCIALISATION FUND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Further supplementary question: how many companies have made it to phase 3?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:32): As I have said—and I'm happy to inform the member—I am happy to go away and find out the exact breakdown of the dozen and a half companies who have received funding through this program already—those that have received funding at the first level. I would be pretty sure that the companies have not yet progressed through all three stages, but, as I have said, there are companies that can apply at any stage, depending on where they are up to. I thank the honourable member for his keen support for this, for the sort of program that, over any time that they have been in government in the past, the Liberal Party has never seen fit to introduce.

The Hon. D.W. Ridgway interjecting:

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

UNEMPLOYMENT FIGURES

The Hon. J.M.A. LENSINK (14:33): I seek leave to make a brief explanation before directing a question to the Minister for Employment about South Australia's unemployment rate.

Leave granted.

The Hon. D.W. Ridgway: Have you got a briefing paper on that?

The Hon. J.M.A. LENSINK: Yes, hopefully. Today, the ABS released employment figures which show that South Australia's unemployment rate has increased to 7.3 per cent, which is the worst in the country, with the national average actually down to 5.7 per cent and, notably, that the increase in youth unemployment has increased from 17.3 per cent to 18.7 per cent, which is also the

worst in the country. South Australia now has the highest trend unemployment rate in the country for the last 29 months.

My question to the minister is: can he explain, in as much detail as possible, why South Australia's unemployment rate is a full percentage higher than the next closest state, which is Queensland at 6.3 per cent, and 1.6 per cent above the national average unemployment rate?

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) (14:34): I thank the honourable member for her question. There are a range of factors that make up the figures for employment.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: It is important to note, while I know the honourable member likes to pick out certain and particular figures to highlight, that over the last year we have seen the number of jobs net increase in South Australia. Over the last 12 months, employment is up more than 7,000—more than 7,000 over the last 12 months. Over the last year and a half, there are nearly 14,000 more South Australians employed than there were a year and a half ago; and, pleasingly, over the last 12 months, the majority of those are full-time positions. So, the trend is going in the right direction for this state. We are getting much closer to the national average, and that is a good thing for South Australia.

In terms of what are causes or reasons for a particular month's figure, there is no one particular reason you could point to. There is no one particular company that is responsible for a particular figure. Certainly, there are a number of components, and one of them is the sample size. In South Australia over the last year, in a small state, we have seen it jump up and down by over half a per cent—half a per cent at a time.

We have also seen a very significant increase in the number of women entering the labour force. We have seen, on trend terms in the last 12 months, 5,600 more women enter the labour force; 2,300 more women in the last 12 months are working than in the12 months before, but we have seen a very significant increase in the number of women who have entered the labour force.

We are seeing, as we have spoken about here, a slowdown in the automotive manufacturing sector, and we have talked about this time and time again in this chamber. We have talked about this, and it's an embarrassment for those opposite. It is an embarrassment for those opposite that their mates in Canberra, three years ago, chased Holden out of this country—chased Holden out of this state—and didn't give a thought to what would come next.

They were pushed and forced into awarding South Australia what they had always promised but tried to renege on, that is, defence shipbuilding projects; but we have seen them acting on it too late. We have seen nothing but a half-baked plan this week, and that is one of the problems. We have a very highly trained, sophisticated, advanced manufacturing workforce, but through the dithering of the federal Liberal government it has meant that there is this gap between when automotive finishes—it was chased out by the Liberals—and when the defence naval shipbuilding will start. So, there are a range of factors.

There are a range of factors that see a spike this month. But in 18 of the last 19 months, employment has grown month on month. In 18 of the last 19 months we have seen more jobs the month before than there were before that—18 of the last 19 months. It is an embarrassing fact for those opposite who love to talk this state down, but employment over the last year and a half has actually been growing.

UNEMPLOYMENT FIGURES

The Hon. J.M.A. LENSINK (14:38): Given that in the last five years there were nearly 900,000 jobs created nationally, and only 11,000 in South Australia, to what does the minister attribute this little blip, or is this—

The Hon. R.I. Lucas: Spike.

The Hon. J.M.A. LENSINK: Spike—thank you. To what does the minister attribute this spike?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:38): She is asking to what do we attribute the spike in jobs growth. To what do we attribute that? Well, there will be a range of factors that we attribute the spike in jobs growth. None of them are to do with the federal Liberal government, who are doing everything they can to punish South Australia.

The federal Liberal government don't think there's another seat here to win. That's why they are not acting on building ships here quicker. That's why, in the budget of $70 billion of infrastructure projects, there was not one new cent for South Australia. So, I can tell you what it's not attributed to: the jobs growth in South Australia is not attributed to the federal Liberal government.

There are a number of things that it can be attributed to: the Hon. Martin Hamilton-Smith's Economic Investment Fund; the fantastic minister who is doing great work—his fund has created about 5,000 jobs. The Hon. Geoff Brock, the member for Frome, is a champion of jobs growth in this state.

Another thing the Hon. Michelle Lensink's reference to a spike in jobs growth in South Australia could be attributed to is the Hon. Geoff Brock's Regional Development Fund, where $33 million has supported 61 projects that independent analysis indicates have created more than 2000 jobs. So, there are probably a number of things we can attribute the honourable member's spike in jobs growth in South Australia to.

UNEMPLOYMENT FIGURES

The Hon. J.M.A. LENSINK (14:39): On a supplementary, can the minister explain this discrepancy: when Victoria has clearly lost a lot of jobs in the auto manufacturing sector as well as South Australia, why is South Australia's trend way below Victoria's?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:40): I thank the honourable member. There are a number of reasons why. We were hit with a number of factors, such as the federal Liberal government's ideological decision to shut down auto manufacturing in this state as well as our reliance on the commodities and mining. When there was a downturn it affected us disproportionately. It affected Queensland and WA as well. The auto affected us and Victoria. There are a number of things that have affected us disproportionately to other states.

UNEMPLOYMENT FIGURES

The Hon. R.L. BROKENSHIRE (14:40): On a supplementary, based on the minister's answers and other rhetoric—

The Hon. T.A. Franks: On a point of order, Mr President: Kelly Vincent has actually tried four times now to do a supplementary, and you have not observed it once.

The PRESIDENT: I would have observed it if I had seen it, but I cannot see it. Something has to be done to allow the President to see if someone is trying to do that. We do not need people jumping up and carrying on. The Hon. Ms Vincent.

UNEMPLOYMENT FIGURES

The Hon. K.L. VINCENT (14:41): If, by the minister's own words, more women are entering the labour force, then why do the statistics that have just come out indicate that 8.3 per cent of women are unemployed this month, compared to 6.8 last month? Also, what is the government doing to ensure that we have more adequately trained disability support workers—given that the disability area is a jobs growth area under the NDIS—particularly in regional areas where there is an evident need for more workers?

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) (14:41): I thank the honourable member for a very well reasoned and thought out question. Over the last 12 months, in trend terms, there have been 5,600 more women enter the labour force—that is women who are either working or looking for a job. Of those 5,600 more women who have entered the labour force, half—2,300—have gained employment.

So, an increase in participation rate can often, even though there are more people employed, lead to an increase in an unemployment rate. In relation to the significant increase in the participation of women in the South Australian labour force over the last six months, although it has led to a net increase of 2,300 more women in employment, there have been double that amount who have entered into the labour force in total.

The second question was about jobs in disability services through the NDIS. I think I mentioned in this chamber only this week that around 1,700 more jobs are expected in just northern Adelaide through the introduction of the NDIS. That is why there was a disability employment hub that has been set up in northern Adelaide—for exactly that reason: to make sure training can be provided for people looking to enter into those jobs.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (14:42): On a supplementary: what is the nature of those 1,700 jobs? Is it support workers, is it allied health workers? What is the nature?

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) (14:43): It is a very good question. I am happy to go away and see if there is a breakdown in the estimates of how those jobs are divided between allied health professionals, other health professionals and the various support workers. I will bring back an answer, if there is such information available.

UNEMPLOYMENT FIGURES

The Hon. R.L. BROKENSHIRE (14:43): On a supplementary to the minister based on his rhetoric in his answers: is the minister telling the house and therefore South Australians that he is proud of his government's unemployment record in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): I thank the honourable member for his question. It is disappointing to see it has jumped up to 7.3 per cent. I was asked a question about some of the factors as to why that might be, and I have answered as to what some of those contributing factors could be. But it is disappointing to see it has jumped up, as it has jumped—up or down—by around half a per cent half of the time over the last year.

FORENSIC SERVICES REVIEW

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking the Minister for Correctional Services questions in relation to forensics services.

Leave granted.

The Hon. S.G. WADE: On 30 September last year, the Principal Community Visitor, Mr Maurice Corcoran, submitted his annual report on mental health services to the Minister for Mental Health and Substance Abuse. As is now widely known, that report highlighted the Principal Community Visitor's strong concerns about the quality and safety of care being provided to residents of the Makk and McLeay wards at Oakden.

The Principal Community Visitor's report contained 24 recommendations, and only one recommendation focused on Oakden. In contrast, five recommendations focused on forensic care—how it is resourced and associated matters. The first of the five recommendations called on the South Australian government to publicly release the report of an independent review of forensic care and table it in parliament. To date, that has not happened.

Last week, I asked the minister whether he had been provided with a copy of the report, whether he had read it and whether he had discussed his findings with the Minister for Mental Health and Substance Abuse. My questions are a reiteration of those questions:

1. Has the minister read the report?

2. Has the minister discussed the report with the Minister for Mental Health and Substance Abuse?

3. Can the minister advise if the report raises any concerns about the quality of forensic care provided on the Oakden campus; for example, as part of James Nash House?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:45): I thank the honourable member for his important questions regarding an important subject. As I have previously alluded to in this place, there are a number of constraints that operate in and around Correctional Services facilities when it comes to determining whether a forensic patient—those people who find themselves within DCS facilities as a result of section 269V of the Criminal Law Consolidation Act—is placed in a DCS prison. Persons detained to a prison in above circumstances can present significant challenges to the department due to their multiple and complex needs.

Often the person detained has a cognitive disability, an intellectual disability or an acquired brain injury and/or a psychiatric disability that heightens the risk to the person while in custody. I can confirm that as of 9 February this year there were 10 forensic patients held in prison under a ministerial direction. The number of forensic patients in DCS custody does, of course, from time to time fluctuate. Despite the challenges, the Department for Correctional Services remains committed to a collaborative approach to forensic mental health services in relation to the management of forensic patients and the implementation of appropriate transition planning.

All forensic patients are regularly reviewed by the visiting psychiatrist. This service works in conjunction with DCS and the South Australian Prison Health Service. There are also cross-agency meetings and an oversight committee that was established to improve the coordination and delivery of services for and to forensic patients within DCS custody. The committee includes representation from the Department for Correctional Services, the Forensic Mental Health Service, the South Australian Prison Health Service and, of course, the Office of the Chief Psychiatrist.

FORENSIC SERVICES REVIEW

The Hon. S.G. WADE (14:47): Supplementary: does the independent review of forensic services propose any changes in the relationship between SA Health and the Department for Correctional Services in relation to section 269 patients or any other part of the interaction between the two departments?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I understand that the Minister for Mental Health, as the responsible minister with regard to the honourable member's question, is considering these exact issues. I am more than happy to take that on notice and get a report back, accordingly.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. J.E. HANSON (14:48): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the chamber of how automotive companies like Axiom in northern Adelaide are diversifying their business?

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) (14:48): I thank the honourable member for his question and his keen interest in this area. Despite the challenges that are being faced, the government appreciates the value of manufacturing in our state. We have been committed to supporting the South Australians who have made some of the best cars in the world and have made them efficiently over nearly half a century.

Importantly, we have always recognised that the automotive sector didn't just provide jobs at Holden—or, in other states, Toyota and Ford—and for the dozens of tier 1 and tier 2 suppliers, but provided manufacturing understanding right throughout the economy. I am here to talk today about some of the automotive suppliers and how they are diversifying, finding a positive future and securing new futures for their workers.

Recently, I had the opportunity to visit Axiom Precision Manufacturing and see some of the great work the company and the workers are doing. I say 'some of the great work' because, as a result of Axiom's diversification plans, they are no longer just making components for the automotive sector but are also one of the local manufacturing firms contributing towards the Joint Strike Fighters that will be part of Australia's defence capabilities in the future.

Given the involvement in crucial defence technology, much of their new work was not on display for public viewing. Conforming to new rules, standards and regulations that exist in different industries has been just one of the challenges that Axiom and businesses looking to diversify have had to deal with. It is pleasing to see that the company and its workers are approaching these challenges head on and working hard to ensure that, when the whole car automotive manufacturing sector comes to an end in October, there is a future for a company such as this into the future.

Axiom's primary relationship was with Toyota, and as a tier 1 supplier to Toyota they were able to share in $3 million worth of funding nationally from Toyota to help them move into new work. With a minimum allocation of $5,000, allocated based on the number of impacted employees, this financial support goes across seven broad themes: reskilling, on-site employee transition centres, financial education, health and wellbeing for workers and literacy and numeracy support.

I am glad that Toyota has shown support for its supply chain workers who have built Toyota and contributed to making Toyota the brand it is in Australia today. Axiom will also receive $17,230 through the state government's Automotive Transformation Taskforce for 21 workers to retrain their jobs by undertaking training across 12 areas, including various manufacturing techniques, project management, training assessment and mechanical measurement.

At the end of the training program the staff will have the skills required to further develop Axiom's presence in aerospace defence, medical devices, electronic hardware and rail industries. I congratulate Axiom. I have been very impressed by both management and workers at the way they have and continue to diversify what they do.

DISABLED DRIVERS

The Hon. K.L. VINCENT (14:52): I seek leave to make a brief explanation before asking a question of the Minister for Police about advice his ministerial office gave out, and training of SAPOL, around disability issues.

Leave granted.

The Hon. K.L. VINCENT: Last week, I asked the minister a number of questions regarding his ministerial staff referring disability-related questions to my office, and about SAPOL apparently targeting a constituent with a disability when he is driving. Although it was a week ago, the minister has not brought back a response to these questions and, given the impact it is having on my constituent's life, I ask again:

1. Has the minister spoken with his ministerial staff, asking why they would refer constituents to our office when they call about disability-related matters?

2. Does the minister's office know how to manage and support people with disability and their family carers when they have inquiries?

3. Has the minister and his office followed up with the specific constituent who called on behalf of her son, who has been facing police harassment, it would appear, and multiple expiations while driving?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): I thank the honourable member for her questions. Of course, it would be my expectation that, when I make commitments in this council or undertake in this council (as I believe I did in my answer to the Hon. Ms Vincent's

question last week) to follow up on an issue, that is exactly what occurs. I understand the concerns the Hon. Ms Vincent has. As yet, I am not aware of the specific instance to which the Hon. Ms Vincent refers, and I reiterate that, if the Hon. Ms Vincent or her office would provide me with details of the particular circumstances to which she is referring, I am more than happy to make inquiries.

My particular concern, of course, rather than issues in terms of the bureaucracy, is the more fundamental concern of the constituent inquiry that I understand the Hon. Ms Vincent has raised, which is the way particular police officers treat members of our community who may suffer from a disability of some description. Again, I am happy to reiterate the commitment I made last week.

At the conclusion of question time today, I am more than happy to make inquiries of my office and see to it that the particular concerns the Hon. Ms Vincent has raised are followed up, but I can't think of any good reason that would necessitate my ministerial office, whether that be political staff or otherwise, referring matters to her office. It should be within our capacity to deal with inquiries as appropriate, or if inquiries come through to our office that do not pertain to the responsibilities that my office has or that I have as minister, to find someone else who is in a position to deal with those inquiries adequately.

DISABLED DRIVERS

The Hon. K.L. VINCENT (14:55): Does the minister understand that I don't actually need to give him the contact details for this constituent, given that they contacted his office in the first place and his office referred them to me? If he wants to find those details, he need only go through the scenario where I described the constituent in my previous questions. I am sure that, if he looks through his database, he will be able to find that constituent very easily.

APY LANDS

The Hon. T.J. STEPHENS (14:55): My questions to the Minister for Aboriginal Affairs and Reconciliation are:

1 What is the current fee paid by the Crown to the APY under the terms of the Mintabie town lease agreement?

2. Are the Crown's payments current?

3. Is the APY entitled to any part of the moneys collected by the Crown from prospecting or tenements granted on the Mintabie Precious Stones Field?

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) (14:56): I thank the honourable member for his questions. From memory, the last Mintabie agreement that was signed between APY and the government—and I think the Mintabie Miners Progress Association might be a party to that agreement—was about 2012. I don't have the details of how the lease agreement works or where any licence or prospecting fees are paid to, but I am very happy to go away and find out. I know that, for that division of the APY act that includes Mintabie, the minister responsible is the minister for mining, but I am happy to find out the exact answers about what relationship there is, where fees are paid to and how they are distributed.

APY LANDS

The Hon. T.J. STEPHENS (14:56): Supplementary question: minister, have you had complaints raised about any issues at Mintabie from the APY Executive or the APY general manager recently?

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) (14:57): I thank the honourable member for his question. I have had a number of discussions, particularly a couple of weeks ago when cabinet was up in the APY lands, about Mintabie. A Federal Court decision was handed down at the end of last year, and after the judgement a penalty was awarded against the owners of Nobby's store.

Certainly, we have had a number of discussions, and I know that the federal government is also interested in looking at anything further or any further ways that we can regulate particularly how businesses are run in Mintabie. People have discussed this with me, and both the state and the federal government are looking at what more we can do in relation to that.

APY LANDS

The Hon. T.A. FRANKS (14:57): Will the minister also clarify when that lease agreement that he thinks was signed in about 2012 actually expires?

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) (14:58): I am happy to take that on notice and bring back an answer for the honourable member.

GLOBAL WARMING

The Hon. J.M. GAZZOLA (14:58): My question is to the Minister for Climate Change. Minister, what do recent reports show about the impact of global warming on South Australia and Australia? How is the state government working to establish credible national policy to tackle climate change and help bolster the efforts the state government has already taken?

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 thank the honourable member for his most important question. Almost as every day passes now, there are new reports and research being published right across the world, but also here in Australia, showing the consequences of dangerous global warming. For example, a recent paper published in the *Journal of Science* on 31 March this year has found that rising temperatures and changing rainfall patterns are impacting species in all of the world's ecosystems. I am advised that, in its findings, the paper states:

> Movement of mosquitoes in response to global warming is a threat to health in many countries through predicted increases in the number of known and sometimes potentially new diseases.

Another landmark research paper recently published by scientists at Melbourne Uni in the journal of *Nature Climate Change* has found that global warming of 2º Celsius increases Australia's chances of having more summers like that in 2012-13 by approximately 77 per cent.

Honourable members will recall that the summer of 2012-13 was termed the 'angry summer' because it resulted in more than 200 record-breaking extreme weather events right across the country. Honourable members might also recall that Christmas Day in Adelaide in 2012 was 41.3°, the hottest in 70 years.

I am also advised that nationally 2012-13 remains Australia's hottest summer on record. That same paper also found that the extreme drought faced in 2006 would become almost a three in four years event if global warming was in the order of 2°. These are just some of the examples of consequences for Australia if global warming is not checked, and soon. The evidence is overwhelming, yet we still have people around the place who want to downplay this and even deny it. The fact is that climate change is real, it is happening and, as expert evidence shows, Australia will be impacted.

This is one of many reasons that I have been recently, again, disappointed at the lack of action at the federal government level. It is absolutely depressing, indeed pathetic, to see a prime minister pandering to the Liberal right wing for the sake of a few votes in caucus and selling out the future economic prosperity of the country and the country's health. Extreme weather events impact economies. What do you think having more of these extreme weather events will do to our economy? Changes in rainfall and when seasons commence impact on agriculture. What do you think this will mean for our food and wine sectors in this state alone?

Unlike the Liberals, of course, this government is taking action. We are tackling the challenges that climate change will bring. We are trying to seek out the opportunities that might arise from this for our communities and changing their practices, changing the way they sow, and when and how and what crops they sow. We are tackling the issues around emissions reduction and we

are working to get credible and sensible long-term policy at the federal level that supports us to build a low carbon economy.

That may in fact mean, in some respects, avoiding the federal government completely and working with other states and territories to get a national plan of action in which the federal government can happily join us at any time they like, but the states and territories are not going to hang around and wait for their lead. A low carbon transition at the federal level has to start with an emissions intensity scheme, a scheme once championed by Mr Turnbull himself and now supported by climate groups, manufacturing sectors, industries, business, the energy sector, farmers, the CSIRO—in fact, almost everyone but the federal Liberal Party.

Because of the Liberal Party, we have almost half a decade of inaction at the federal level, half a decade of prevarication which we could ill afford. Rather than build our economy and help chart the transition to a low carbon future, we have seen both Liberal prime ministers put their heads in the sand. It is often tempting for us to joke about the Liberal Party as being stuck in the 1830s. They throw lumps of coal around the parliament at a federal level.

The Hon. J.S.L. DAWKINS: Point of order: earlier this week—

Members interjecting:

The PRESIDENT: Order! The point of order.

The Hon. J.S.L. DAWKINS: —you gave us advice that it is not appropriate for members to comment upon the machinations of political parties, and that is exactly what the minister is doing now. I ask you to ask him to desist.

Members interjecting:

The Hon. J.S.L. DAWKINS: He was talking about the Liberal Party room.

Members interjecting:

The PRESIDENT: Order! Will the honourable minister please keep to the point of the question and continue his answer.

The Hon. I.K. HUNTER: Thank you, Mr President. A very wise ruling, as always. You are a Daniel come to judgement, Mr President. You understand, as those opposite don't, that climate change impacts the whole country—every jurisdiction, state, territory and federal. In fact, climate change policy is a responsibility of every jurisdiction in this country. We need all jurisdictions working together to challenge this global problem.

Members interjecting:

The PRESIDENT: Order! The honourable minister is on his feet.

The Hon. I.K. HUNTER: If you were to contrast the federal Liberal government's approach to climate change to, for example, energy policy, you would see that they would be back in the days of water wheels and coal. If you were to characterise it as being equivalent to, for example, an approach to modern medical treatment, they are back in the days of leeches. That is the level of the debate in the federal Liberal government. We won't even go to the NBN, where they have sold us out. They have sold us out. This week I used the words of Michael Bloomberg, a respected international businessperson, who said:

> Government can no more save the coal industry than it could have saved the telegraph industry or the horse-and-buggy industry a century ago. Pretending otherwise only hurts those in coal communities—trapping them in a dying industry instead of helping them acquire new skills and gain access to new career opportunities.

If that is so obvious to someone like Michael Bloomberg, why isn't it also obvious to the federal government?

The Hon. P. Malinauskas: Because they are in denial.

The Hon. I.K. HUNTER: They are in denial. You have to say that, after five years of prevarication, enough is enough. In our state government submission to the federal environment and energy department's review of climate change policy we make it clear that it is time for action at the

federal level. Our submission is available, for those honourable members who would like to download it and read it, at the State Climate Change website climatechange.sa.gov.au. In that submission we advocate for climate change to be elevated to the COAG level, a standing item to be considered by first ministers, together with energy, transport, agriculture and environment ministers.

Our submission calls for the federal government to adopt a national approach to improving climate science, including evaluating the impacts of the federal government's existing suite of climate change policies and sharing the evidence base and models with the wider community. It calls for a review of building regulations to further explore energy efficiency opportunities associated with commercial and residential buildings. It calls for incentives for the early introduction of zero emission vehicles (plug-in electric and hydrogen fuel cell vehicles amongst them) into Australia, and exploring mandating biofuels at a national level.

The time has come for national action and we need leadership at the federal level that helps Australia transition to a low carbon economy and supports the work that state and territory governments are doing. In concluding, I urge those opposite in the Liberal Party in South Australia not to hide behind the member for Sturt and be at his beck and call all the time but to stand up for the interests of the state and to come back and adopt sensible climate targets, like those of their counterparts in the New South Wales government—a Liberal government like this Labor government that has a goal of zero net emissions by 2050. By working together we can achieve these goals of tackling climate change, but the Liberal Party in South Australia is riding on the coat-tails of the federal Liberal government, doing absolutely nothing.

FEDERAL FUNDING

The Hon. R.L. BROKENSHIRE (15:07): I seek leave to make a brief explanation before asking the minister, as leader of government business, some questions about accessing federal funding.

Leave granted.

The Hon. R.L. BROKENSHIRE: In the last week or so we heard the minister repeatedly saying that the federal government gave no new funding to South Australia at the last budget. Of course, we know that that is not true because even today—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —the federal minister, the Hon. Simon Birmingham, was in Adelaide with other education ministers trying to sort out how they spend the additional money. However, after the disruptions at—

The Hon. I.K. Hunter: I thought you didn't like them anymore.

The Hon. R.L. BROKENSHIRE: What I like is proactive and positive government that fights for South Australia instead of bringing chestnuts and red herrings forward that are a delusion from the truth of what they could be doing to help this state. That is what I like, minister.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire, just take a seat for a moment.

Members interjecting:

The PRESIDENT: I think it is totally disrespectful for any person asking a question to be mocked or ridiculed while he is asking that question. Please allow the Hon. Mr Brokenshire to finish his question and then receive an answer. The Hon. Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: Thank you once again for your protection, Mr President. As recently as a few days ago we saw the debacle about Blackwood and the Adelaide Hills when a locomotive broke down. I understand, from my reading of the budget papers, that there is a significant global budget for railway infrastructure, both new and upgraded, available through the commonwealth government. My questions to the minister are:

1. Has the minister or his government put forward a plan or an application to access this pool of money for rail infrastructure to start to address the problem through the Adelaide Hills and Mount Lofty Ranges and bypass it and, in doing so, also assist with the growth of the intermodal at Monarto and make it a more efficient and economic growth opportunity for South Australian businesses into the future?

2. What is the minister doing to access that money, rather than misleading the people of South Australia that there is no money available?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): Mr President—

The Hon. D.W. Ridgway: All you do is whinge. You get $90 billion for defence, and you just whinge.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: Whinge, whinge, whinge.

The PRESIDENT: Will the honourable Leader of the Opposition desist.

Members interjecting:

The PRESIDENT: All I can hear is, 'Whinge, whinge, whinge'. Can the honourable Leader of the Opposition desist. There is a question here and I'm sure the honourable minister is looking forward to answering it.

The Hon. K.J. MAHER: I thank the honourable member of Australian Conservatives for his questions and, Mr President, old habits die hard, with him defending the federal Liberals in Canberra for their shameful treatment of South Australia in this federal budget. Let's have a look. There are a number of things—

Members interjecting:

The PRESIDENT: Order! Point of order.

The Hon. R.L. BROKENSHIRE: The point of order is simply relevance. I asked a specific question about what the government is doing. I do not need any more rhetoric.

The PRESIDENT: The minister will answer the way he sees fit. Minister.

The Hon. K.J. MAHER: The honourable member talked about funding generally. We had discussions earlier this week about education funding and the $265 million which sees this state worse off under the federal Liberal government than they would have been under a federal Labor government. This state is $265 million worse off. The Hon. Robert Brokenshire drew our attention, again, thankfully and helpfully, to the amount of infrastructure spending we get. I thank him for pointing out that not one cent of the $70 billion in new infrastructure funding was for South Australia.

We see billions of dollars for other states. We see more than $1 billion to Western Australia from something that had nothing approaching a business case: not even an idea, not even the back of an envelope, but still, 'We'll give WA $1 billion.' How much to SA? Not one cent. I thank the Hon. Robert Brokenshire for highlighting this, yet again. I know he talks about him and his mates. I think it was referring again to the 'glob link' plan that he is so enamoured by. He loves the 'glob link' plan.

There was $10 billion, with an allocation, I understand, to possible rail infrastructure in the federal budget and, again, not one cent was allocated to South Australia. So, I would appreciate it if the Hon. Robert Brokenshire, instead of coming here and talking about 'glob link' all the time, actually pressured his former mates in Canberra to actually make, maybe, one cent of allocation to this state in new infrastructure money.

FEDERAL FUNDING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:12): Supplementary: has the minister any plans or any intentions to put bids in for rail upgrades in South Australia in excess of the federal pool? Yes or no?

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) (15:13): I am certain we will continue to do that, as we did with the electrification of the Gawler line, out to Gawler where the member for Light is a fantastic local member who has been advocating for this. Do you know how much the federal government put in for that? Nothing. Not a single thing. We will continue to advocate and we would welcome and encourage the Hon. Robert Brokenshire to join with his mates in Canberra, such as Senator Cory Bernardi, to pressure his former mate—all their former mates—into actually thinking about one cent of new infrastructure spend for this state. I hope there is another supplementary, Mr President.

SA WATER INFRASTRUCTURE

The Hon. J.S. LEE (15:13): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about SA Water pipe renewal.

Leave granted.

The Hon. J.S. LEE: On 20 February, the minister stated that SA Water will invest an additional $55 million over the next four years to replace water mains across the state with the intent of reducing the number of bursts and leaks. However, SA Water's CEO, Mr Cheroux, told a recent Budget and Finance Committee meeting that over the next four years, with the exception of 2017-18, SA Water plans to spend less on pipe renewal projects compared to the $57.9 million spent in 2015-16.

Compared to 2015-16, figures obtained show that SA Water will spend $3.7 million less in 2016-17, $15.5 million less in 2018-19 and $17.3 million less in 2019-20. Clearly, with the exception of 2017, there are significant reductions in spending on pipe renewal projects. My questions to the minister are:

1. Can the minister confirm whether SA Water's spending on the pipe network will be $54.2 million in 2016-17, $42.4 million in 2018-19 and $40.6 million in 2019-20?

2. Can the minister also explain how the additional $55 million that he announced over the next four years will be spent on pipe network renewal?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:15): I thank the honourable member for her important question because it allows me to clear up some confusing information that the Hon. Rob Lucas has been putting out into the community. As is his usual wont, he takes some lines and distorts them unto his own desires, and then sets a little trap for honourable members, such as the Hon. Jing Lee, who listen to him and believe in him. Unfortunately, she is completely wrong in all of her undertakings.

The Hon. D.W. Ridgway: Just get on with your answer.

The Hon. I.K. HUNTER: The Hon. David Ridgway says get on with the answer because he is embarrassed as well—absolutely embarrassed by the antics of the Hon. Robert Lucas, the architect of privatisation in this state. Of course, you should be ashamed of him, Mr Ridgway, and I'm not surprised that you are. Nonetheless, you will have to sit down, settle back and listen to this answer.

I did understand that on 3 May, SA Water attended a hearing of the Budget and Finance Committee of the Legislative Council. I also understand that a number of matters were taken on notice, and these will be compiled with answers provided back to the committee in a timely manner, of course. But I need to give a little bit of detail because of the subsequent media confusion that's been raised by the Hon. Mr Lucas.

Overall—and these points have been made in the past, but I will take the opportunity to make them again—South Australia's water mains failure rate has been very stable over the last 15 years. We do experience seasonal variations over the years, but on average the rate has been reasonably consistent. What it does recognise is that burst water mains are an inconvenience for customers—of course they are—and pipe network renewals are designed to minimise failures as much as practicable.

This includes expenditure related to reticulated water mains network, trunk mains wastewater network, trunk water mains network and other related infrastructure works. I am advised that actual expenditure varies significantly from year to year, depending on the number of large projects, engineering complexity, construction materials and/or whether the projects are in high-traffic areas, and that is, of course, based on location. It is much more difficult to manage, and much more expensive in many cases, changing systems over (for example, the type of pipe) in a major thoroughfare in the CBD, or in the peri-CBD area, compared to something in the outlying areas of Adelaide or in regional South Australia.

The level of expenditure is determined based on a set target for customer levels of service. The strategy of setting a level of service and matching investment to meet that level of service has been in place since the early 2000s and has resulted in relatively stable burst rates. SA Water's expenditure on pipe network renewals has steadily increased since this strategy was introduced in order to continue to meet a targeted level of service to the community.

In 2015-16, the expenditure of $57.9 million is the highest ever spent against this budget line and included significant projects, such as Hackney Road water trunk main, South Road, Torrens to Torrens water and wastewater infrastructure, and O-Bahn wastewater infrastructure. From 2012-13 to 2015-16, SA Water spent $180 million on pipe network renewals, averaging $45 million per year, and through this expenditure 237 kilometres of reticulated water mains were renewed, I am advised. SA Water's original pipe network renewals budget, put forward as part of the second regulatory period submission, was $149 million with an estimated 275 kilometres of reticulated water mains to be renewed. This four-year budget covers the years 2016-17 to 2019-20.

I will just stop there and put a lie to the case that the Hon. Jing Lee was positing in her explanation: that there should be—every single year of a four-year regulatory period—exactly the same amount of money spent on a particular type of project every single year. Otherwise, the Hon. Jing Lee and others come along and say, 'You're spending more this year than you did last year,' or, 'You're spending less this year than you did last year.' It makes no difference. We have a four-year plan of expenditure. Whether we spend the bulk of it in the first year or the last year makes absolutely no difference. The plan is still the plan. We have that checked by ESCOSA and it is signed off on by ESCOSA.

Whether we expend a lot of that money, for example, renewing pipes in the first year, perhaps in more expensive areas to excavate like the city, as opposed to the final year in cheaper areas to excavate like the outer suburbs or in regional South Australia, makes absolutely no difference to the amount of pipe that is being renewed and makes absolutely no difference whether we are spending $10 million less in one year or $10 million more in another year. It is absolutely ludicrous to think that a year-on-year budget change up or down is of any significance whatsoever. I hope the Hon. Jing Lee understands that. We have a four-year expenditure cycle. How that is divided up year-on-year makes no difference to the amount of infrastructure that is being put in place.

In February 2017, I announced that this budget has been increased by $55.5 million—this is the pipe network renewals budget—specifically directed at the reticulated water mains network, further increasing the estimated water mains to be renewed from 275 kilometres to 375 kilometres. This has brought the total pipe network renewal budget to $205 million, with an average annual spend of $51 million, representing a 14 per cent increase over the previous four-year period. It is important to understand that it is over the previous four-year period. The 375 kilometres for estimated mains to be renewed represents an increase of 58 per cent compared to the previous four-year period.

As I said in this place on 1 March 2018, which was ignored by the Hon. Mr Lucas, and as recorded in *Hansard*:

…there will be no increase in SA Water customer bills as a result of this increased expenditure on these upgrades. This is because the $55 million investment is coming as a result of a reprioritisation of resources that was, I am advised—

An honourable member interjecting:

The Hon. I.K. HUNTER: Yes, you're right; 2018 hasn't happened yet—

negotiated successfully with ESCOSA.

They don't want to hear what is in *Hansard*. I don't think they even read it. It states:

This is because the $55 million investment is coming as a result of a reprioritisation of resources that was, I am advised, negotiated successfully with ESCOSA.

The Hon. R.I. Lucas interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Lucas is a fine one for talking about making things up. He is the author of more fiction in this place than in the whole history of the parliament. The Hon. Mr Lucas is the architect of privatisation in this house. *Pulp Fiction* has nothing on him.

As I said, this $55 million investment is coming as a result of reprioritisation of resources negotiated successfully with ESCOSA. That is the answer the Hon. Jing Lee should be listening to, not to any furphies being trafficked by the Hon. Mr Lucas.

TRANSPORT TRANSACTION LEVY

The Hon. M.C. PARNELL (15:23): I seek leave to make a brief explanation before asking the Minister for Police representing the Minister for Transport and Infrastructure a question regarding the $1 point-to-point transport service transaction levy.

Leave granted.

The Hon. M.C. PARNELL: The point-to-point transport service transaction levy of $1 per trip applying to all taxi, ride sharing and chauffeur car trips in the Adelaide metropolitan area came into operation on 1 May. The government's rationale for this new tax on passengers is that it is to fund the compensation package for the taxi industry for opening the transport services market to new ride sharing operators such as Uber. However, once the tax that has been collected has covered the cost of the compensation package, the tax will continue to be charged and will go into general revenue for the government to use for whatever purpose it desires. My questions to the minister are:

1. What are the costs associated with the administration and compliance of the point-to-point transport service transaction levy scheme?

2. For each dollar that is collected, how much of this goes to administration and compliance?

3. What are the costs of this scheme to taxi operators and Uber, who will essentially be unpaid government tax collectors, to manage the collection, administration and remittance of this tax revenue?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I thank the honourable member for his questions. Before formally taking the questions on notice and passing them on to the responsible minister in the other place, I note the fact that I know the Minister for Transport, along with the government generally, has been working incredibly hard to try to come up with a regulatory system in South Australia that best deals with the substantial advancement and disruption that has occurred in the taxi industry in South Australia. It is a challenge that is being dealt with by a number of governments and jurisdictions around the world that have this rather complex and difficult issue.

It is an approach that stands in stark contrast to the alternate government of this state, which, of course, is in favour of not having a regulatory regime at all and, rather, simply leaving the taxi industry all on its own in a way that doesn't represent the hard work they do in the community and the substantial investment they have made over many years.

We think the regime that is in place in South Australia now best represents a balance between emerging and new technologies, while also recognising the substantial amount of hard work

that many within the taxi industry have put in over many years—and they hence deserve a rightful place within the market. That said, I am more than happy to take on notice the questions from the Hon. Mr Mark Parnell and ensure that he gets an answer to the more technical parts of his question from the responsible minister in the other place.

JUVENILE FIRE LIGHTERS INTERVENTION PROGRAM

The Hon. T.T. NGO (15:26): I have a question for the Minister for Emergency Services. Can the minister tell the council about the impact of the Juvenile Fire Lighters Intervention Program in the northern suburbs?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:26): I thank the honourable member for his question. As members may be aware, the MFS runs an outstanding program that assists families to address the problem of children playing with fire. Running in the state for 25 years now, the Juvenile Fire Lighters Intervention Program is delivered by operational MFS firefighters who have been specially trained to work with children. Children aged between three and 18 years can be referred to the program by concerned parents and/or caregivers or by direction from the juvenile justice system.

I am very pleased to advise that late last year it was reported that the program is being correlated with a decrease in the number of arson attacks in the Elizabeth Local Service Area between October 2014 and September 2016. Through ongoing efforts by both the MFS and parents, this government is proud to support a program which is making such a positive contribution to community safety in our northern suburbs and other areas around the state. The program invites children into operational fire stations, where firefighters will sit down with participants and run through the potential risks of lighting a fire, while also reinforcing important safety information.

The program also provides safety tips for parents, carers, friends and relatives who may look after children, such as keeping matches, lighters and fire starters well out of the reach of children; teaching young children that they must never touch matches and lighters and getting children to notify an adult if they see them lying around; as well as praising children when they do so. The program also encourages parents to avoid using candles wherever possible if they have young children, to have torches and battery-powered fake candles as safer options, or to keep candles up high and out of the reach of children and never leaving a child in a room with a candle burning.

Finally, the program also provides the opportunity to ensure that families have an up-to-date home fire escape plan and to practise this plan to ensure that everyone understands what to do in the event of a fire. It is a testament to the great success of this program that it has achieved a participant success rate of 100 per cent, which it has held since July 2014, contributing to an overall participant success rate of more than 95 per cent in its 25-year history.

Importantly, this effective and highly successful program is absolutely free to parents, as well as completely confidential. I encourage all members to spread the word about this great program to parents right across the state. I congratulate the MFS on working to deliver an outstanding service to our communities. It serves as a fine example of how the Metropolitan Fire Service, along with other agencies within the emergency services, is not just committed to responding to incidents but also to working incredibly hard to prevent them from occurring in the first place.

Bills

SUPPLY BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 11 May 2017.)

The Hon. T.T. NGO (15:29): I rise to speak in support of the Supply Bill 2017. As honourable members would be aware, this legislation plays an important role in enabling the provision of essential government services. The bill ensures that the government can access the necessary funds to support its budget requirements and to pay the wages of our public servants in fundamental areas

such as education, public health, transport and infrastructure. I take this opportunity to share a few of many initiatives headed up by the government in the health, transport and infrastructure sectors.

Under the state government's Transforming Health plan, a major rehabilitation centre at Modbury was recently delivered to the community. The rehabilitation centre is part of the $32 million investment in Modbury Hospital, enabling the hospital to double the number of rehabilitation patients seen each year. Modbury Hospital is now the rehabilitation hub for patients in the north and north-east.

The new building accommodates 52 rehabilitation beds, 18 treatment rooms, a laboratory for analysing patient mobility, a prosthetics fitting lab and a therapy kitchen and laundry. The upgrade of facilities has significantly enhanced the rehabilitation programs on offer at Modbury Hospital, alongside the high-quality rehabilitation centre. Patients have access to topnotch rehabilitation services, such as a gymnasium, a hydrotherapy pool and therapy garden.

This centre delivers considerable benefits by helping residents to recover faster and closer to home. I have visited many people who are recovering from strokes, surgery and other illnesses and have seen for myself how quality rehabilitation care, with the support of family and friends, makes a world of difference in terms of helping people regain their independence and lifting their spirits.

Another successful project recently completed under Transforming Health is the $12 million upgrade of Noarlunga Hospital. The Minister for Health, the Hon. Jack Snelling MP, has called attention to the importance of modernising our health system, with investments such as this.

Residents in the northern suburbs will benefit from two new state-of-the-art operating theatres and an improved paediatric space in the emergency departments, as well as expansions of the surgical admission and recovery areas at the hospital. With the upgrades completed there are now six operating theatres at the hospital dedicated to same-day elective surgery. This enables people in the southern community to receive day surgery closer to home, improving the patient journey and creating a more spacious area for patients recovering from day surgery. These improvements ultimately result in fewer postponements, shorter waiting lists and better patient care.

Furthermore, I am told that the upgrade also comprises a new renal dialysis unit to provide greater comfort and privacy for patients, who receive 5,000 dialysis treatments overall each year at Noarlunga Hospital.

There is, of course, general recognition that the Australian population is ageing. It is therefore imperative that we continue to look after the health care of those who have contributed so much to our society during their lifetime. Along these lines, I understand the $185.5 million upgrade of the world-class Flinders Medical Centre is nearly complete. These works greatly enhance services for the elderly, with a new rehabilitation and palliative care centre and dedicated orthogeriatric service, in addition to a new centre for the older persons mental health service.

I have heard it said before that we inherit from the past and give to the future. Once again, the state government has shown its commitment to a long-term vision for South Australia by investing funds to build the roads and infrastructure, benefitting not only today's generation but also generations to come.

Unlike the federal government, which has very clearly shown, unfortunately, that their priorities lie within the Eastern States—

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

The Hon. T.T. NGO: —with the latest budget, the state government understands that economic growth and infrastructure go hand in hand. I am particularly pleased that a record number of South Australians will be working on public infrastructure projects in 2017 as part of the state government's $12.1 billion investment in infrastructure.

The new major projects starting this year are worth more than $1.5 billion and support more than 1,300 jobs. These projects include the $238 million Torrens rail junction and Mike Turtur Bikeway overpass, the $220 million Festival Plaza redevelopment, the $152.4 million Gawler electrification, the $85.5 million Flinders link extension, the $70 million AdeLINK tram extension, the

$55 million Gawler East link road, the $32 million Upper Yorke Peninsula road network upgrade and the $35 million major upgrade of Her Majesty's Theatre.

I note that this is in addition to more than 130 infrastructure projects already underway as part of the government's $12.1 billion investment over the next four years, benefiting communities in both metropolitan and regional areas. I speak of invaluable public infrastructure projects such as the $1.6 billion on water infrastructure, the $985 million Northern Connector, the $896 million Torrens Road to River Torrens upgrade, the $620 million Darlington upgrade, the $588 million on residential housing, the $397 million Convention Centre redevelopment, the $250 million STEM facilities at 139 schools, the $160 million O-Bahn City Access project, the $106.25 million APY lands main access road, the $110 million additional road maintenance and shoulder sealing and the $100 million new city high school.

I would like to update honourable members on the main access road upgrade project in South Australia's Anangu Pitjantjatjara Yankunytjatjara lands, or APY lands. I am told that work has begun on getting 43 kilometres of the APY main access road between Pukatja—formerly Ernabella—and Umuwa. This is part of the planned upgrade of about 210 kilometres of road and 21 kilometres of community access roads in the APY lands.

These works arise from the joint $106.25 million commonwealth and state project to improve living standards of the local Anangu by providing better access to essential services and facilities. The South Australian government has committed $21.25 million for the five-year upgrade of the APY main access road. We are almost at the halfway point, with completion of the full project expected to be in June 2019.

Tenders for the project are assessed in line with the state's Industry Participation Policy, ensuring that local South Australian businesses and employees gain the maximum benefit. I am pleased to tell the chamber that Greenhill Australia, a South Australian business, undertook road design work as part of this project. The local company designed nearly 150 kilometres of main access road between Kaltjiti and Iwantja, including the Mimili airstrip access road.

Transport and infrastructure minister, the Hon. Stephen Mullighan MP, has stated that some minor road realignment also forms part of the works, as well as improvements to drainage and floodways. It is certainly great to know that the project requires a minimum of 30 per cent of the total on-site labour hours to be undertaken by local Anangu. This means that jobs are going to the local community.

As a matter of fact, the Aboriginal Lands Parliamentary Standing Committee will soon be visiting the APY lands. Part of the program for next month's trip involves taking a firsthand look at work being done on the APY lands main access road project. I will be excited to see the progress that is being made on this essential upgrade.

The project aims to improve living standards of the local Anangu people by improving access to essential services and facilities. The primary benefits identified in relation to the main roads are safer travel between the communities, improved delivery of food supplies, improved emergency services access during poor weather, improved access to training and employment opportunities, improved living standards as a result of better services access and additional community interaction and social exchange.

Furthermore, other important benefits of the project are to help reduce travel times for people in this remote region, while also reducing the cost of operating vehicles by reducing wear and tear. Since the road is unsealed, predominantly unsheeted and located below the natural surface level, it is unfortunately susceptible to flooding throughout the year. I am pleased that the new design will provide a road surface that goes directly towards reducing road flooding and improving ride quality, safety and accessibility for all road users.

With these extensive projects in progress, South Australia is experiencing a once in a generation infrastructure investment. The government is taking important matters into its own hands to deliver the roads, schools, light rail and hospitals our state needs. We understand that technology does not work alone and that the benefits of our $12.1 billion infrastructure program must extend far beyond merely delivering these major projects.

Most importantly, our comprehensive industry participation policy effectively ensures that the infrastructure investments provide new job opportunities for locals and help existing workers develop and expand their skill sets. I am proud to be part of a state government that works closely with industry to facilitate such objectives as supporting public health, fostering scientific innovation and delivering the jobs of tomorrow for South Australians. With that, I commend the bill to the chamber.

The Hon. J.E. HANSON (15:46): There are a few matters that I would like to bring to your attention that arise out of the bill. I will deal with a number of them as I go. Regarding the community wastewater management system, the state government has committed to investing more than $47 million over the next 10 years to extend the community wastewater management system (CWMS) funding agreement to support the installation of essential infrastructure in regional towns.

The state government provides $4 million a year, indexed over 10 years, to the Local Government Association to support the installation of new communal wastewater management systems in regional towns where urban sewer systems are not provided by SA Water. This funding allows councils to build new schemes which address critical public health and environmental needs. Councils can provide this service at a cost to their communities equitable with users of SA Water services. Local government currently operates 172 community wastewater management systems in 45 councils and authorities across the state; once again underlining the importance of local government within the state.

Over the past decade, the state government has allocated more than $38 million, with local government communities contributing more than $20 million since the inception of the current funding agreement in July 2008; once again underlining the great partnership that state government and local government share. The state government funded the CWMS program to support councils to provide an essential service to their communities. These schemes not only ensure that public and environmental health standards in our regional towns are met, but also help them to provide the necessary infrastructure for those communities to pursue economic development opportunities.

The combined $58.5 million state government and community investment in the CWMS over the past 10 years has resulted in more than 3,000 connections to 11 new wastewater treatment facilities in our region; once again proving this state government's connection to regional economic growth. We know there is a continuing need for new schemes. This ongoing commitment over the next decade will allow even more regional councils to install modern wastewater management facilities in their towns.

The benefits of CWMS are not limited to public health, though. These projects generate much-needed regional employment through the construction phase and provide support for existing small and medium size enterprises, such as pubs or caravan parks, and in some cases can open up new economic opportunities for remote and regional towns.

Once again, I choose to underline that this kind of activity really adds to this government's credentials through the bill, to its commitment to regional towns, its commitment to regional growth and its commitment to working together with excellent local governments in the regions to provide economic benefit and much-needed community infrastructure.

I also want to move to the State Local Government Infrastructure Partnership. State government grants totalling more than $3.1 million have been offered to four councils in the northern, inner northern and north-eastern suburbs to develop major infrastructure projects. These grants are part of more than $23 million being offered to 26 councils across the state under the State Local Government Infrastructure Partnership.

Councils in the north, inner north and north-eastern suburbs are being offered grants. For instance, the City of Playford has been offered $1.48 million towards a $7.4 million project to build a multideck car park for the Playford CBD. The car park is expected to be six storeys in height, with a capacity for 360 vehicles, something much needed for the CBD district there. A city close to my heart, the City of Tea Tree Gully, has received $799,000 towards a $3.99 million Modbury Precinct Main Roads and Gateways project to include a substantial program of works to transform the precinct by December 2023, a project that will, I am sure, include significant works to upgrade North East Road, Reservoir Road and Smart Road.

They are projects that are much desired by hardworking members in that area like Tom Kenyon, who has fought hard for those areas, and indeed, Jack Snelling, the local member for Playford, who will soon be the local member for Florey. He has fought very hard to make sure that economic growth and investment continues in his community—an excellent local member.

But it does not end there: there is also $434,000 towards a $2.17 million project in Tea Tree Gully that delivers the 2020 Sports Facility Expansion Program. This program aims to address the expansion needs of three local sporting clubs: the Modbury Soccer Club, the Modbury Vista Soccer Club and the Hope Valley Sporting Club; once again proving that this government's credentials are solid when it comes to working together with local community clubs.

The City of Prospect has also received some largesse: it has received $201,000 towards a project worth just over $1 million to reconstruct Alexandra Street. The project involves the excavation, removal and replacement of the road surface, including kerbing, guttering and pavement. Also, the Campbelltown City Council has received just over $187,000 towards a $1.8 million project for an upgrade and widening of the River Torrens Linear Park shared path.

However, that is not the end of our infrastructure partnership projects. Grants totalling more than $1.5 million have been offered to four northern regional councils under the State Local Government Infrastructure Partnership. One of the councils to benefit is the Copper Coast district council, which has received $620,000 towards a $3.1 million project to bring forward an upgrade to the very successful Wallaroo North Beach—something I look forward to visiting and experiencing myself at the upcoming country Labor event there.

There has also been $280,000 towards a $1.4 million project in the Copper Coast district council to bring forward an upgrade of the northern half of Taylor Street in Kadina, with new pavement, footpath, lighting and crossings. Improvements will also be made to adjoining streets in the town's education precinct.

But it does not end there: the Yorke Peninsula Council is also a beneficiary of $300,000 towards a $1.5 million project to improve existing footpaths in Maitland, Price, Port Clinton, Ardrossan, Port Vincent, Stansbury, Edithburgh, Yorketown, Warooka, Minlaton and Port Victoria—a massive regional area covered by this government in conjunction with local government; once again underlining that partnership and the strength of local government, which this government recognises.

The Mount Remarkable district council is also a beneficiary. They have received $180,000 towards a $900,000 project to upgrade the Booleroo Centre airstrip by sealing the entire length of that runway.

The Hon. J.S.L. Dawkins: The entire length?

The Hon. J.E. HANSON: Yes, the entire length.

The Hon. J.S.L. Dawkins: What a novel idea—the entire length.

The Hon. K.J. Maher interjecting:

The ACTING PRESIDENT (Hon. A.L. McLachlan): Order! Let the member speak.

The Hon. J.E. HANSON: I have shocked the Hon. Mr Dawkins into having to leave the chamber, Mr Acting President. He is ashamed of his Liberal colleagues, particularly some of the regional members, who have not been able to secure any infrastructure funding in the federal budget, but we have. We have secured $180,000 towards the entire length of the runway and even the Mount Remarkable district council has been able to find $720,000 of their own to actually upgrade the entire length of the runway.

We have also found $112,000 towards a $556,000 project to develop the Bluff lookout as a high point in the Flinders Ranges.

An honourable member interjecting:

The Hon. J.E. HANSON: This is much more fun when you have someone talking to you. The Flinders Ranges Council has also received $64,000 towards a $320,000 project to construct a

skate park in Quorn. The State Local Government Infrastructure Partnership is designed to make it easier for councils to bring forward $125 million in local government infrastructure projects foreshadowed in local government's long-term planning.

In total, more than $23 million is being offered to 26 councils across this state, including more than $12 million to 15 regional councils. By working in partnership with the Local Government Association, the state government funding commitment will enable 20 per cent of the cost of these infrastructure projects to be provided to councils when they commence their works. The councils will provide the remaining 80 per cent through their own reserves or borrowings, as long as, of course, their rates are not capped and these infrastructure projects and job programs are destroyed.

Additionally, the Local Government Financing Authority will provide finance at a discounted rate over 10 years for any council borrowings on partnership projects. Our strong balance sheet and budget surpluses mean we can invest in infrastructure projects like these to create jobs in our regional and metropolitan communities. This $23 million in grants will unlock projects in 26 councils, valued at more than $118 million, and will support about 180 jobs per year over the next three years.

It is pleasing, I have to say, to see so many councils responding to this initiative, which will result in a wide range of projects, including upgrades to community facilities, such as libraries, airports, roadworks, cycling pathways and foreshore developments, as well as flood mitigation and water recycling improvements. It is great to see 26 councils, including 15 from our regions, taking advantage of the incentives on offer and coming forward with such diverse projects.

The Hon. J.S.L. Dawkins: You read that bit earlier. You have the same page again, I think.

The Hon. J.E. HANSON: I was just underlining that for you.

The Hon. J.S.L. Dawkins: Is that right?

The Hon. J.E. HANSON: The honourable member is very interested in my speech. I am happy to hear that. Local and state government joint initiatives is another aspect which I want to talk about because we have given grants to boost household food scraps recycling. Local and state governments are working together collaboratively in this area, again underlining that great relationship which we share. Ten local government organisations will receive more than $745,000 in state government funding to encourage food waste recycling.

The funding is part of the Green Industries SA program, which aims to divert more kitchen scraps from household waste bins. Councils will receive a subsidy for the cost of benchtop containers, compostable bags and the production of household education material. Since around 2010, some 150,000 households have introduced food waste recycling systems, with the support of state government funding. When organic material is disposed of in landfill it creates methane gas, a greenhouse gas linked to climate change. Blending food scraps with kerbside green organic material improves the quality and nutrient value of that processed compost.

Compost applied to soils improves plant growth, increases plant vigour, improves soil conditions and reduces soil moisture loss. I am reliably informed that an average household throws out about 3.3 kilos of food scraps every week. I may throw out more than that, but that is an impressive amount nonetheless. Everything from dairy to shellfish, meat scraps and bones can be thrown into the benchtop container, then turfed into the garden organics bin for fortnightly collection. This food waste is then sent off for reprocessing into compost and used in South Australia's vineyards, farms, parks and gardens.

Some councils have been awarded funding, and I will read through a short list. The Fleurieu Regional Waste Authority, which is a grouping of various councils—

The Hon. J.S.L. Dawkins: Name them.

The Hon. J.E. HANSON: It is on behalf of the Alexandrina Council. Up to about $62,796—I can give you an exact amount on that, Mr Dawkins—has been awarded to introduce and maintain a food waste diversion system using a ventilated basket and compostable bags for 3,107 dwellings.

Councils maintaining an area-wide food waste diversion system using a ventilated basket and compostable bags include: The City of Burnside, which will receive $44,688 per annum over two years for 18,620 dwellings, and I will continue with the level of detail since it was requested; the City

of Holdfast Bay will receive up to $39,444 per annum over two years for 18,783 dwellings (that's right, 83 dwellings); The City of Norwood Payneham and St Peters will receive up to $40,416 per annum over two years for 16,923 dwellings; the City of Port Adelaide Enfield may receive up to $112,854 per annum over two years for 53,740 dwellings; and the City of Prospect could receive up to $26,952 per annum over two years for 8,984 dwellings.

Councils with opt-in optional food waste diversion systems can use the ventilated basket and compostable bags as well. Some of those councils include: the City of Mount Gambier, which will receive $8,824.50 for 2,000 dwellings; the City of Marion, which will receive $8,749.30 for 2,000 dwellings, plus 150 compostable bins; the Fleurieu Regional Waste Authority (on behalf of Kangaroo Island Council) will receive $2,335 for 240 dwellings; and, once again, the City of Tea Tree Gully—the fantastic City of Tea Tree Gully, they are in here too—will get $45,200 for 5,000 dwellings.

It is also worth highlighting not just local government and this state government's commitment to work in conjunction with them, and the wide benefits that provides, but also to work in conjunction with some of our largest producers in this state, such as Nyrstar. This state government assisted Nyrstar recently and underwrote its—

The Hon. J.S.L. Dawkins: The pronunciation is 'Nearstar', actually.

The Hon. J.E. HANSON: I stand corrected. Anyhow, the planned expansion of the facilities there will mean that we can recapture valuable resources that otherwise would be sent offshore or landfilled, and can create jobs in South Australia.

The transformation of the Port Pirie smelter to a multi-metals processing and recovery facility will provide technology to process e-waste, including printed circuit boards, television screens, mobile phones and alkaline batteries. This will feature proven state-of-the-art technology which is currently available in Europe, Asia and North America. The site will be Australia's first e-waste treatment facility and will help to reduce the landfill and recover valuable metal to re-use in consumer products.

The treatment rates of e-waste from 2018 is expected to be more than 3,000 tonnes per annum, increasing to over 20,000 tonnes per annum as the facility ramps up, with a recovery rate of 98 per cent of metal content. Port Pirie-based recycler Nyrstar is upgrading its facilities so that it can expand the range of electronic waste or e-waste processing in South Australia. Nyrstar will accept a range of electronic products, such as printed computer circuit boards, cathode-ray tubes, mobile phones and related devices. It will also accept photovoltaic cells from roof solar panels, alkaline batteries and, potentially, other batteries, such as lead acid and nickel cadmium.

Currently, e-waste generated in Australia is either landfilled or exported. If sent offshore, it can end up in countries without stringent environmental or health and safety regulations, leading to environmental contamination and hazards for workers recovering e-waste components. The waste and resource recovery industry employs almost 5,000 South Australians, some in local government—again, local government plays a role. This sector turns over $1 billion each year and contributes more than $500 million to the gross state product.

South Australia is the only state in Australia that has legislated to ban e-waste from landfill. It sets our state apart from the rest of Australia, together with our container deposit legislation, ban on single-use plastic bags and strong track record in recycling and reducing the amount of waste going to landfill. Nyrstar's expansion will improve the state waste-processing infrastructure capacity and reinforce our leadership in waste management and resource recovery. It is transforming its facility into a state-of-the-art operation that will ensure material is recycled responsibly.

I turn to industry support, in particular the South Australian Wine Industry Development Scheme. The $1.8 million scheme aims to help drive wine sales, increase visitor numbers and create jobs by supporting wineries to upgrade and diversify their cellar-door offerings. The grants are available under two programs. There is the Cellar Door Grants Program, which is open to South Australian wineries looking to diversify and improve their traditional cellar-door experience. Funding is available for grants up to a maximum of $25,000.

However, you can upgrade yourself. The Regional Wine Industry Association Grants Program, which is open to South Australian regional grape and wine industry associations, has

funding available for grants up to a maximum of $50,000—that is right, double. Previous Cellar Door Grants Program projects include converting an old dairy into a private tasting room, upgrading a cellar door to include art displays and the development of a new restaurant. Previous Regional Wine Industry Association Grants Program projects included an interactive map of the Adelaide Hills wine region, an advertising campaign to promote the Langhorne Creek wine region and a map of unique soils of individual wine regions on the Limestone Coast.

In addition to the grant programs, $200,000 has been allocated to support major wine events and promotional activities. This will help showcase the state's premium wine to local and international markets and strengthen Adelaide/South Australia's Great Wine Capitals of the world identity. We saw a strong response to the first round of the scheme. Around 40 per cent of wineries in South Australia with a cellar door applied for funding to enhance their business. Under the 2016-17 round, we were able to fund 56 wineries across the Barossa, Clare Valley, Langhorne Creek, McLaren Vale, Adelaide Hills, Mount Gambier, Padthaway, Riverland, Robe and Southern Fleurieu regions.

This is a real game-changer for the SA wine industry. In the coming months, many of these cellar doors will finish their projects, which aim to increase foot traffic and wine sales. This is an opportunity for wineries to enhance the traditional cellar-door experience, and I am looking forward to seeing the exciting projects that are put forward. Adelaide is a member of the Great Wine Capitals Global Network. These grants help reinforce that title by raising the bar of our cellar-door experiences, if you will pardon the pun.

But that is not the end. There are other budget announcements. The state government is going to pay the utility cost for every public school and preschool. Water, electricity and gas bills will be processed and funded by the state government, providing financial relief for the state's 900 public schools and preschools. Any penalty rates incurred by schools as a result of cleaning will also be funded by the state government. The state government has listened to school communities, and we want to ensure that their focus is on delivering exceptional education, rather than on paying the bills. The move will give schools more certainty over their own budgets so that they can set aside funding for targeted education support.

Schools have previously received funding for a percentage of utility bills, requiring them to use school funds to meet this gap. From July, the payment of utilities will be fully funded and managed centrally. This means that schools will be able to use the funds previously needed to pay gaps in their utility bills for education purposes instead. The state government also recently announced that we are investing $15 million to reduce school power bills by providing 40 schools with $250,000 grants for solar panels.

An additional 200 schools will receive $25,000 to replace inefficient lighting, such as fluorescent tubes, and install lighting sensors and timers. Since 2002-03, including the 2016-17 budget, we have invested more than $2.2 billion in school capital works—that is massive—and maintaining the maintenance and asset funding.

The Hon. J.S.L. Dawkins: You have to put on the Mike Rann accent.

The Hon. J.E. HANSON: Is it 'missive'? I will have to go to New Zealand for a bit. The move to centrally managed school utilities will ease the workload on schools. This is a big win for schools and shows that this government is listening and understands what autonomy principals want. This delivers on what principals, teachers and governing councils have been calling for for some time. This will mean that schools spend more funding in the classroom, which is good news for students and staff. It does not end there. Now I will talk about sports vouchers.

The ACTING PRESIDENT (Hon. A.L. McLachlan): There have been some rulings in the past that you can confine your comments to supply and budget comments to the budget bill.

Members interjecting:

The ACTING PRESIDENT (Hon. A.L. McLachlan): Excuse me, honourable Leader of the Government, let me speak. Those rulings have been made against both sides of this chamber, so if you could reflect on that. I have given you a tremendous amount of leeway because you are a new member and I am a considerate soul.

The Hon. J.E. HANSON: Thank you, Mr Acting President. I will finish up on sports vouchers.

The ACTING PRESIDENT (Hon. A.L. McLachlan): I am not asking you to finish up. You will have the opportunity to speak on the budget bill on government initiatives.

The Hon. J.E. HANSON: The program allows every primary school student to claim a voucher, which is used as a $50 subsidy towards the cost of sports club fees or membership. More than 1,400 clubs and organisations across the state have accepted the voucher, with the three most popular sports being football, Little Athletics and netball. Twenty per cent of girls of primary school age claimed a voucher, highlighting the continued growth in popularity of women's sport.

The sports voucher program was launched in March 2015 as part of the state government commitment to help children play their favourite sport at a discounted price. On Yorke Peninsula and in the Mid North, the top clubs that have accepted the vouchers are the SANFL, 774; the Port Pirie Netball Association, 517; the Port Pirie Junior Soccer Association, 506; and the South Clare Sports Club, 212. The top clubs in the northern suburbs to have accepted vouchers are the Tea Tree Gully Gym Sports, 1,311; the Modbury Vista Junior Soccer Club, 800; the Tea Tree Gully City Soccer Club, 622; and the Salisbury North Junior Football Club, 502.

The 100,000th voucher was used by a child joining the Modbury Sports Football Club. Participation in sport and recreation improves the fitness and health of children, and provides a fun, safe and social environment that contributes to our thriving South Australian community. The program aims to reduce the cost of living for South Australian families and attract more young people to participate in sport.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2017)

The Hon. K.L. VINCENT (16:15): At this stage, I rise on behalf of the Dignity Party to say a few brief words about the bill. Children with disabilities represent a higher proportion of the in-care population than the general population. It is particularly distressing to know that some children enter care with disabilities that have been caused by acts of abuse and neglect.

Although South Australia does not appear to keep good data on this compared to states such as Queensland, we do know that some children who already have disabilities are relinquished into state care by parents who simply, unfortunately, lack the resources or who cannot access resources to manage the parenting responsibilities of children with additional needs.

Foster families supporting children with disabilities and trauma-related behavioural issues often need additional resources. It is important that we both assess and fund the ongoing need for specialist disability foster care placements, as well as funding the support and respite services needed to ensure those placements remain viable for foster-parents and children alike.

We know that at least five children have been voluntarily relinquished into state care since the NDIS was implemented in this state. I use the term 'voluntarily' quite lightly because I know it is not a decision that is reached easily by families. Voluntary relinquishment of a child from a loving family due to the pressures and strain at home is an emotionally traumatic thing for any parent.

The bill before us has found a great deal of criticism, and surely it is only because everyone concerned wants to ensure the best outcome for children and young people that these discussions and criticisms have come forward. Dignity Party share many of the concerns raised by others, particularly about how the spirit of Justice Nyland's recommendations will best be enshrined in law. The urging of the seven groups to which others have already referred, those being SACOSS, the Law Society of South Australia, the Australian Medical Association (SA), the Child and Family Welfare Association of SA, the Youth Affairs Council of South Australia, the Aboriginal Legal Rights Movement, the Council for the Care of Children and the Child Protection Reform Movement, is that, at this stage, we cannot support the bill.

Dignity Party will support the second reading to continue the discussion but look forward to either substantial amendments that will give voice and consideration to the many issues raised by those very seven credible groups in discussions about this bill or indeed a new bill. At this stage, we support the second reading but hope to see a much improved bill come before the council before we can support its full passage.

Debate adjourned on motion of Hon J.S. Lee.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Final Stages

Consideration in committee of Message No. 220 from the House of Assembly.

Amendments Nos 1 and 2:

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

That the council do not insist on its amendments Nos 1 and 2.

The House of Assembly has agreed to amendments Nos 3 to 10. However, the house has asked that the Legislative Council reconsider amendments Nos 1 and 2, which the government continues to oppose.

Both amendments moved by the Hon. Mr McLachlan and previously passed in this place are inconsistent with the government's election commitment to prohibit anyone whose mental impairment was caused by self-induced intoxication from utilising the defence of mental incompetence. The Hon. Mr McLachlan's first amendment opens up the availability of that defence to persons whose mental impairment was substantially caused by self-induced intoxication.

The government further submits that the Hon. Mr McLachlan's second amendment goes a lot further than addressing the supposed mischief in the bill that it appears to be addressing. If a person's self-induced intoxication is found to be a substantial cause of their offending, the Hon. Mr McLachlan's second amendment will result in the judiciary unnecessarily turning their mind to and considering whether or not all the criteria in proposed section 269C(3) apply, with the very nature of the three categories themselves being subjective. It is foreseeable that the provisions will not be applied consistently. I therefore request that amendments Nos 1 and 2 not be insisted upon.

The Hon. A.L. McLACHLAN: I ask the chamber to stand alongside me and insist on amendments Nos 1 and 2 which were moved in my name. The reasoning of the government was rejected by this chamber first time round. The council was not convinced by the reasoning of the government last time. I ask the chamber to insist on these amendments.

The Hon. K.L. VINCENT: Dignity Party will of course continue to insist on those amendments. We were one of the major voices that raised concerns about this particular aspect of the bill in the first place. We were very concerned that people who may commit an offence due to a pre-existing mental illness but who also have some substance in their system, such as drugs or alcohol, would therefore lose the ability to have their mental state taken into consideration when that offence was discussed in court, even though the underlying reason may be a very substantial pre-existing mental health issue.

We do not think that is an acceptable situation. I will not go into any more detail given that we have discussed this at some length for some time now. As I see it, we have taken a long time to reach the wording 'substantially caused by the consumption of drugs and alcohol'. We think that that is a suitable wording and we intend to stick by it.

The Hon. D.G.E. HOOD: I do not intend to rehash the arguments. We did that at length during the first attempt at this. Australian Conservatives did not support the amendments when they were initially put, and for that reason we will not be insisting on them.

The Hon. M.C. PARNELL: Just to assist the council in understanding where the numbers lie, the Greens supported the amendments the first time round and we see no reason to change our mind. The arguments for and against have not changed. We think they are sensible amendments. They improve the bill, and so the Greens will be insisting that we retain these amendments.

Motion negatived.

SENTENCING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2017.)

The Hon. J.A. DARLEY (16:26): The bill repeals the Criminal Law (Sentencing) Act and replaces it with a new regime. Matters that the court must consider when it imposes a sentence have been changed so that the paramount purpose is to protect the safety of the community. I understand there are essentially four sentencing options available to the courts. A custodial sentence can be imposed to imprison the offender, home detention can be imposed whereby the offender serves their sentence at home or in another place determined by the courts, intensive correction orders may be made which stipulate that an offender must undertake some sort of intensive correction or rehabilitation, or the court may impose a community-based sentence.

The bill also provides for special sentencing provisions for serious firearm offenders, repeat adult and youth offenders and offenders who are incapable or unwilling to control their sexual instincts. With all the non-imprisonment options, there is the ability for courts to include conditions that a person must abide by. For example, they may be subject to residential orders to live at a certain address or be required to wear electronic monitoring devices.

These conditions are subject to the court's discretion. However, I have been passionate about reducing the impact of drugs in the community and believe that rehabilitation should be required in all situations that the court thinks are appropriate. As such, I will be moving amendments which will require a person to participate in intervention and rehabilitation programs if the court feels it is appropriate. With that, I support the second reading of the bill.

The Hon. T.T. NGO (16:28): I rise to speak in support of the Sentencing Bill 2016. As we have previously heard the Attorney point out, this is the first major review of South Australia's sentencing regime in a long time. One of the key features of the bill currently before us is that it expands the number of sentencing options available to the court when sentencing offenders.

Imprisonment is, of course, the most serious form of punishment available in our criminal law system. In such a system punishments may also take various forms. A custodial sentence remains available for offenders who pose a great risk to the safety of the community, but there are a number of alternatives to custody. Such alternatives to custody should be embraced in a modern criminal justice system. These alternatives to custody are home detention, intensive corrections orders, suspended sentences and community corrections orders. The bill clearly sets out the procedures and strict conditions that may apply to these forms of sentencing.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Ngo has the call.

The Hon. T.T. NGO: Thank you for that, Mr Acting President. Recently, the Attorney-General's Department released some crime and justice data dashboards that provide a real-time insight into the justice system and the prison population. What was evident from these dashboards is that a significant number of our prison population are serving sentences for violence and sexual offending. Approximately three-quarters of those serving a sentence were sentenced for offences such as homicide, sexual assault and robbery. By and large, these are people who pose a significant risk to community safety and are appropriately dealt with by being sentenced to serve a term of imprisonment.

There is now an increased culture in our community around the reporting of serious crimes, especially in terms of domestic violence. This is a good thing. One of the hardest things for victims of domestic violence is to report the crime in the first place. With an increased emphasis on reporting, it seems likely that not only will we continue to see people brought before the courts for violent and sexual offending but that due to the serious and violent nature of these crimes the sentences will increase in length.

What we also want to do is ensure that non-violent and non-sexual offenders can be dealt with by alternative means to custody. In saying this I fully acknowledge that all offenders need to be punished, but the punishment should be tailored to the level of risk that the offender poses to the community. For example, we can readily see why someone convicted of a minor fraud offence should not be dealt with in a prison. They certainly ought to be punished, but that punishment should not necessarily involve imprisonment at great cost to the taxpayer.

There is sometimes criticism of suspended sentencing options. The phrase I often hear is that such sentences do not truly punish offenders, as they are little more than a slap on the wrist. However, I support the view that a suspended sentence can be aptly described as a sword of Damocles hanging over the offender's head. I refer to former Chief Justice Bray's astute comments in response to the criticisms. His Honour said, and I quote:

> So far from being no punishment at all, a suspended sentence is a sentence to imprisonment with all the consequence such a sentence involves on the defendant's record and his future, and it is one which can be called automatically into effect on the slightest breach of the terms of the bond during its currency. A liability over a period of years to serve an automatic term of imprisonment as a consequence of any proved misbehaviour in the legal sense, no matter how slight, can hardly be described as no punishment.

I welcome the broad range of sentencing options provided for in this bill. These changes support important initiatives led by the government; namely, to reduce reoffending among the existing prison population and enhance offenders' rehabilitation. This major reform provides offenders with real opportunities for rehabilitation and reintegration into the community while serving their sentence in the community.

Before I finish, there is one other aspect of the criminal justice system which I wish to address, where sentencing will play an important role. I welcome the establishment of a special government task force to tackle the growing crystal methamphetamine (or ice) epidemic. Members of the SA Ice Taskforce led by the police minister, the Hon. Peter Malinauskas, include the Minister for Substance Abuse, the Hon. Leesa Vlahos, SAPOL Assistant Commissioner Linda Fellows, and senior representatives from Drug and Alcohol Services SA.

This task force links with the overall South Australian Alcohol and Other Drug Strategy 2017-2021, which outlines specific actions to address issues with methamphetamines. These actions include a strong emphasis on early intervention through greater focus on parenting, education, trauma and social networks. Ice poses a great challenge to South Australia from both a community safety and health perspective. Over the years, I have seen and heard about the devastating effects this drug can have on families and communities.

Following an extensive process of community outreach and engagement, the task force will consider and advise on key issues of legislative change, prevention and treatment pathways for those affected, as well as increased community education on the dangers of the drug. The police minister will provide great leadership to this task force and with cross-government representation we can develop a robust strategy for combating this serious issue.

One aspect of dealing with this issue is by arming the courts with appropriate sentencing options to deal with offenders who are either dealing in or affected by this drug. This bill allows the court such flexibility. With that, I commend the bill to the chamber.

Debate adjourned on motion of Hon. J.S. Lee.

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 May 2017.)

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I call the leader of the Australian Conservatives.

The Hon. D.G.E. HOOD (16:38): Thank you, Mr Acting President. There are only two of us but thank you, it is very kind of you to say so, sir. Although, who knows, there may be more one day.

I rise to speak on this important bill which strengthens legislation pertaining to drink and drug driving and in our view it is long overdue. The bill puts on notice those who negligently believe that it is acceptable to put themselves or other road users or even their children or other children at risk through drink and drug driving. Worryingly, drug driving has substantially increased in recent years. In 2014, drugs overtook alcohol in the implication, playing a role in blood testing of fatalities as recorded post death.

According to the Motor Accident Commission the most commonly detected drugs are methamphetamines followed by THC, most commonly known for being the active ingredient in cannabis, of course, and more often than not, a mixture of both THC and methamphetamines. There is a significant body of evidence proving the dangerous effects of drugs and alcohol on the human body and brain, which include drowsiness, slower reaction time, inhibited psychomotor skills (which relate to one's ability to perform physical movements), impairment of vision, reduction of alertness and impairment of other important cognitive functions. Clearly, any substances that produce these results should not be taken when someone is about to get in a car and drive.

Family First and, of course, now the Australian Conservatives have, for a long time, strongly advocated for the strengthening of drug-driving penalties. Quite simply, penalties under the current legislation are not adequate. Indeed, they are even laughable and do not effectively serve as any sort of deterrent at all. Weak penalties will only increase the number of reoffenders, which is why it is important to adopt stronger penalties, as this bill seeks to do.

Having closely considered the bill, the changes put forward are, for the most part, acceptable to us, and we will support them. For example, the bill amends section 47BA of the Road Traffic Act 1961, which specifically deals with drug-driving offences. Under the bill, the disqualification periods for repeat drug drivers are doubled in most instances and, importantly, the penalties cannot be substituted or reduced, which is a very sensible measure and certainly one that the Australian Conservatives will support.

Additionally, this bill introduces a new offence which deals with situations where a person consumes alcohol, takes drugs, or both, and decides to get behind the wheel with a child in the vehicle. In countless examples in recent years, drivers have been caught with children in their vehicle, driving in a school zone whilst under the influence of drugs or alcohol. Only last year, in a single day, police caught 14 drivers who tested positive for drugs in their system whilst driving. In comparison, on the same day, only two people were found driving under the influence of alcohol.

Moreover, one driver who tested positive for methamphetamines was caught moments after dropping children off at school. In 2015, seven drivers were detected drug driving around school zones in just one day. Again, methamphetamine was largely the substance detected in drivers caught. It is gravely concerning that people are driving under the influence of drugs around children and equally disturbing to think that many other drug drivers risk innocent lives and, of course, go undetected. However, they will eventually be caught. Therefore, it is imperative that when they are caught, the appropriate penalties are imposed to serve as deterrents, not only to deter them from doing something so silly again, but also to deter others who may choose to emulate them. Obviously, strong penalties will act as a deterrent for them as well.

In addition to disqualification, loss of demerit points and fines, a person found to be driving with a child under the age of 16 present in the vehicle will also be investigated by the Department for Child Protection. This measure is strongly supported by the Australian Conservatives. A parent or guardian risking the lives of their children through drink or drug driving should rightly be investigated, as it would indicate that the person is not fit and proper to be a parent in that circumstance. Importantly, the offence will activate a drug or alcohol dependency assessment, which the offender must undertake before there can be consideration of reissuing their licence. Again, we strongly support this measure.

It is important to remember that driving is not a right but a privilege that must be earned and certainly must not be abused. Therefore, Australian Conservatives have no sympathy for drivers who are caught drug driving for a third time. Under this bill, the offender is slapped with a two-year disqualification. We believe, however, that a person who has been caught not once, not twice but a third time, is a serious repeat offender and will most likely reoffend. Therefore, it is necessary to

impose an even stronger sentence to protect the community and allow the offender to reflect on their repeat wrongdoing for an extended period of time. For those reasons, I will be moving an amendment to increase the penalty for a third subsequent offence from two years, as this bill outlines, to a five-year disqualification.

If somebody is prepared to get into a car with drugs in their system and drive and be caught not once, not twice, but three times, then at least five years is warranted, in our view. I certainly hope members will stand with me to condemn the repeat offenders and send a strong message to drug drivers that we as a parliament, and indeed a community, will not tolerate repeat offending. It is hard to think of anything more dangerous.

Other features of this bill include measures aimed at increasing the number of police officers able to administer drug tests, as well as streamlining the process and improving transparency and ease of access through the listing of approved drug and alcohol testing apparatus under regulations. All these measures will have the support of the Australian Conservatives. We are pleased that this bill has been brought on. We understand that the minister has been working on this for some time.

If I may take a moment, I would like to thank the minister for his cooperation in drawing up this bill. I have been a dog with a bone on this issue for a number of years now, and I think this minister has been open to a number of suggestions that I personally put to him, for which I am grateful. It seems to me that he is quite genuine in his determination to do something about this matter.

Our general view, as I have outlined in our speech, is one of support. Our only mild disappointment—and I say 'mild'—is that in some instances it does not go far enough. We understand the constraints of government. As I said, I will be seeking to amend it to make it tougher, but we certainly support the bill.

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

RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA (CROWN CLAIMS MANAGEMENT) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:45): I move:

That this bill be now read a second time.

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

Leave granted.

Today I am introducing a Bill to make amendments to the *Return to Work Corporation of South Australia Act 1994* to allow for the management of new work injury claims of employees of the Government to be administered by ReturnToWorkSA.

Throughout the reform of workers compensation in this State, the Government's focus for South Australia has been on improving health outcomes for people injured at work. The Government has had the opportunity to observe the journey that ReturnToWorkSA has taken in improving the quality and consistency of its claims management services to over 50,000 registered employers and their workers in South Australia.

In the unfortunate event of a workplace injury, all South Australian employees should expect to receive the same level of support in order to facilitate their return to work, no matter where they work. The Government's aim is to ensure a consistent approach across the State.

The current arrangements with Crown agencies do not support this consistency, and unless we change the status of the Government's injury management services to align with our private sector employers, this inconsistency will remain.

In overseeing the public sector, this Government has also considered whether there were opportunities for improvement for the Crown, as the employer of around 12% of the South Australian workforce. Employing over 100,000 South Australians, our public sector is a significant employer in this State.

The changes proposed in this Bill will bring the public service in line with the rest of the State with regard to return-to-work outcomes and services, resulting in greater consistency and transparency. The Government is focused on ensuring injured workers are supported with the very best services to optimise their recovery and return to work.

I want to make it clear that the Government's decision to move the management of work injuries to ReturnToWorkSA is not about getting a cheaper service – it is about getting a consistent and high quality service focused on recovery and return to work for all of our employees who are injured at work. We also want to take advantage of the good work that ReturnToWorkSA has done in improving the service standard provided to injured workers and their employers.

In reviewing the various approaches taken by different Government agencies, it's clear that it would be difficult for the Crown to emulate the same level of consistency and quality of approach to claims management that ReturnToWorkSA has been able to deliver across the registered scheme; noting that work injury insurance is ReturnToWorkSA's core business.

Currently within the Crown there are 12 separate operating units undertaking injury management functions for their agencies. These injury management units include management and administration structures which vary from agency to agency.

With 12 separate Units working in silos, there is inconsistency in the way claims are managed. For example, depending on the agency you are in, you may have in-house rehabilitation or outsourced rehabilitation, you may have different approaches in early intervention, or you may have centralised or decentralised claims management. These differing arrangements also mean that best practice cannot be easily measured, acted on, or implemented across the Crown.

This variability is particularly notable for workers with a serious injury claim. Currently all Crown agencies have small numbers of this type of claim and there is no overarching structured approach on how these workers are supported. Due to these small numbers, agencies have not developed the same level specialist expertise in supporting workers with significant injuries as that of ReturnToWorkSA. The Government feels that transferring these claims to ReturnToWorkSA will bolster the support provided to these injured workers.

ReturnToWorkSA has a well-established and specialised unit that supports workers with the most serious injuries, for example workers with a traumatic brain injury or limb amputation, whose lives have been significantly impacted by their injury. These staff deal exclusively with significant injury claims giving them the expertise and ability to support these injured workers.

It is important to acknowledge the focus of the Return to Work Scheme on recovery and return to work, as well as the health benefits of work. A consistent focus on recovery and return to work is something that the Government believes the Crown's employees can benefit from. This is another reason why the Government has made the decision to insure with ReturnToWorkSA.

In addition, ReturnToWorkSA has sophisticated data analytics capability, which is used as a risk management tool. This capability would be of major benefit for the Crown and would be a cost effective strategy in the risk management of current and future claims. Improved reporting and benchmarking of workers compensation performance in Crown would be beneficial to identify the injury risk across the sector and compare results across the agencies. This level of data capability and analysis will allow for return to work policy development, which also encompasses the public sector. It will also make it easier to gather evidence on public sector wide trends, enabling greater benchmarking.

Injured employees legislated entitlements will not be impacted by this Bill. Worker entitlements are governed by the *Return to Work Act* 2014 and these entitlements will not change. ReturnToWorkSA has already established systems and structures that currently do not exist within the Crown that assist in improving service delivery. This includes access to phone reporting without the need to fill in paper based claims forms. This is generally not the case across government agencies, with most claim notification being done via a paper form, which can lead to delays for the worker. In addition, ReturnToWorkSA has Mobile Claims Managers who are out on the road visiting injured workers and employers in order to provide face-to-face and personalised service aimed at supporting workers to remain or return to work.

The Government believes this decision will be good for our employees, good for the Crown and good for the State.

In terms of the costs, Government agencies have already fully budgeted for future costs associated with workers compensation claims. The proposed arrangements will result in no net expenditure increase, but rather a change in the nature of expenditure over time from the direct costs of workers compensation, to a payment to ReturnToWorkSA.

A key point is that the arrangements for Government agencies will operate separately from the current registered Scheme. There will be no effect on the premium for the current registered Scheme for private employers as a result of the proposed reforms. ReturnToWorkSA will recover the costs of the Government's workers compensation claims, and its own administration costs in managing those claims. It will generate no profit (or loss), nor will it improve (or deteriorate) its net asset position as a result of the reforms. The broad intent is to transfer the management of the Government's workers compensation claims to ReturnToWorkSA and achieve a neutral financial outcome for both

RTWSA and Government agencies. As is the case now, the factor that will dictate financial outcomes for the Government is the incidence of workplace injury and the effectiveness of claims management and the achievement of return to work outcomes.

It is expected that over time the consistent expert administration and management of claims, as well as the experience and advice to agencies from RTWSA, will result in lower costs, which will flow through as a benefit to Government agencies. As claims build up over time, ReturnToWorkSA, based on actuarial advice, will base its premium each year on the payments it projects it will incur in managing agency claims, plus administration costs. No more, no less.

Each Government department, and statutory corporation (except for SA Water) will be levied a separate premium, based on estimated individual experience in the coming year. The premium will be levied at the departmental level; there will be no further delineation of charge based on divisions or worksites (for example, individual schools or hospitals). The premium will of course be based on the aggregate expected incidence of workplace injury over an entire department's activities. As is the case currently however, agencies will retain complete flexibility in how it devolves its charges and budgets over its divisions and worksites.

The 2017-18 premium will be set at approximately $26 million in total for the Government, again reflecting the expected cost of new claims next year, plus administration costs for ReturnToWorkSA. This will be broken up based on the expected cost for each agency. ReturnToWorkSA will invoice agencies twice yearly in equal instalments.

As self-insurers, Government agencies already pay ReturnToWorkSA a self-insurer levy, which in total adds to approximately $5 million each year. This is estimated to be sufficient to cover the initial administration costs to be incurred by ReturnToWorkSA in 2017-18 in managing the Government's claims. For continuity, agency premiums will include a continuation of this equivalent charge next year.

Moving forward, as the number of claims build up in ReturnToWorkSA, so too equally will ReturnToWorkSA 's administration costs. As the task of managing the Government's residual (pre 1 July 2017) claims reduces, so too will its administrative costs. All functions that ReturnToWorkSA takes on will no longer be performed individually by Government agencies.

The transition will be such that at some point, agencies will no longer be managing or incurring costs directly for residual claims, and all expenditure incurred in regards to workers compensation will be via premium payments to ReturnToWorkSA. In other words, the build-up of an annual premium will be complete.

Agencies have overwhelmingly expressed a desire under the new arrangements to continue to have a direct linkage of their financial charge to their own individual experience in regard to workers compensation claims.

The principles underpinning the premium framework therefore will remain consistent over time, even in a full scheme scenario. Agency charges will continue to be directly linked to their estimated claims costs, which will continue to be informed by actuarial projections. ReturnToWorkSA will not generate profit from the arrangements, and agencies will only pay based on their own experience.

These gains are consistent with the Government's economic priorities for South Australia, as outlined in the state's Strategic Plan, promoting our state as the best place to do business, and enabling innovation through improved data collection and analysis.

The Government's intention is that the transfer of the injury management of all new Crown employee claims to ReturnToWorkSA takes place on 1 July 2017. However, the Bill provides flexibility with regard to certain agencies and instrumentalities of the Crown. SA Water, Minda, the Royal District Nursing Society and the Royal Society for the Blind require particular attention and are likely to have need of a later date of transfer in order to ease their transition. ReturnToWorkSA is providing support to these entities to explore the most appropriate option for them.

The Government's aim is to provide a streamlined service which will ensure all South Australian employees achieve their return-to-work outcomes in a consistent and timely manner. This is not only good for workers, but also benefits the economic and social stability of our state. This approach will help to achieve the goal of a more consistent and transparent return-to-work system throughout South Australia.

In summary, this Bill makes changes to the *Return to Work Corporation of South Australia Act* 1994 to facilitate the administration of all new work injury claims to ReturnToWorkSA, promoting consistency, efficiency and equity in the Scheme.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Return to Work Corporation of South Australia Act 1994*

4—Insertion of Part 5A

This clause inserts proposed sections 24A and 24B.

Part 5A—Crown employment

24A—Cessation of registration of Crown as self-insured employer

The proposed section operates to cease the operation of the deemed registration of a Crown entity as a self-insured employer under section 130 of the *Return to Work Act 2014* either on the commencement day (in the case of a Crown entity that is not a designated Crown entity) or on a day specified by the Minister in the case of a designated Crown entity.

A delegation of powers and discretions of the Corporation under section 134 of the *Return to Work Act 2014* may continue in relation to injuries occurring before the day on which the relevant deemed registration ceases until a specified day.

Proposed subsection (3) sets out the power of the Minister to specify different days in relation to different entities for the purposes of subsection (1)(b) and subsection (2).

Proposed subsection (4) defines certain terms for the purposes of the measure.

24B—Transitional Regulations

The proposed section inserts a power to make regulations of a saving or transitional nature. Regulations may be made to make provision in relation to when injuries are to be taken to have occurred for the purposes of section 24A(2).

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

STATUTES AMENDMENT (UNIVERSITIES) BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:46): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill would make a series of amendments to the *University of Adelaide Act 1971* and the *Flinders University of South Australia Act 1966* intended to improve the governance arrangements for these universities.

The relationship between state governments and universities is complex. Universities are of enormous importance to a states' economic development. They educate a large proportion of the workforce, including future leaders of industry, labour and the professions. Many of the members of this chamber would not be here but for their university educations.

Universities bring tens of thousands of students from overseas here to study. International students are a key contributor to the South Australian economy. More than that, they internationalise us while they are here and remain connected to us once they return home.

Universities also undertake research that advances our understanding. The commercialisation of that research often creates further economic and employment opportunities.

For these reasons and many others, I am sure all members of this parliament want to see South Australian universities succeed.

At the same time, much government interaction with these institutions occurs with the Australian Government. The Australian Government is responsible for universities' regulatory environment. The Australian Government is responsible for higher education funding. And the Australian Government is the primary source of funding for the research that the universities undertake.

South Australia's universities are operating in an increasingly challenging environment. That environment is characterised by:

- A need to respond to policy and funding changes by the Australian Government
- Increasing competition for the best students, best teachers, and best researchers, and

- Higher expectations from the communities they serve.

It is in that context that the University of Adelaide and Flinders University approached the Government seeking amendments to their Acts. The specific measures in this Bill include:

- Reducing the size of the university Councils from the current levels of up to 21 members, by reducing the number of staff, student, independent appointed, and—in the case of the University of Adelaide—alumni members of Council
- Extending the tenure of student members of university Councils from one to two years
- Allowing for the presentation of annual reports, and subsequent tabling in Parliament, by the Minister for Higher Education and Skills instead of the Governor
- Extending the existing statutory liability protections by replacing the current immunity from civil liability for Council members with an indemnity that also includes other senior officials
- Allowing for the establishment and administration of common investment funds
- Strengthening and expanding the Councils' existing powers of delegation
- Changing the name of the Flinders University of South Australia Act 1966 to the Flinders University Act 1966, and
- Making associated consequential amendments.

The most significant measure in the Bill is the proposal to change the size of the Councils. This has been sought following recommendations made in reviews of the governance arrangements at both the University of Adelaide and Flinders University. The universities have made representations to the Government that the current size of the Councils is unwieldy and inefficient, and that smaller Councils would allow Council members to more fully engage in the governance of the universities.

The reduction in size of the university Councils will bring the University of Adelaide and Flinders University into line with the University of South Australia, and is consistent with Universities Australia's Voluntary Code of Best Practice for the Governance of Australian Universities. Importantly, this will be achieved while broadly maintaining the existing proportions of staff, student, and appointed independent members on university Councils.

I acknowledge that some staff and students have expressed concerns about the reduction in staff and student members of Council. This concern comes from a genuine desire to have staff and students play a constructive role in university governance.

Recognising the importance of this matter for each university community, the Minister for Higher Education and Skills sought advice on what form of communication and consultation had occurred.

The Minister was advised by the Hon Kevin Scarce, University of Adelaide Chancellor, that he had engaged with branch representatives of the National Tertiary Education Union in the course of developing the proposal. Further, the proposal was discussed at a meeting of the University of Adelaide community. This meeting was open to all staff and students.

Prof Colin Stirling, President and Vice-Chancellor of Flinders University, advised that an email describing the proposed changes was sent to all staff and students, who were then invited to a public forum to discuss the proposal. Flinders University then invited written submissions in response to the proposal, and has subsequently responded to all those submissions.

Being satisfied that the universities have made this request for amendments to their Acts after careful deliberation, and that the staff and student bodies of the universities are now aware of the proposed changes, the Government sees no reason to delay or indeed refuse the request.

As for the other measures contained in the Bill:

- Extending the tenure of student representatives will similarly improve corporate governance by providing additional professional development opportunities.
- Providing for the establishment of common investment funds will simplify the management of monies held in trust by the universities.
- Finally, expanding the ability of the university Councils to delegate functions to officers or committees will streamline university administration.

In the context of the environment our universities are operating in, the reasonableness of their request, and the efforts undertaken to engage with the university communities, I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Flinders University of South Australia Act 1966*

3—Amendment of section 1—Short title

This clause makes a consequential amendment to section 1 of the principal Act.

4—Amendment of section 2—Interpretation

This clause makes a consequential amendment to section 2 of the principal Act.

5—Amendment of section 3—Establishment and incorporation

This clause amends section 3 of the principal Act to change the name of the university to Flinders University (currently the Flinders University of South Australia).

6—Insertion of section 3A

This clause inserts new section 3A into the principal Act, providing that references in existing documents etc to the Flinders University of South Australia will be taken to be references to Flinders University.

7—Amendment of section 5—Council

This clause amends section 5 of the principal Act to reduce the number of members of the Council as specified.

8—Amendment of section 6—Term of office

This clause amends section 6 of the principal Act to increase the term of office for student members of the Council from 1 year to 2 years.

9—Amendment of section 18—Conduct of business in Council

This clause amends section 18 of the principal Act to provide that a quorum of the Council is to be one half of the total number of members of the Council (ignoring any fraction resulting from the division) plus 1.

10—Substitution of section 19A

This clause substitutes the delegation power in section 19A of the principal Act with one that is consistent with those conferred under similar Acts.

11—Substitution of section 27

This clause substitutes the annual reporting requirements under section 27 of the principal Act so that they are consistent with those applying to other universities.

12—Substitution of section 29

This clause substitutes the provision conferring immunity from civil liability under section 29 of the principal Act, replacing it with a provision that is consistent with the legislation of similar universities in other jurisdictions.

13—Insertion of sections 30 to 33

This clause inserts new sections 30 to 33 into the principal Act. Those new sections facilitate the establishment, management and distribution of funds from common investment funds and are based on provisions applying to the University of Melbourne.

14—Amendment of long title

This clause makes a consequential amendment to the long title of the principal Act.

Part 3—Amendment of *University of Adelaide Act 1971*

15—Substitution of section 10

This clause substitutes the delegation power in section 10 of the principal Act with one that is consistent with those conferred under similar Acts.

16—Amendment of section 12—Constitution of Council

This clause amends section 12 of the principal Act to reduce the number of members of the Council as specified.

17—Amendment of section 12A—Term of office

This clause amends section 12A of the principal Act to increase the term of office for student members of the Council from 1 year to 2 years.

18—Substitution of section 25

This clause substitutes the annual reporting requirements under section 25 of the principal Act so that they are consistent with those applying to other universities.

19—Substitution of section 29

This clause substitutes the provision conferring immunity from civil liability under section 29 of the principal Act, replacing it with a provision that is consistent with the legislation of similar universities in other jurisdictions.

20—Insertion of sections 30 to 33

This clause inserts new sections 30 to 33 into the principal Act. Those new sections facilitate the establishment, management and distribution of funds from common investment funds and are based on provisions applying to the University of Melbourne.

Schedule 1—Transitional provisions

1—Certain members of Council of Flinders University to continue to hold office for remainder of term

This clause allows the specified members of the Council to continue to hold office until the end of their current terms, despite the operation of clause 7 of this measure.

2—Members of Council of University of Adelaide to continue to hold office for remainder of term

This clause allows the specified members of the Council to continue to hold office until the end of their current terms, despite the operation of clause 16 of this measure.

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

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:47): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia is recognised internationally for its fine food and wine. This sector is of vital importance to South Australia's economy and reputation. South Australia must work to enhance this sector, but in a way that maintains a safe drinking culture.

The Government's goal is to ensure that the liquor licensing regime in South Australia reflects contemporary standards, ensures there are adequate safeguards in place to protect the public while supporting a safe, vibrant hospitality industry that has become a central part of our economy and our state.

In recognising the importance of the sector and the need to provide efficiency in the regulation of liquor licences but also to promote a safe drinking culture, the Government appointed former Supreme Court Justice, the Honourable Timothy Anderson QC to conduct a review of the liquor licensing laws in South Australia. The terms of reference for the review included assessment of the existing liquor licensing regime under the *Liquor Licensing Act 1997* ('the Act') and the development of recommendations for improving the regime to reduce red tape, promote safer drinking and allow greater flexibility to encourage innovative business models.

Mr Anderson's report entitled the 'Review of the South Australian *Liquor Licensing Act 1997*' dated 29 June 2016, contained 129 recommendations. In conducting his review, Mr Anderson considered 89 written submissions received in response to the discussion paper released by Consumer and Business Services. Mr Anderson then held face to face discussions with 58 industry organisations, health groups, councils and other interested parties for further elaboration on information. Mr Anderson also considered the legislation and liquor licensing models used in other jurisdictions, both interstate and overseas.

The Government accepted the vast majority of the recommendations in full, in part or in principle, in its response to the recommendations made by Mr Anderson.

This Bill seeks to implement a comprehensive raft of amendments to the Act arising from the independent review undertaken by Mr Anderson.

This Bill has been informed by a comprehensive consultation process. In addition to the consultation that occurred as part of Mr Anderson's review, the Government undertook a seven week consultation process by releasing a draft Bill for public comment in November 2016.

As part of the consultation process the Government analysed the feedback from respondents during the consultation process and, where considered appropriate by the Government, made adjustments to the Bill.

Music and events industry representatives have outlined to me issues encountered in arranging music festivals and events. I have considered their concerns and it appears that many of the issues raised may be resolved by better coordination between regulating authorities. In addition to the amendments proposed in this Bill, the Government will consider mechanisms to better facilitate coordination, including case management beginning at the application stage involving Consumer and Business Services, SA Police and councils.

The broad measures in the Bill are designed to:

- reduce red tape for new and existing licensees in the liquor supply market;
- increase efficiency in the regulation of liquor licensing in this State; and
- enhance measures for safe drinking, including for the enforcement of offences under the Act.

The previous comprehensive review of the liquor licensing framework occurred around two decades ago in 1996. The reforms in this Bill seek to modernise the liquor licensing framework, to ensure it meets current community expectations and standards.

The reforms that are aimed at reducing red tape within the industry include:

- removing restrictions on the sale of liquor on Sundays, Christmas Day, Good Friday, New Year's Eve and New Year's Day;
- introducing an automatic extension for trading on New Year's Eve until 2am on New Year's Day;
- removing requirements for designated areas within licensed premises;
- removing the obligation for meals from some new classes of licences;
- introducing a process of notifications in relation to the fit and proper assessment for members of a committee of management of a club; and
- removing restrictions in relation to the sharing of licensed premises.

The reforms that are aimed at increasing efficiency, including during the application process, include:

- streamlining the classes of licences, which have reduced the number of classes;
- replacing the existing objections process for advertised applications, including new licence applications, with a submissions based process;
- replacing the 'needs test' in sections 58 and 61 of the Act with a test based on community interest;
- removing most notification and advertising requirements for licence applications;
- removing the requirement for a separate consent for extended trading hours;
- removing the requirement for entertainment consent other than for prescribed entertainment as defined in the Act;
- providing for the temporary approval of responsible persons; and
- removing the need for crowd controllers, that are already licensed under the *Security and Investigation Industry Act 1995* to then again be approved under the Act.

The reforms that are aimed at promoting a safe drinking culture include:

- strengthening the focus of harm-minimisation through amendments to the objects of the Act;
- introducing a three hour liquor break in trade for late night venues between the hours of 3am and 8am;
- creating a Non-Compliance Register to publish details of licensees who have been convicted of an offence against the Act;
- tightening the laws regarding secondary supply of liquor to minors;
- introducing further eligibility criteria within the fit and proper person assessment;
- restricting the hours for the sale of packaged liquor; and

- tightening the laws regarding the sale of liquor through the internet or by telephone, otherwise known as direct sales.

Reforms aimed at promoting a safe drinking culture, through increased enforcement include:

- making various offences under the Act expiable to improve enforcement;
- providing the Liquor and Gambling Commissioner ('the Commissioner') with wider powers to deal with repeat breaches of the Act or serious offences;
- providing the Commissioner with power to direct a licensee, responsible person or person who sells, offers for sale or serves liquor on licensed premises to undertake specified accredited training;
- introducing further provisions to reverse the onus for offences relating to the sale or supply of liquor to minors and intoxicated persons;
- increasing the power of the Licensing Court to impose injunctions;
- widening the circumstances where the Licensing Court may award costs;
- widening the circumstances for a welfare barring order against a person to include the risk to the welfare of a family member not residing with that person;
- providing a power to seize false, fraudulent or stolen identification documents;
- widening the power of a prescribed person to require evidence of age;
- reforming the hours that a minor may be present on licensed premises; and
- introducing a legislative process for liquor accords.

There are also other administrative and technical reforms incorporated into the Bill, including:

- amendment to streamline the appointment of inspectors.
- insertion of new section 11AA to allow for the Commissioner to publish a determination and to exclude personal, confidential, commercial sensitive information and information where publication would be contrary to public interest and otherwise inappropriate to publish.
- insertion of new section 15A providing for a Registrar of the Licensing Court to be appointed on a basis determined by the Minister. Currently the Act does not have a provision for a Registrar of the Licensing Court, but rather the function is performed by the Clerk under the Licensing Court Rules.
- replacement of the term 'lodger' with the term 'resident on licensed premises'.

I would like to elaborate on some of the more significant reforms.

Licence classes

The Bill deletes and replaces current Part 3 Division 2, with the new regulatory model of licence classes ('new licensing scheme'). The proposed new classes of licence are:

- General and Hotel Licence, which replaces the Hotel Licence.
- On Premises Licence, which replaces the Entertainment Venue Licence.
- Residential Licence, which essentially remains the same.
- Restaurant and Catering Licence, which replaces the Restaurant Licence.
- Club Licence, which amalgamates both the Club Licence and Limited Club Licence.
- Small Venue Licence, which essentially remains the same.
- Packaged Liquor Sales Licence, which amalgamates both the Retail Liquor Merchant's Licence and Direct Sales Licence.
- Liquor Production and Sales Licence, which amalgamates both the Producer's Licence and Wholesale Liquor Merchant's Licence.
- Short Term Licence, which replaces the Limited Licence.
- Special Circumstances Licence is abolished.

The new licensing scheme removes current onerous and outdated trading restrictions and seeks to make the licence classes more flexible to meet community expectations. The following restrictions have been removed:

- restrictions on the sale of liquor on Sundays, Christmas Day, Good Friday, New Year's Eve and New Year's Day;
- requirements for designated areas within licensed premises; and
- obligation for meals for some new classes of licences.

Under the new General and Hotel Licence, Club Licence and Packaged Liquor Sales Licence trading hours for the sale of packaged liquor have been reduced to between the hours of 8am and 10pm (which must not exceed 13 hours).

The new Restaurant and Catering Licence includes the existing safeguards around selling liquor without a meal, to avoid any risk of restaurants operating as bars. One of those safeguards is that subject to the Act and the conditions of the licence, the holder of a Restaurant and Catering Licence may sell liquor without a meal to a person attending a function at which food is provided or to a person seated at a table. Similar restrictions are contained in the new Residential Licence and new Liquor Production and Sales Licence. The new Restaurant and Catering Licence is extended to capture caterers, as recommended in Mr Anderson's report. It is also intended for the new licence to extend to cooking schools to be prescribed in the regulations under new section 35(1)(b)(i).

The new Club Licence includes provisions to remove administrative burden on clubs that wish to hold a club event involving the sale or supply of liquor outside of the licensed premises. Rather than having to apply for a licence (such as a Limited Licence), under the new Club Licence a club may seek a club event endorsement on its licence. Similarly under a Club Licence, a club may seek a club transport endorsement to allow the sale, supply or consumption of liquor by members of the club on a public conveyance specified in the endorsement for the purposes of transporting members to and from club activities specified in the endorsement. The licensing authority will still regulate these activities as clubs will be required to supply relevant information to the licensing authority for the grant of an endorsement.

The new Liquor Production and Sales Licence reduces administrative burden for producers by extending the current producer's event endorsement to cover sites other than within a particular wine region and to sell or supply products other than the licensee's own product, to be called a production and sales event endorsement.

The New Packaged Liquor Sales Licence is aimed to reduce the current level of uncertainty associated with section 37(2) of the Act, which requires that the licensed premises must be devoted entirely to the business conducted under the licence and must be physically separate from premises used for other commercial purposes. The Bill seeks to clarify the meaning of physical separation in relation to proposed licensed premises and premises used for other commercial purposes (such as supermarkets) under the proposed new Packaged Liquor Sales Licence. The Bill requires:

- the licensed premises be separated from the other premises by a permanent barrier that is not transparent and is of a height of at least 2.5 metres; and
- the licensed premises cannot be accessed from the other commercial premises. However in relation to retail premises in a shopping centre, accessibility from a common area, such as a mall or thoroughfare, will be allowed.

The regulations will prescribe premises where a Packaged Liquor Sales Licence may not be granted unless there is proper reason to do so under proposed new section 38(7).

The Bill creates a temporary licence class known as a Short Term Licence. The Bill allows for different classes of Short Term Licence to be prescribed by the regulations. The regulations will prescribe the detail relating to Short Term Licences including application requirements, fees and the maximum term for each class (which may not be more than three years). Depending on the class of licence, it is expected that the grant of the licence may be by application or notification. For low risk events, the application or notification process in relation to Short Term Licences is intended to be an expedited process. To allow for this the Bill enables the regulations to provide that provisions of Part 4 of the Act do not apply or apply with prescribed variations.

Transition of existing licences to the new classes

The transitional provisions in Schedule 2 of the Bill are aimed at facilitating a smooth transition for existing licences into the new classes of licences. The transitional provisions are also aimed to provide a mechanism by which the information and conditions contained on existing licences is cleansed to ensure that it aligns with the reforms and contains the necessary information for enforcement purposes, such as the actual hours of trade and the hours between which there will be a break in trade. Mr Anderson was clear in his report that the actual trading hours of a business should be detailed on the licence to aid in enforcement.

For most licences, there will be an easy transition to the new class of licence because the transitional provisions will automatically convert existing licences to the new corresponding licence. In the case of existing Special Circumstances Licences, these will be converted to either a General and Hotel Licence, Packaged Liquor Sales Licence or an On Premises Licence depending on the model of operation. However the Commissioner may on application, or on the Commissioner's own initiative, issue the holder of an existing Special Circumstances Licence with a different class of licence if appropriate taking into account the trade authorised under the licence.

In the case of existing Limited Licences, they will not transition but rather continue to apply until the expiry of the licence.

Pursuant to the transitional provisions, existing trading hours will be preserved on transition. In order to give effect to the break in trade and the reforms removing trading restrictions, the Commissioner is given the power to vary trading hours by written notice to the licensee. In addition, if a licensee wishes to reduce the trading hours authorised under the licence, they may apply to the Commissioner within two years after the commencement of the new licensing scheme. The intention is that existing authorised trading hours will continue to apply (subject to the break in trade provisions and trading restrictions removed by the reforms). For example, a bottle shop with existing authorised trading hours beyond 10pm, may continue to trade beyond 10pm despite the restricted hours authorised under the new Packaged Liquor Sales Licence.

The transitional provisions also provide that existing conditions (which includes terms of a licence, an authorisation or any other right or limitation set out in a licence) will be preserved on transition. For example, this would mean that a Club Licence with authorisation to sell packaged liquor to members, may continue to sell packaged liquor but only to its members.

The Commissioner will have a broad discretion to, by written notice, add, substitute, vary or revoke a condition on a licence for a period of two years following the commencement of the new licensing scheme. The power is however limited to conditions where the Commissioner is of the opinion that it is necessary or desirable as a consequence of the reforms, or because the matter should be dealt with or addressed under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* or for such other reason as the Commissioner thinks fit. This power is considered necessary in order to better align the licences with the reforms and to remove unnecessary conditions, which were highlighted in Mr Anderson's report. One such example of a condition, which was highlighted in Mr Anderson's report, was a condition requiring the licensee to ensure that its rubbish bins are emptied or replaced no less than twice per week and that the lids on the bins should be fully closed.

If for some reason a licensee does not agree with the exercise of the discretion by the Commissioner, the licensee may apply to the Licensing Court for a review within one month after the licensee receives the notice.

Community interest test

The Act currently requires applicants for the grant or removal of a Hotel Licence and a Retail Liquor Merchant's Licence to satisfy the licensing authority that the licence is necessary in order to provide for the needs of the public in that locality. This is known as the 'needs test'.

In accordance with the recommendation by Mr Anderson, the Bill replaces the 'needs test' with a test based on the concept of community interest. This will refocus the application process on community interest, rather than focusing solely on competition. It will also widen the scope of applications subject to the test. Only designated applications will be subject to the new test, these are applications for the grant or removal of a designated licence and applications determined by the licensing authority to be a designated application by applying the Community Impact Assessment Guidelines.

The Bill defines a designated licence as a General and Hotel Licence, On Premises Licence (with certain exceptions), Club Licence (in certain circumstances) and Packaged Liquor Sales Licence (not direct sales).

The new community interest test will consider:

- harm that might be caused (whether to a community as a whole or a group within a community) due to excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
- any other prescribed matter.

The licensing authority must apply the Community Impact Assessment Guidelines in assessing the community interest. The Community Impact Assessment Guidelines are published by the Commissioner by notice in the Gazette.

It is intended that the Guidelines will provide the criteria for when the licensing authority will determine whether an application should satisfy the new test. In addition it is intended that the Guidelines will outline a two tiered level of assessment for applications that must satisfy the community interest test, with Tier 1 being less onerous than Tier 2. Tier 2 assessment will require more detailed information and evidence to support the application. A Tier 2 assessment is expected to be for high risk premises, including pubs, night clubs and bottle shops.

Submissions process

Mr Anderson describes that many of the respondents to the review expressed that the objections process within the current application process results in delay and cost for an applicant.

The Bill replaces the objections process under the Act with a process based on written submissions. The main features of the proposed new process include:

- Written submission in relation to an advertised application must be lodged at least seven days before the day appointed for the determination or hearing. The licensing authority will have the discretion to accept late submissions.
- Submissions must be based on the grounds outlined in new section 77(2).
- The Commissioner will have an absolute discretion in accordance with the rules of natural justice to invite written submissions from particular bodies or persons in relation to a particular application. These submissions will not be limited and may be made on any ground.
- The Commissioner will have an absolute discretion to decide whether to endeavour to resolve an application by conciliation, where there have been one or more written submissions opposing the application.
- The Commissioner will have an absolute discretion to decide whether to determine an application entirely on the basis of the application and written submissions, or to hold a hearing in relation to the application.
- The Commissioner will have an absolute discretion to refer an application for hearing and determination to the Licensing Court, other than an application relating to a Small Venue Licence. A person who has made a written submission will be taken to be a party to the proceedings before the Licensing Court.

There have also been changes to the rights of review in relation to a decision of the Commissioner to align with the new submissions process.

Councils

The Bill also changes the way in which councils are involved in the application process.

Mr Anderson raised a concern that the ability of councils to intervene or object to an application often requires an applicant to address the same issues that were previously considered at the planning level. Another issue raised by Mr Anderson was that some of the conditions on the liquor licences are duplicates of those conditions already imposed as part of the approval under the *Development Act 1993*.

As a way of reducing the duplication, the Bill seeks to refer planning related matters to the process created under the *Planning, Development and Infrastructure Act 2016*. Therefore written submissions that relate to a matter that is, or should be, dealt with or addressed under the law relating to planning or carrying out building work can be made if a combined assessment panel under the *Planning, Development and Infrastructure Act 2016* has been established.

It is important to note that the Commissioner will have a discretion, in accordance with the rules of natural justice, to invite submissions from particular bodies in relation to an application. Therefore, if an applicant is not required to obtain a development approval, the Commissioner will have the ability to invite the local council to provide a submission on planning type matters.

Secondary supply

The Bill seeks to address the social issue of underage drinking by introducing secondary supply provisions in relation to minors. These new provisions are in addition to current section 110, which relates to the sale and supply of liquor to minors on licensed premises.

The new provisions are aimed to protect young people, who are vulnerable members of our community, from behaviour that may have a negative influence on their attitude towards alcohol.

Under new section 110A, the supply of liquor to a minor and the consumption or possession of liquor by a minor will be an offence, unless it is a gratuitous supply occurring in a prescribed place and under certain conditions. These conditions include that the liquor only be supplied by a responsible adult (eg. the parent) or with their consent by an authorised adult and that it be properly supervised, according to the responsible supervision requirements in the Bill. The prescribed places will include residences, public places or other places prescribed by regulation.

These new provisions will bring South Australia in line with other Australian jurisdictions that have similar restrictions.

Direct sales

In addition to the introduction of secondary supply provisions in relation to minors, the Bill seeks to further regulate the sale and supply of liquor by direct sales, being sales by telephone or internet.

Proposed new section 107A imposes specific requirements in respect to direct sales, in line with the suggestions made by Mr Anderson including:

- requiring a licensee to obtain a purchaser's date of birth at the time of taking the order;

- requiring a person who delivers liquor to require the person who takes delivery of the liquor to produce evidence of age and to take a record of such evidence; and
- prohibiting a person from directing or requesting a minor to take delivery of liquor.

A purchaser will have the ability to instruct a licensee to deliver the liquor in accordance with the purchaser's instructions. This may mean leaving the liquor at premises unattended. It was considered that to require an adult person to accept delivery of the liquor, without the option of allowing delivery unattended, may create inconvenience to purchasers who may not be able to arrange for an adult to accept the delivery.

Seizure of identification

Another aspect to addressing underage drinking is providing police, inspectors and others with the appropriate tools to enforce the law. Mr Anderson outlined that there is no power for enforcement authorities to seize fraudulent or stolen identification.

New section 115A generally follows the model suggested by Mr Anderson. The new provision allows a prescribed person to seize an evidence of age document if certain pre-conditions are satisfied. These are that the prescribed person reasonably believes that:

- the person who produced the document is not the person identified in the document; or
- the document contains false or misleading information about the name or age of the person who produced the document; or
- the document has been forged or fraudulently altered; or
- the document is being used in contravention of the Act.

A prescribed person is a police officer, inspector, licensee, responsible person or crowd controller.

Consistent with Mr Anderson's suggestion a passport is exempt from the provisions and may not be seized. Regulations may also prescribe other documents that may not be seized.

A prescribed person must provide a receipt on the seizure of a document, which complies with the prescribed requirements.

The regulations will prescribe procedures relating to the seizure, how a seized document may be dealt with and the keeping of records in relation to the exercise of the power.

Commissioner's power to suspend

Mr Anderson was of the view that the Commissioner should have wider powers to suspend a licence for repeat breaches or for a serious first offence. The Government agrees with this view.

New proposed section 119B sets up a process whereby the Commissioner can hold an inquiry to determine whether there is proper cause for disciplinary action against a licensee in relation to certain offences (to be prescribed in the regulations) or repeated offences as determined by the provision. Amongst other measures, the Commissioner will have the ability to suspend the licence.

A person that is dissatisfied with the Commissioner's decision has a right of appeal to the Licensing Court. This inquiry power was modelled on the *Gaming Machines Act 1992*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Liquor Licensing Act 1997*

4—Amendment of section 3—Objects

This clause amends section 3 to provide for the revised objects of the Act as a result of the review findings and other amendments in the measure.

5—Amendment of section 4—Interpretation

This clause amends various definitions for the purposes of the Act.

6—Amendment of section 5—Resident on licensed premises

These amendments are consequential on changing references to 'lodgers' to 'residents'.

7—Amendment of section 7—Close associate

These amendments are of a consequential nature.

8—Insertion of section 11AA

This clause inserts a new section:

11AA—Publication of determinations—confidential information

This new section gives the Commissioner discretion to exclude from publication of a determination made by the Commissioner under the Act certain information of a confidential nature.

9—Amendment of section 11A—Commissioner's codes of practice

The clause amends section 11A to allow the Commissioner to include a provision in a code of practice that declares that a provision of a code is to be expiable for the purpose of section 45 of the Act as amended by the measure.

10—Insertion of section 15A

This clause inserts a new section:

15A—Registrar

The proposed section allows for the appointment of a Registrar of the Court.

11—Substitution of section 17

This clause substitutes section 17 as follows:

17—Division of responsibilities between Commissioner and the Court

The new section provides for the division of powers and responsibilities between the Court and the Commissioner, taking into account that new provisions in this measure now specify whether a matter is to be determined by the Commissioner or the Court.

12—Amendment of section 20—Representation

The clause makes amendments consequential on objections being handled through written submissions rather than by hearing.

13—Amendment of section 21—Power of Commissioner to refer questions to the Court

The clause makes an amendment consequential on the enactment of new Part 4 Division 13.

14—Substitution of section 22

This clause substitutes section 22 as follows:

22—Application for review of Commissioner's decision

The proposed section makes provision for the persons who may apply to the Court for a review of a decision of the Commissioner, and the circumstances in which those decisions may be reviewed. These changes reflect the new provisions in relation to who may make submissions opposing an application, and the handling of applications by written submissions rather than hearings.

15—Amendment of section 24—Powers with respect to witnesses and evidence

The clause removes the ability for the Commissioner to issue a summons on behalf of the Court on the application of any party to proceedings before the Court.

16—Insertion of sections 24B and 24C

This clause inserts new sections as follows:

24B—Injunctive remedies

The proposed section provides the Court with power to order that a person refrain from contravening or failing to comply with a provision of the Act if there are reasonable grounds to believe that a person is about to engage in such conduct. Contravening or failing to comply with an order of the Court is a contempt of the Court.

24C—Punishment of contempts

The proposed section provides for the penalties for a contempt of the Court.

17—Insertion of section 25A

This clause inserts a new section:

25A—Intervention by Commissioner

This new section relocates the provision formerly in Part 4 Division 13 providing for the circumstances in which the Commissioner may intervene in proceedings before the Court.

18—Substitution of section 26

This clause inserts a new section:

26—Power to award costs

The new section provides that if a person has acted unreasonably, frivolously or vexatiously in bringing proceedings, or in relation to the conduct of proceedings, the Court may make an award of costs against the person.

19—Insertion of Part 2 Division 5A

This clause inserts a new Division:

Division 5A—Intervention by Commissioner of Police

28AA—Intervention by Commissioner of Police

The new division inserts a new section in relation to the circumstances in which the Commissioner of Police may intervene in proceedings before the licensing authority. This provision was formerly located in Part 4, Division 13.

20—Amendment of section 28A—Criminal intelligence

These amendments are consequential on changes in the measure providing that objections be dealt with by written submissions rather than by hearing.

21—Amendment of section 29—Requirement to hold licence

This amendment extends the offence of selling liquor without being licensed to circumstances where a licence is suspended.

22—Substitution of Part 3 Division 2

This clause inserts a new Division that provides for the various classes of liquor licences. A number of requirements that apply under certain existing licence classes (such as a requirement to provide meals to members of the public at certain times and to remain open at certain times) and certain restrictions on times and days of trading are not prescribed under the new Division. The special circumstances licence class is effectively abolished because no similar such class is provided for in the new Division. Limited licences are proposed to be replaced by short term licences.

Division 2—Licences

Subdivision 1—Authorised trading in liquor

31—Authorised trading in liquor

The proposed section sets out the various classes of liquor licences.

Subdivision 2—Ongoing licences

32—General and hotel licence

The proposed section provides for the matters that may be authorised by the conditions of a general and hotel licence.

33—On premises licence

The proposed section provides for the matters that may be authorised by the conditions of an on premises licence.

34—Residential licence

The proposed section provides for the matters that may be authorised by the conditions of a residential licence.

35—Restaurant and catering licence

The proposed section provides for the matters that may be authorised by the conditions of a restaurant and catering licence.

36—Club licence

The proposed section provides for the matters that may be authorised by the conditions of a club licence. The provision consolidates requirements relating to clubs and to that end relocates into this provision certain requirements currently provided for in section 49 of the Act.

The provision also provides for club licences to be endorsed with a *club event endorsement* or *club transport endorsement* in certain circumstances.

37—Small venue licence

The proposed section provides for the matters that may be authorised by the conditions of a small venue licence.

38—Packaged liquor sales licence

The proposed section provides for the matters that may be authorised by the conditions of a packaged liquor sales licence.

39—Liquor production and sales licence

The proposed section provides for the matters that may be authorised by the conditions of a liquor production and sales licence. The provision (similar to the current producer's licence) allows for liquor production and sales licences to be endorsed with a *production and sales event endorsement*.

Subdivision 3—Short term licence

40—Short term licence

The proposed section provides for the matters that may be authorised by the conditions of a short term licence. In particular, the provision provides that the regulations may prescribe a number of matters relating to such licences (and that the licences may be of different types and duration in accordance with the regulations).

23—Amendment of section 42—Mandatory conditions

The clause inserts a new subsection (1a) that provides that it is a condition of every licence (other than a short term licence) that if there is a change in the name of the licensed premises, the licensee must, within 14 days, give the Commissioner written notice of the change in the form determined by the Commissioner.

24—Insertion of section 42A

This clause inserts a new section:

42A—New Year's Eve trading in relation to certain licences

A licence authorising the sale of liquor for consumption on the licensed premises is authorised to continue such trade until 2 am on New Year's Day.

25—Substitution of section 43

This clause substitutes section 43 as follows:

43—Power of licensing authority to impose conditions

The proposed section substantially re-enacts existing section 43 with some minor changes.

26—Substitution of section 44

This clause deletes section 44 which makes provision in relation to extended trading authorisations and substitutes the following:

44—Continuous 3 hour period where trading not permitted

The proposed section requires that the licensing authority must fix or vary the trading hours in respect of every licence (other than the Casino licence) authorising the sale of liquor for consumption on the licensed premises so that trade under the licence cannot be conducted for a continuous period of at least 3 hours each day between the hours of 3 am and 8 am.

27—Amendment of section 45—Compliance with licence conditions

The clause amends the expiation fee provision in the section to provide that an offence for failure to comply with a licence condition may be declared to be expiable in a code of practice, as provided for in clause 9 of this measure.

28—Amendment of section 48—Plurality of licences

Subclause (1) amends section 48(3) to provide that 2 or more club licenses may be granted for the same premises provided that each licensee maintain a register including details required by the licensing authority (including

details relating to the times at which liquor is sold by each licensee). The amendments in subclauses (2) and (3) are consequential on the change of license classes.

29—Repeal of section 49

The clause deletes section 49 the provisions of which are to be included in section 36 of proposed Part 3 Division 2.

30—Amendment of section 50A—Annual fees

Certain amendments relate to procedures for the suspension of licences for the failure to pay an annual fee. Other amendments relate to the power to revoke a licence for such a failure.

31—Amendment of Heading to Part 4

This amendment is consequential.

32—Amendment of section 51—Form of applications

These amendments are consequential.

33—Amendment of section 51A—Applications to be given to Commissioner of Police

A period of 28 days before the day appointed for the hearing or determination of an application to which the section applies is prescribed for the Commissioner to give a copy of the application to the Commissioner of Police. Other amendments are related or consequential.

34—Amendment of section 52—Certain applications to be advertised

The current requirements relating to advertising applications are amended—the provision requires that public notice be placed on the relevant land or premises. The local council is only required to be given notice of an application in certain circumstances. Other amendments are consequential.

35—Amendment of section 52A—Confidentiality of certain documents and material relevant to application

The clause makes amendments consequential on objections being handled through written submissions rather than by hearing.

36—Amendment of section 53—Discretionary powers of licensing authority

1 amendment requires the licensing authority to refuse to grant an application for a licence, or for the removal of a licence, if the licensing authority is satisfied that to grant the application would be inconsistent with the objects of the Act.

The remaining amendments are consequential on objections being handled through written submissions rather than by hearing.

37—Insertion of section 53A

This clause inserts new sections as follows:

53A—Licensing authority to be satisfied that designated applications in community interest

The proposed section provides that the licensing authority may only grant a designated application if satisfied that granting the application is in the community interest. A designated application includes an application for the grant or removal of a designated licence (as defined in section 4) or an application that the licensing authority determines to be a designated licence in accordance with the community impact assessment guidelines published in accordance with proposed section 53B. A designated application must comply with requirements specified by the licensing authority and those specified in the community impact assessment guidelines.

53B—Community impact assessment guidelines

The proposed section provides that the Commissioner must publish in the Gazette guidelines (the *community impact assessment guidelines*) for the purposes of determining whether or not an application under Part 3 is a designated application and whether or not a designated application is in the community interest. The proposed section sets out the matters that may be provided for in the guidelines.

38—Amendment of section 55—Provisions governing whether person is fit and proper

This clause amends the section to expand the provision to be applied in deciding whether a person is a fit and proper person for a particular purpose under the Act.

39—Amendment of section 56—Applicant to be fit and proper person

The clause inserts new provisions in the section which relate to an applicant for a club licence.

40—Amendment of section 57—Requirements for premises

These amendments are consequential.

41—Repeal of section 58

The clause repeals section 58 as these matters are now to be dealt with under the community interest provisions in proposed sections 53A and 53B.

42—Amendment of section 59A—Licence fee payable on grant of licence

These amendments are consequential on the change of license classes in the measure.

43—Amendment of section 60—Premises to which licence is to be removed

This amendment is consequential on the change of licence classes in the measure.

44—Repeal of section 61

The clause repeals section 61 as these matters are now to be dealt with under the community interest provisions in proposed sections 53A and 53B.

45—Amendment of section 62A—Removal of liquor production and sales licence in respect of outlet

This amendment is consequential on the change of license classes in the measure.

46—Amendment of heading to Part 4 Division 4A

This amendment is consequential on the change of license classes in the measure.

47—Amendment of section 62B—Addition of outlets to liquor production and sales licence

This amendment is consequential on the change of license classes in the measure.

48—Amendment of section 62C—Certificate of approval for addition to liquor production and sales licence of proposed premises as outlet

This amendment is consequential on the change of license classes in the measure.

49—Amendment of section 63—Applicant for transfer must be fit and proper person

This amendment is consequential on the change of license classes in the measure.

50—Insertion of Part 4 Division 5A

This clause inserts a new Division:

Division 5A—Special provision relating to amalgamation of certain clubs

65A—Special provision relating to amalgamation of certain clubs

The proposed section provides for the requirements in relation to the club licences of 2 or more associations that each hold a club licence who apply to amalgamate as a single association under the *Associations Incorporation Act 1985*.

51—Amendment of section 68—Alteration and redefinition of licensed premises

Subclause (1) removes the requirement for designating a part of licensed premises as a dining or reception area. Subclause (2) makes an amendment consequential on the change of name of license classes in the measure.

52—Substitution of Part 4 Division 8A

This clause substitutes Part 4 Division 8A as follows:

Division 8A—Alteration of endorsements

69A—Alteration of endorsements

The proposed section is consequential on changes in proposed Part 3 Division 2 to be substituted in the measure.

53—Amendment of section 71—Approval of management and control

The clause makes a number of amendments to simplify the manner in which the approval of responsible persons are to be approved.

54—Insertion of section 71A

This clause inserts a new section:

71A—Revocation of approval of responsible person

The proposed section provides the procedure for the revocation of approval of a responsible person.

55—Repeal of Part 4 Division 10A

The clause repeals Division 10A dealing with the approval of crowd controllers which is provided for under the *Security and Investigation Industry Act 1995*.

56—Substitution of Part 4 Division 13

This clause substitutes Part 4 Division 13 as follows:

Division 13—Submissions in relation to applications

76—Commissioner of Police may make written submissions

The proposed section provides for the circumstances in which the Commissioner of Police may make written submissions to the Commissioner in respect of an application under Part 4.

77—General right to make written submissions

The proposed section provides for the circumstances, manner and form of written submissions by a person in respect of an application under Part 4.

78—Further written submissions

The proposed section provides that the Commissioner may call for further written submissions from a person or may invite a person or body determined by the Commissioner to make submissions in relation to a particular application, and the manner and form of such submissions.

79—Conciliation

The proposed section provides for the circumstances in which the Commissioner may endeavour to resolve a disputed application by conciliation.

80—Commissioner may refer matters to Court

The proposed section provides for matters related to the referral of an application under Part 4 to the Court.

81—Hearings etc

The proposed section provides for matters related to the determination of applications under Part 4 by hearing or written submissions.

82—Variation of written submissions

The proposed section provides for the variation of written submissions made in relation to an application.

57—Amendment of section 97—Supervision and management of licensee's business

The amendments in subclause (1) and (2) are consequential on other amendments in the measure. Subclause (3) inserts a maximum penalty of $20,000 and an expiation fee of $1,200 for the offence of failing to supervise and manage the business conducted under a licence.

58—Insertion of section 97A

This clause inserts a new section:

97A—Direction to complete training—responsible persons

The proposed section provides that the Commissioner may direct a designated person (being a licensee, responsible person or person who sells, offers for sale or serves liquor on licensed premises) to undertake specified accredited training. It is an offence with a maximum penalty of $10,000 and an expiation fee of $500 for a person or a licensee in respect of the person to fail to comply with the Commissioner's direction under the section.

59—Amendment of section 98—Approval of assumption of positions of authority in corporate or trust structures

This clause makes an amendment consequential on the change of name of licence classes in the measure.

60—Amendment of section 99—Prohibition of profit sharing

This clause makes an amendment consequential on the change of name of licence classes in the measure.

61—Amendment of heading to Part 6 Division 3

This amendment is consequential on substituting references to 'lodgers' with 'residents on licensed premises'.

62—Amendment of section 100—Supply of liquor to residents on licensed premises

The clause amends the section to substitute references to 'lodgers' with 'residents on licensed premises'.

63—Amendment of section 101—Record of residents on licensed premises

The clause amends the section to substitute references to 'lodgers' with 'residents on licensed premises'.

64—Amendment of section 103—Restriction on consumption of liquor in, and taking liquor from, licensed premises

The amendment in subclause (1) inserts an expiation fee of $1,200 for the offence in subsection (4). The amendments in subclauses (2) to (5) are consequential on substituting references to 'lodgers' with 'residents on licensed premises'.

65—Substitution of heading to Part 6 Division 5

This clause substitutes the heading to Part 6 Division 5 as follows:

Division 5—Regulation of prescribed entertainment

66—Amendment of section 105—Prescribed entertainment on licensed premises

The clause deletes from section 105 the requirement for consent of the licensing authority to provide entertainment.

67—Insertion of Part 6 Division 7A

This clause inserts a new Part 6 Division 7A as follows:

Division 7A—Sale of liquor through direct sales transaction

107A—Sale of liquor through direct sales transaction

The new section provides for the requirements and restrictions on a licensee who advertises or sells liquor by direct sales transactions and on the delivery of such liquor.

68—Amendment of section 108—Liquor not to be sold or supplied to intoxicated persons

Subclause (1) substitutes subsection (1) and inserts a new subsection (1a). Subsection (1) is amended to extend the class of persons who may be guilty of an offence of sale or supply of liquor to an intoxicated person. Subsection (1a) provides that if it is alleged that a person sold or supplied liquor on particular licensed premises, the allegation constitutes proof (in the absence of proof to the contrary) that the sale or supply occurred on the licensed premises.

69—Amendment of section 109—Copy of licence etc to be kept on licensed premises

The clause amends section 109 to provide that the copy of the licence to be kept must be displayed in accordance with any requirements prescribed by the regulations.

70—Insertion of section 109C

This clause inserts a new section:

109C—Interpretation

The proposed section defines *parent* and *responsible adult* for the purposes of Part 7.

71—Amendment of section 110—Sale and supply of liquor to minors on licensed premises

Subclause (1) amends subsection (1) to include additional persons who are taken to have committed an offence if liquor is sold or supplied to a minor on licensed premises. Subclauses (2) to (5) insert expiation fees for the offences in subsections (1), (1a) and (2). Subclause (6) inserts new subsections (2a) and (2b) which provide that if it is alleged that a minor was sold or supplied liquor or consumed liquor on particular licensed premises, the allegation (in the absence of proof to the contrary) constitutes proof that the sale or supply occurred on the licensed premises.

72—Insertion of section 110A

This clause inserts a new section:

110A—Supply of liquor to minors other than on licensed premises

Proposed subsections (1) and (2) create the following offences:

- a person who supplies liquor to a minor, with a maximum penalty of $10,000 and an expiation fee of $500;
- a minor who consumes or has possession of liquor, with a maximum penalty of $2,500 and an expiation fee of $210.

Subsection (3) provides that the offences do not apply if section 110 applies in respect of the supply, consumption or possession of the liquor.

Subsection (4) provides that the offences do not apply to the gratuitous supply of liquor to, or the consumption or possession of liquor by, a minor in a prescribed place if—

- the liquor is supplied to the minor by a responsible adult (defined as the parent, spouse or domestic partner of the minor, or a person standing in the position and undertaking the responsibilities of the parent of the minor) or an adult person who has obtained the consent of a responsible adult to that supply of liquor to the minor; and
- the supply is consistent with the responsible supervision of the minor.

Subsection (5) sets out matters relevant to whether the supply of liquor is consistent with responsible supervision of the minor.

Subsection (6) defines *prescribed place* for the purposes of subsection (4) as being a public place, a place occupied as a place of residence, a church or any other place prescribed by the regulations.

73—Amendment of section 111—Areas of licensed premises may be declared out of bounds to minors

This clause makes amendments to provide that the licensing authority or a licensee may declare any area of licensed premises (other than a bedroom) to be out of bounds to minors. The requirement for a notice of this fact has been relocated to proposed section 113A. It is an offence with a maximum penalty of $10,000 and an expiation fee of $500 for a licensee to contravene or fail to comply with a requirement relating to erecting a notice under section 113A in connection with areas declared out of bounds to minors.

74—Amendment of section 112—Minors not to enter or remain in certain licensed premises

The clause makes various amendments, including:

- an offence for a minor to enter or remain in licensed premises subject to a packaged liquor sales licence unless accompanied by a responsible adult at all times;
- an offence for a minor to enter or remain in licensed premises of a prescribed kind at prescribed times;
- offence for a minor to remain in any area in licensed premises if liquor may be sold in the area at that time (other than a bedroom) between midnight and 2 am unless the minor is accompanied by a responsible adult, or between 2 am and 5 am.

Subclause (2) amends subsection (3) to provide the penalties for the above in relation to a licensee is for a first offence $10,000 and a second or subsequent offence $20,000 with an expiation fee of $1,200.

Subclause (3) inserts the following new subsections:

- subsection (4a) provides for an offence for a person who permitted entry of a minor onto licensed premises in contravention of the section, with a maximum penalty for a first offence of $10,000, for a second or subsequent offence of $20,000 and an expiation fee of $1,200;
- subsection (4b) provides a defence for a person charged with an offence under subsection (4a) if the person took reasonable care to prevent minors entering or remaining in the relevant area at the relevant time;
- subsection (4c) provides an offence for a minor to enter or remain in licensed premises in contravention of the section or a condition of the licence with a maximum penalty of $2,500 and an expiation fee of $210.

Subclause (4) substitutes subsections (5) and (6). Subsection (5) provides an offence for a licensee to contravene or fail to comply with a requirement under section 113A relating to the display of notices for the purposes of this section with a maximum penalty of $10,000 and an expiation fee of $500. Subsection (6) provides that the section does not apply to minors of a prescribed class, licensed premises of a prescribed class, an area of the licensed premises exempted from the section by the Commissioner and in other prescribed circumstances.

75—Amendment of section 113—Notice to be erected

The clause makes consequential amendments and provides an offence for a licensee to contravene or fail to comply with a requirement under section 113A relating to the display of notices.

76—Insertion of section 113A

This clause inserts a new section:

113A—Requirements relating to notices

The section provides that the Commissioner may specify the requirements relating to the erection or display of notices for the purpose of Part 7.

77—Repeal of section 114

The repeal of section 114 is consequential on the insertion of proposed section 110A.

78—Amendment of section 115—Evidence of age may be required

Section 115(1) is substituted to provide that a prescribed person (as defined) may require a person on, about to enter, or in the vicinity of, regulated premises, or who is, or has recently been in possession of liquor, to produce evidence as to the person's age that complies with the requirements of the regulations. Section 115(2) is amended to insert a penalty of $2,500 and an expiation fee of $210 for failing to comply with a requirement to produce evidence of age, or for making a false statement or producing false evidence in response to such a requirement. The definition of *prescribed person* is amended to include the appropriate persons consequential on the amendment of section 115(1).

79—Insertion of section 115A

This clause inserts a new section:

115A—Seizure of evidence of age document

The section provides for the manner and circumstances in which a prescribed person (as defined) may seize an evidence of age document produced to the person under section 115.

80—Substitution of section 116

This clause substitutes section 116 as follows:

116—Power to remove or refuse entry to minors

The proposed section consolidates and updates the provisions in current section 116 to take account of amendments to section 115.

81—Repeal of section 117

The repeal of section 117 is consequential on the insertion of proposed section 110A.

82—Amendment of section 118—Application of Part

These amendments are consequential on other provisions in the measure.

83—Amendment of section 119—Cause for disciplinary action

The clause makes amendments of a technical and consequential nature.

84—Insertion of section 119B

This clause inserts a new section:

119B—Disciplinary action before Commissioner for certain matters

The proposed section provides for the procedures for an inquiry held by the Commissioner as to whether there is proper cause for disciplinary action against a prescribed licensee. Prescribed licensee is defined as a licensee who has been convicted of or expiated an offence of a kind prescribed by the regulations or who has been convicted of or expiated more than 1 offence within a period of 5 years.

85—Substitution of section 124A

The clause inserts a new section:

124A—Interpretation

The proposed section inserts definitions for the purposes of Part 9 Division 3 to do with barring orders.

86—Amendment of section 125—Licensee barring orders

Subclause (1) amends section 125(1)(aa) to provide that the grounds on which a licensee or responsible person may bar a person from licensed premises are to be extended to include where a family member of the person is at risk. Subclauses (2) and (3) make amendments to increase penalties for offences in the section.

87—Amendment of section 125B—Police officer barring orders

The clause amends the section to provide that the grounds on which a licensee or responsible person may bar a person from licensed premises are to be extended to include where a family member of the person is at risk. The clause also amends the definition of senior police officer and makes related consequential amendments.

88—Amendment of section 125C—Offences

The amendment increases the penalty provision as a result of the review findings.

89—Amendment of section 128A—Reports on barring orders

This amendment is consequential on the amendment in clause 90.

90—Insertion of section 128AB

This clause inserts a new section:

128AB—Commissioner of Police to report to Minister for Police on barring orders

The new section provides that the Commissioner of Police must report to the Minister for Police information outlined in the section in respect of barring orders made in each financial year because of information classified as criminal intelligence.

91—Insertion of Part 9A

This clause inserts a new Part 9A as follows:

Part 9A—Liquor accords

128D—Interpretation

The proposed section defines terms to be used in the proposed Part.

128E—Preparation of draft local liquor accords

The proposed section provides for the persons with whom a licensee may prepare a draft local liquor accord for the Commissioner's approval.

128F—Terms of local liquor accords

The proposed section sets out the matters that a local liquor accord may provide for.

128G—Competition and Consumer Act and Competition Code

The proposed section provides that any conduct engaged in for the purpose of the drafting, approval, promoting or giving effect to the terms of a local liquor accord is authorised for the purposes of section 51 of the *Competition and Consumer Act 2010* of the Commonwealth and the *Competition Code of South Australia*.

128H—Approval of local liquor accords

The proposed section provides that the Commissioner may approve a local liquor accord, and the procedures for the variation or revocation of such an accord.

92—Amendment of section 129—Consumption of liquor on regulated premises

The amendments introduce penalty provisions consistent with other offences in the Act.

93—Amendment of section 131—Control of consumption etc of liquor in public places

The clause amends section 131 to insert provisions which enable a council, by notice in the Gazette, to prohibit the consumption or possession (or both) of liquor in a public place within the area of that council during the period (not exceeding 48 hours) specified in the notice. Such a notice must be published at least 14 days before the commencement of the period specified in the notice in order to be effective. The council must notify the Commissioner of any such notice.

94—Amendment of section 131A—Failing to leave licensed premises on request

The clause amends the penalty provision to be consistent with other offences in the Act.

95—Insertion of sections 135A and 135B

This clause inserts new sections as follows:

135A—Publication of names of certain licensees

The new section provides power for the Commissioner to cause a notice to be published on a website identifying a licensee who has been guilty of an offence under the Act.

135B—Determination of second or subsequent offence in case of previous offence that has been expiated

The new section provides that an offence which has been expiated will be taken into account in determining whether an offence for the purpose of penalty provisions in the Act related to intoxicated persons and minors is a second or subsequent offence.

96—Amendment of section 136—Service

The clause amends the service provisions consequent on other amendments in this measure.

97—Insertion of section 137C

This clause inserts a new section as follows:

137C—Special transitional provision—disapplication or modification of certain restrictions or requirements in respect of licences

Proposed new section 137C provides that a *designated restriction or requirement* (which is defined) may be disapplied or modified by the regulations from the commencement of the clause. A restriction or requirement that a licensee provide meals to members of the public at certain times or remain open at certain times are examples of restrictions or requirements that might be designated. The clause facilitates the disapplication or modification of these restrictions or requirements from the commencement of the clause.

98—Amendment of section 138—Regulations

These amendments allow for the making of regulations by the Governor consequent on the enactment of this measure.

Schedule 1—Related amendments

Part 1—Amendment of *Controlled Substances Act 1984*

1—Amendment of section 32—Trafficking

This amendment is consequential on the change of licence classes in the measure.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

2—Amendment of section 32C—Spiking of food or beverages

This amendment is consequential on the change of licence classes in the measure.

Part 3—Amendment of *Gaming Machines Act 1992*

3—Amendment of section 3—Interpretation

These amendments are consequential on various other amendments in the measure.

4—Amendment of section 15—Eligibility criteria

These amendments are consequential on the change of licence classes in the measure.

5—Amendment of section 27—Conditions

This amendment is consequential on the amendments in clause 26.

6—Amendment of section 28—Certain gaming machine licenses only are transferable

These amendments are consequential on the change of licence classes in the measure.

Part 4—Amendment of *South Australian Motor Sport Act 1984*

7—Amendment of section 27B—Removal of certain restrictions relating to sale and consumption of liquor

8—Amendment of section 27C—Control of noise etc during prescribed period

These amendments are consequential on the change of licence classes in the measure.

Part 5—Amendment of *Summary Offences Act 1953*

9—Amendment of section 17AB—Trespassers etc at private parties

10—Amendment of section 72A—Power to conduct metal detector searches etc

These amendments are consequential on the change of licence classes in the measure.

Schedule 2—Transitional provisions

Part 1—Preliminary

1—Preliminary

This clause defines terms to be used in the Schedule.

Part 2—General

2—Amendments apply to existing licences and approvals

The clause provides for amendments in the measure to apply to existing licence holders, subject to the other provisions in this Schedule.

Part 3—Licences

3—Licences to continue

The clause provides for the continuation of classes of licence under the existing Act as classes under proposed Part 3 Division 2.

4—Trading hours

The clause provides that the trading hours of existing licence holders will remain in force. Certain limited circumstances in which such trading hours may be varied by notice by the Commissioner are provided for.

5—Other conditions

The clause provides that existing licence conditions will remain in force, and for the circumstances in which the Commissioner may add, vary, substitute or revoke existing licence conditions by notice to a licensee.

6—Exemptions

The clause provides for existing exemptions to remain in force.

7—Review of notices

The clause provides for the rights of review in relation to a notice to a licensee under clause 5.

8—Licence applications

The clause provides for transitional arrangements in respect of existing licence applications.

9—Limited licences continue

The clause provides for existing limited licences to remain in force.

10—Crown not liable to pay compensation

The clause provides that the Crown is not liable to pay compensation in respect of the operation of the transitional provisions in this Part.

Part 4—Other matters

11—Entertainment consents and conditions

The clause provides that existing entertainment consents and conditions are to be of no effect.

12—Disciplinary action

The clause makes transitional arrangements in respect of taking disciplinary action in respect of certain offences.

13—Procedures

The clause disapplies certain provisions of the Act in relation to the transitional provisions.

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

LAND AND BUSINESS (SALE AND CONVEYANCING) (BENEFICIAL INTEREST) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:48): I move:

That this bill be now read a second time.

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

Leave granted.

I rise to speak about the Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Bill 2017, which amends the *Land and Business (Sale and Conveyancing) Act 1994.*

The Bill significantly strengthens protections for consumers when selling a property, which includes land or a business. The intention of the Bill is for consumers to feel confident that they are not being unfairly taken advantage of if they choose to sell to a real estate agent or sales representative, or one of their associates. Through the introduction of harsher penalties for those found guilty of offences under section 24G in line with the level of risk associated with the sale of property, it is hoped that there will be a stronger deterrent factor for agents considering whether to take the risk. This is the first time section 24G has been reviewed and amended since the introduction of the section in 2008.

The need for the proposed amendments has become increasingly apparent in recent times as a result of failed prosecutions under section 24G. There have been many situations where the agent or sales representative in question has blatantly acted unethically and caused a financial detriment to their client for their own benefit; however, due to technicalities in the legislation, their actions have fallen just outside of the scope of the provisions and therefore they have not been successfully convicted of an offence. The most common scenario is where relatives of employees are used to purchase properties, or transactions are performed in the name of body corporate entities where agency employees are the sole directors.

Whilst it is difficult to envisage every possible scenario in which an agent or sales representative could escape liability, every effort has been made to consider hypothetical situations and address all previous shortcomings of the section. For example, the definition of an associate has been expanded to include a relative of an employee of the agent, and step-relations have been classified as relatives to reflect changes in family structures that have evolved over time. The scenario mentioned earlier regarding a body corporate has also been addressed by clarifying who is considered an associate of a corporate entity.

Directors of real estate agencies will now be discouraged from using the corporate entity as a vehicle to gain a beneficial interest through the introduction of a vicarious liability provision, unless it is proven that due diligence was exercised and the director could not have prevented the commission of the offence. Likewise, both general managers and managers of individual real estate branches will now be held liable for the actions of their employees in certain circumstances, unless they are able to rely upon the general defence that exists in the Act. This allows for a high level of accountability at a managerial level, and encourages high level management to ensure that offences are not committed within their agency. A specific provision has been inserted to ensure that managers of individual branches (as opposed to general managers overseeing the corporate entity) are not held liable for transactions occurring in other branches so as not to capture scenarios that are too far removed from the manager.

Although it is true that there will always be members of the industry that will choose to commit offences, the existing penalties under section 24G of the Act were grossly disproportionate both to the level of detriment suffered by vendors and the benefit received by the agent or representative. Penalties have been increased from $20,000 to $50,000 for many offences and aggravated offences have been established for each existing offence, with penalties of up to $100,000 or 2 years imprisonment. In line with other legislation, offences will be aggravated if vendors are aged over 60, are under guardianship, or are suffering from a mental incapacity. The importance of the aggravating factors are clearly seen when looking at previous cases, where the most significant losses suffered have involved the elderly or those who are not able to fully understand the transaction.

Lastly, the Bill proposes to increase the time limit for prosecution proceedings to be commenced from two years to five years, and up to seven years in extenuating circumstances. The reason for this is that previous attempted prosecutions have often been impeded by time restrictions due to the lengthy nature of property transactions.

The proposed reforms have been welcomed by key industry bodies, who have recognised the regulatory gap and have witnessed unethical and illegal transactions firsthand. In addition, Consumer and Business Services, the regulatory body responsible for the administration of the legislation, are committed to streamlining the exemption process and improving the efficiency of the application process.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Land and Business (Sale and Conveyancing) Act 1994*

4—Amendment of section 24G—Restriction on obtaining beneficial interest in selling or appraising property

(1) The penalties in section 24G(1) and (2) are increased (from $20,000 to $50,000) and a penalty is added for an aggravated offence ($100,000 or imprisonment for 2 years). Aggravated offences are defined at new subsection (10a).

(2) Proposed new subsection (2a) will prohibit three new categories of person from obtaining, or being concerned in obtaining, a beneficial interest in land or a business that an agent is authorised to sell. The categories are:

(a) a natural person who is responsible for managing or supervising the agent's business (including, but not limited to, a natural person referred to in section 10 of the *Land Agents Act 1994*, in relation to that business);

(b) a natural person who is responsible for managing or supervising 1 or more places of business of the agent at which any of the negotiations, administration or other functions relating to the sale are conducted by employees of the agent or persons otherwise engaged by the agent (including, but not limited to, a natural person referred to in section 11 of the *Land Agents Act 1994*, in relation to that place of business);

(c) in the case of an agent that is a body corporate—a director of the body corporate (within the meaning of the *Land Agents Act 1994*).

(3) The penalty for the offence in section 24G(3) is increased to the same level (and with the addition of the penalty for an aggravated offence) as for the preceding subsections.

(4) Section 24G(4) is amended to clarify its interaction with new subsection (10a).

(5) Section 24G(6) is amended to clarify the persons that that subsection is talking about.

(6) The penalty for the offence in section 24G(9) is increased from $5,000 to $10,000, with a new penalty for an aggravated offence added of $20,000.

(7) Proposed subsection (10a) sets out what constitutes an *aggravated offence* while new subsection (10b) facilitates the proof of paragraph (c) of the definition of *aggravated offence*.

(8) The definitions of *associate* and *relative* are substituted, while a new definition of *medical practitioner* is inserted.

5—Insertion of section 39

This clause inserts section 39 into the Act with the effect of imposing directors' liability for offences committed by the bodies corporate.

6—Amendment of section 40—Prosecutions

This amendment increases the period of time within which prosecutions for summary offences against the Act may be commenced, namely to within 5 years (or, with the consent of the Minister, 7 years) after the alleged offence (this is up from within 2 years (or, with the consent of the Minister, 5 years)).

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

At 16:49 the council adjourned until Tuesday 30 May 2017 at 14:15.

Answers to Questions

PUBLIC SECTOR EXECUTIVE OFFICERS

In reply to **the Hon. R.I. LUCAS** (26 July 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:

No chief executive officer or executive in the Department of State Development reporting to me, has received a bonus payment as part of their remuneration package.

PORT AUGUSTA FLY ASH

In reply to **the Hon. R.L. BROKENSHIRE** (16 February 2017).

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

Nu-Rock has not presented the government with results of independent testing of the potential application of ash from Port Augusta in manufacturing building products.

The Port Augusta ash is primarily bottom ash and has different qualities to fly ash, and is likely to have a different range of applications.

Without independent testing of the Port Augusta ash, its potential application in manufacturing building products cannot be verified.

Nu-Rock has advised the government that they are engaging with the operational Baldwin Power Station, situated outside St Louis in Illinois, USA, regarding establishing a pilot manufacturing plant.

The issue of access to and use of the ash is a matter for commercial negotiations between Nu-Rock and the site owner, Flinders Power.