LEGISLATIVE COUNCIL

Tuesday, 20 June 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 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.

Bills

SUMMARY PROCEDURE (INDICTABLE OFFENCES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:22): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General Supplementary Report, 2016-17—
Enterprise Pathology Laboratory Information System
The Torrens Road to River Torrens South Road Upgrade Project
Auditor-General Report on the Examination of Governance in Local Government, June 2017

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

Petroleum and Geothermal Energy Act 2000 Compliance Report for 2016
Super SA Triple S Insurance Review Triennium Actuarial Report as at 30 June 2016
District Council By-laws—
Mount Barker—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
Wakefield—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
Regulations under the following Acts—
First Home and Housing Construction Grants Act 2000—Disclosure
State Procurement Act 2004—Non Profit Bodies
Taxation Administration Act 1996—General

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

The University of Adelaide—Report, 2016
Regulations under the following Acts—
Aquaculture Act 2001—Fees No. 3
Fisheries Management Act 2007—Fees No. 4

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

Regulations under the following Acts—
Disability Services Act 1993—
Community Visitor Scheme
Security Authorisation
Heavy Vehicle National Law (South Australia) Act 2013—Amendment of Law No. 3
Legal Practitioners Act 1981—Fees No. 2
Rail Safety National Law (South Australia) Act 2012—
Fees and Returns
Miscellaneous No. 2
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Civil—Amendment No. 18
Adelaide City Council Heritage Places (Institutions and Colleges) Development Plan Amendment to the Development Plan by the Council Dated 30 May 2017
Prospect (City) Urban Corridor Zone and Interface Areas Policy Review DPA Amendment to the Development Plan by the Council Dated 30 May 2017
City of Onkaparinga General Residential and Miscellaneous Development Plan Amendment to the Development Plan by the Council Dated 30 May 2017
Inner and Middle Metropolitan Corridor (Design) Development Plan Amendment to the Development Plan by the Minister Dated 30 May 2017

Parliamentary Committees

SELECT COMMITTEE ON COMPULSORY ACQUISITION OF PROPERTIES FOR NORTH-SOUTH CORRIDOR UPGRADE

The Hon. J.A. DARLEY (14:26): I bring up the report of the committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (14:26): I bring up the fifth interim report of the committee.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. J.S.L. DAWKINS (14:26): On behalf of Hon. J.M. Gazzola, I bring up the report of the committee on the Natural Resources Management Board levy proposal 2017-18 for Eyre Peninsula, Kangaroo Island and South Australia Arid Lands.

Report received.

Ministerial Statement

ARRIUM

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 table a copy of a ministerial statement made in another place by the Treasurer on the topic of update on the preferred bidder for Arrium Group.

REFUGEE WEEK

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I table a copy of a ministerial statement made in another place by the Minister for Multicultural Affairs, entitled Celebrating the contributions of refugees.

OAKDEN MENTAL HEALTH FACILITY

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I table a copy of a ministerial statement made by the Minister for Health, entitled Update on Makk and McLeay closure and move to Northgate.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

NORTHERN ADELAIDE FOOD PARK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): Can I just ask, Mr President, before we start, are the cameras being tested this week?

The PRESIDENT: Yes, they are being tested, but they are not live.

The Hon. D.W. RIDGWAY: I just want to make sure that I have my makeup right and look my best, have my best side!

Members interjecting:

The Hon. D.W. RIDGWAY: Okay. I seek leave now, Mr President, to make a brief explanation before asking the Leader of the Government questions about the Northern Adelaide Food Park.

Leave granted.

The Hon. D.W. RIDGWAY: I think it was in the Economic and Finance Committee meeting last month that PIRSA representatives stated that the decision to locate the Food Park at Parafield

will not be made for up to two months. It was said also that the government was also considering some other locations.

The minister here is responsible for the government's Northern Economic Plan. PIRSA is listed as one of the agencies that has been working with DSD on this plan and has been asked to identify a number of northern Adelaide projects. My questions to the minister are:

1. What other sites are being considered by PIRSA and DSD, and have been shortlisted as possible locations for the food park in the northern Adelaide suburbs?

2. Will the budget that has been allocated—I think nearly $9 million now—be carried forward to the new site if a new site is chosen?

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): I thank the honourable member for his question. I think we have discussed this in here before about which minister has responsibility for certain projects in northern Adelaide. Implicit in the honourable member's question was where departmental and ministerial responsibility will lie after this project. He is correct: this is a project being carried by PIRSA, and minister Bignell, the member for Mawson in another place, has carriage of the food park project. He is an absolute champion for the food industries in South Australia, and is doing a fantastic job in those areas, and in other portfolios he is doing a fantastic job.

We had an opportunity for cabinet to meet on Kangaroo Island a couple of weeks ago, and I think that everyone was absolutely blown away and amazed at the level of support and respect the Minister for Tourism and Minister for Primary Industries has on Kangaroo Island. It was phenomenal. It was almost like they accept him as a local on that island. He is doing an absolutely fantastic job.

Members interjecting:

The Hon. K.J. MAHER: There are interjections, complaining that a minister spends time in the country, and it is an interjection we have had before, that a minister would have the temerity to spend time in regional South Australia representing their portfolio interests. We will continue to do that.

In relation to the specific questions asked, I am happy to take them on notice and ask the minister responsible for this project those very specific questions, as I am happy to take on notice questions relating to other projects happening in northern Adelaide—infrastructure projects—if the honourable member wants to ask me about them. I am happy to take them on notice and pass it on to the member responsible for infrastructure.

NORTHERN ADELAIDE FOOD PARK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): I have a supplementary question. I should just quickly add that you should not confuse polite and courteous reception in the country as support. The question to the minister is: members on this side have asked multiple questions since November 2016, and you have taken them on notice every time; why have you not been able to bring back an answer to this chamber for nearly eight months now?

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) (14:33): I accept that the honourable member opposite has a great deal of difficulty understanding ministerial responsibility, never having been anywhere near it himself, except when he is overseas and tells people something slightly different. He knows exactly what I am talking about here. He knows exactly what I am talking about.

A minister who is responsible for a project will answer this question. I will take it on notice and bring back an answer for the honourable minister, I mean the honourable Leader of the Opposition.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order!

ICE TASKFORCE

The Hon. J.M.A. LENSINK (14:34): I seek leave to make an explanation before asking a question of the Minister for Police, in his capacity as chair of the Ice Taskforce.

Leave granted.

The Hon. J.M.A. LENSINK: A document entitled 'Stop the hurt: South Australian Ice Action Plan', which was released on the 15th of this month, is a three-page document. One of the dot points under the title 'New Measures' states the following:

> undertaking a Crime Stoppers campaign to encourage South Australians to assist law enforcement in identifying and stopping drug dealers.

The last so-called Dob in a Dealer campaign was launched last year in the Riverland on 4 May as a whole-of-community response and that Dob in a Dealer campaign was specifically aimed at stopping the manufacture and supply of drugs. My questions for the minister are:

1. When did the campaign that was launched last May end?

2. Why did that campaign end?

3. As a result, how many dealers were dobbed in and how much was paid as rewards from the campaign?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): I thank the honourable member for her question. She is quite right to refer to the fact that the state government, only last week, formally announced our response to the Ice Taskforce effort. It is something that I am rather proud of. I think it is a package that does not purport to solve the ice problem that exists within our community, but it certainly is a package that will go some way to addressing the issues that we heard right around the state.

One of the things that came through loud and clear through the ice forums that we conducted throughout the state was the indiscriminate nature of this drug. It was clear that this drug affects everybody. It doesn't really matter if you come from a regional area or metropolitan Adelaide, it doesn't really matter if you come from a working-class or a middle-class background, it doesn't matter if you are employed or unemployed, this drug can strike.

One of the things we want to do through the Ice Taskforce is to get the balance right between an approach to deal with the supply side of the equation but also have an approach to deal with the demand side of the equation. The demand side of the equation is all about treatment and services, providing support networks to family members to be able to better help loved ones, particularly children, deal with addiction. On the supply side of the equation, try to disrupt the distribution of this insidious drug into the community.

The Hon. Ms Lensink refers to the Dob in a Dealer campaign. She is right to do that. It is a $200,000 investment, from memory, that goes to Crime Stoppers. Crime Stoppers is a separate entity to SAPOL, but is nevertheless a not-for-profit, non-government organisation that has an excellent collaborative working relationship with SAPOL. I know SAPOL is very grateful for the work that Crime Stoppers does because it does provide incredibly useful information when it comes to tackling crime.

The Dob in a Dealer campaign will be conducted by Crime Stoppers—as I said, a $200,000 investment. We see that Dob in a Dealer campaign operating throughout the state. It does not necessarily specifically focus on one particular geographical location. Regarding the more specific elements of the Hon. Ms Lensink's question regarding the Dob in a Dealer campaign conducted in the Riverland, I am sure she will understand that I do not have the specific statistics regarding the

Riverland campaign. I am more than happy to take that on notice and get that information for the honourable member as quickly as we reasonably can.

SA WATER

The Hon. J.S. LEE (14:38): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about SA Water.

Leave granted.

The Hon. J.S. LEE: A resident of Moonta Bay was provided a land development and connection invoice by SA Water to extend a water mains by 10 metres to service his property. It was found to be an expensive exercise. The total cost of the extension was $9,682.16, to be exact. The invoice specified that the cost directly associated with the 10-metre extension of the water mains was $7,907.86.

The resident confirmed that other property owners on his street have been provided, upon request, with quotations from SA Water for a mains extension service and yet SA Water has not made collective efforts to consult property owners on the same street about undertaking the work on a share-cost basis. The resident believes that if a share-cost structure was implemented by SA Water the quote would be potentially $4,000 to $5,000 less. My questions to the minister are:

1. Why is SA Water quoting a resident of Moonta Bay over $9,000 to provide a water service that involves extending the mains by just 10 metres of piping?

2. Does SA Water have a policy of proposing water mains to multiple property owners on the same street to ensure a sharing of costs does actually occur and, if so, why has it not been implemented in Moonta Bay?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:39): I thank the honourable member for her most important question. If she would like to raise that correspondence with me in my office, I would be happy to look into it. Of course, without having any information before me about the location and the services that are nearby—as she says, 10 metres away, but potentially the mains that needs to be extended may not be that one—and without knowing what the geology of the area is and what other services are in that area that might need to be taken care of once mains replacement or extensions are undertaken, I can't give any informative advice to the chamber about the specifics.

But it is always the case when a landowner wants a service provided to their land that they are responsible for paying for the service to be extended. The corollary, otherwise, is that all other SA Water customers would have to subsidise the extension of, in this case, a mains water extension to private property. This is no longer the case; it hasn't been for many, many years. There is cost recovery now for new participants, and they will need to pay for their own mains extensions, if that's what they are seeking.

The honourable member is asking, 'Well, why don't we go out proactively and canvass the whole area?' That's not the job of SA Water, unless it is approached. Normally, that approach would come from local government, in which case SA Water would then work proactively with the local government and the residents in the area to explore what services are required in the area in terms of current but also future population growth or future subdivision, as the case may be, depending on the site and where it is placed, and explore that with the community, as they have done.

For instance, I am thinking in terms of recent correspondence at Wirrina in terms of community wastewater treatment services, where we still have yet to land an agreement with all of the unit holders there who want to go onto SA Water wastewater services, yet they can't agree on a price because not all unit holders want to agree to that service being extended. These are some of the reasons why I can't give a detailed answer—as the honourable member can probably well expect—to the chamber today, but I am very happy, if she would like to provide me with the communication she has from her constituent, to have a look into the individual matter for her.

TONSLEY PARK REDEVELOPMENT

The Hon. G.E. GAGO (14:42): My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber on high-tech companies moving to Tonsley?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member for her question. This government is committed to creating conditions that help us to transform our economy, and we have had a very long-term commitment to Tonsley as a vitally important part of this in South Australia. We have embarked on turning the old Mitsubishi manufacturing site at Tonsley into Australia's premier innovation and advanced manufacturing district, which is helping to create the necessary environment for a vibrant, diverse and internationally competitive economy, not just for southern Adelaide, but for our state.

The success of this redevelopment under this precinct has been widely recognised through a number of prestigious awards. Earlier this year, Tonsley was recognised at the Urban Development Institute of Australia National Awards as the national urban renewal project of the year. More recently, at the 2017 Good Design Awards in Sydney, the precinct was awarded the national architecture design award and the national sustainability award. This is fantastic third-party endorsement for the work that is happening in Tonsley.

Tonsley's industry attraction efforts continue to progress well, with a focus on high-value manufacturing businesses across four key sectors: mining and energy services; clean technologies, including sustainable building products and services and renewable energy; health and medical technologies and assistive devices; and software and simulation.

I am advised that the precinct is now home to over 110 businesses, with 26 in conventional accommodation, 44 occupants of the CO-HAB co-working space and 42 companies within the eNVIsion area of Flinders University, and that around 1,000 workers are now employed at Tonsley every day of the working week. The range of businesses is diverse and includes such companies and world-class institutions as Flinders University, Siemens (the German innovation and advanced manufacturing company), Signostics, Micro-X, the state drill core library and TAFE SA at Tonsley.

Last month, I had the distinct pleasure of welcoming Zeiss as the latest company to commit to joining these world-class businesses at Tonsley under the main assembly building. The Zeiss group was established in Germany over 170 years ago and is a leading developer, producer and distributor of measuring technology, microscopes, medical eyeglass lenses, camera and cinelenses and binoculars, to name a few.

I am confident that the benefit we will get from companies like Zeiss will provide significant opportunities for not just Tonsley but also the South Australian economy. Many people in this chamber probably benefit from a company like Zeiss, which makes eyeglass lenses and other products that go into things like mobile phones. Zeiss is a company that I understand is represented in over 40 countries. It has more than 50 sales and service locations, upwards of 30 manufacturing sites and about 25 research and development sites around the globe.

Zeiss will consolidate its presence in South Australia, moving into a new $6 million premises to be constructed under the main assembly building at Tonsley. This high-tech international company will bring 120 permanent staff to Tonsley when it relocates from its current locations around Adelaide, with the opportunity and intention for further job creation as the company grows. Zeiss will occupy a purpose-built facility under the main assembly building, which is being constructed by a local developer, MAB Tonsley Holdings, on an almost 3,000 square metre tenancy. The developer is investing $6 million in the building, which is expected to be completed by early 2018.

I want to congratulate Miss Hilke Fitzsimons, Zeiss managing director, and her team for making the decision to locate at Tonsley. I am sure the precinct will enable them to leverage opportunities that can be found in no other precinct in Australia. I understand that a number of other companies have expressed strong interest in setting up in the district and are in negotiations with Tonsley management.

Recently, we have seen the completion of tenancies for companies like Micro-X, HEGS Australia, Catalyst Cloud Solutions and Phoenix Contact. Further to this, tenancies for SAGE Automation, AZZO and a CO-HAB expansion are now under construction and are due to be completed shortly. There is also the construction of a tenancy for Somark Innovations to commence shortly. It is exciting to welcome Zeiss to Tonsley. The company is a perfect fit for our state's innovation district and where this state generally is headed.

DAM CONSTRUCTION

The Hon. R.L. BROKENSHIRE (14:47): I seek leave to make a brief explanation before asking the Minister for Environment and a heap of other areas questions regarding dam construction.

Leave granted.

The Hon. R.L. BROKENSHIRE: Two weeks ago, the Natural Resources Committee went on another field trip, which included visitations in the area around Rapid Bay to Cape Jervis, on the gulf side of land owned by both DEWNR and Forestry. During that visit, farmers informed us that for several years now the minister's department has put a prohibition on the construction of any dams in order to harvest stock and domestic water. They advised us that this was having a significant economic impact by preventing them from being able to expand stocking numbers.

They do not wish to put in irrigation dams. They do not wish to put the dams in the steep gullies there that flow out to the gulf only two kilometres to the west from their farms. They simply want to be able to put dams on the sides of hills to water stock. My questions to the minister are:

1. Was the minister aware of this prohibition in that area and, if so, did the department seek approval from the minister before the prohibition occurred?

2. Whichever way the minister answers that question, would he agree to inquire with his department as to the opportunities that may now be given to farmers to put smaller stock water dams in smaller gullies leading into these water courses, which would also allow for the further watering of wildlife in the area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:50): I thank the honourable member for his most important question. I am struggling now to find some information that might be useful for him. I think he is referring to the Western Mount Lofty water allocation plan. I think that is probably covering the area of the Southern Fleurieu that the honourable member was asking about. I think that water allocation plan was adopted in 2013. The water allocation plan was developed by the Adelaide and Mount Lofty Ranges Natural Resources Management Board in consultation with their local community and via feedback received through consultation with the local water allocation plan advisory committees, key stakeholder groups and direct feedback in public meetings.

The Department of Environment, Water and Natural Resources commenced issuing water licences to existing users in the Western Mount Lofty Ranges Prescribed Water Resources Area, I believe, in September 2012. I am advised that water licence applications were determined by 27 April 2016. This resulted in about 2,200 water licences issued within the Western Mount Lofty Ranges Prescribed Water Resources Area and marked a significant achievement in bringing the use of water resources under a sustainable and regulated system.

The issue about the moratorium or prohibition on new dams, as I understand it, was put in place at that time whilst we were issuing licences to existing users. When we are trying to manage the natural resources—in this case water, and that includes run-off water, of course; it is still extractive water use—we need to actually prescribe the process so that we know there is sufficient water that can be allocated to existing users. They get first bite of the cherry, I suppose.

Having done that, and having finalised the licensing, which I have just advised was determined in 2016, we then have to do a study of the water resource to make sure that it is sustainable into the future and that involves, of course, metering work. A meter is usually required for large-scale farming exercises, not for the purposes of stock and domestic usage, as far as I understand it. In fact, there is no requirement for meters for stock and domestic use.

I will go back and check for the honourable member with my agency, as he suggests, but we are at the stage of describing the water resource, the sustainability of it, to existing licence holders and we are going through an appeal process right now. Until that appeal process is concluded, I believe I am right in saying that we won't be lifting any prohibitions on dams. Once we have gone through this thorough process of licence allocation, appeal processes and understanding the sustainable extraction limits for that area, we can then look at what might be available to allocate at a later stage. I will undertake to take that question of the honourable member back to the agency to get a more detailed answer for him and bring it back as quickly as I can.

EARLY COMMERCIALISATION FUND

The Hon. A.L. McLACHLAN (14:53): My question is for the Minister for Manufacturing and Innovation. Last week, in answer to a question, you indicated that since its inception, TechInSA has administered the government's Early Commercialisation Fund. Can you advise the chamber whether TechInSA charges a fee to administer the fund? If so, is the fee paid out of the 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) (14:53): I am happy to go away and get a more detailed answer, but I can inform the honourable member that I am pretty sure how the arrangements work and if I need to add to or subtract from that, I am happy to do so to clarify. TechInSA is the old BioSA. It survives on state government funding to help it work.

In terms of the South Australian Early Commercialisation Fund, it is administered through TechInSA, with help from DSD, and it is administered through officials that TechInSA already employ, with help from DSD. I don't believe there is any charge that TechInSA cross-charges back to the government to help do the things in terms of selection, in terms of the due diligence and in terms of the monitoring of those grants.

I believe that is part of the function that the old BioSA, now TechInSA, has had for quite a long time but I am happy to double-check that. I am pretty sure that it's the case that there is no charge back fee from TechInSA to the government. This is part of TechInSA's work that they have done in the past that is now an expanded remit that is also helped by officials from DSD.

COUNTRY CABINET

The Hon. J.E. HANSON (14:55): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the country cabinet visit to Kangaroo Island and the Fleurieu Peninsula?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:55): I thank the honourable member for his very important question.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Mr President, we have so many stories to share with the Hon. David Ridgway. He will be very interested to hear that two weeks ago my cabinet colleagues and myself undertook a three-day visit to Kangaroo Island and the Fleurieu Peninsula for country cabinet. Since the 2014 election, cabinet has travelled right across the state to speak directly with local community members about their concerns and their interests. These visits, I believe, are very important for local community and local government as well, but also the private sector. It is very important for cabinet ministers to actually have the opportunity to speak to people on the ground, to see the work of our departments out in local regions, to see issues faced by staff—

The Hon. R.L. Brokenshire: For years they went nowhere.

The Hon. I.K. HUNTER: —and to listen to the community. The Hon. Mr Brokenshire is interjecting. I know that's out of order but he says, 'For years they have gone nowhere.' It is because of the fantastic work of the Hon. Geoff Brock, who instigated, with the Premier—

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —this rota of country cabinet visits. Geoff Brock, that fantastic local member for Frome, has been the one to lead this process, and I for one can heartily say that it has been a fantastic outcome. Ministers—every one of them—are enthusiastic about getting out and fulfilling that pledge to the Independent member for Frome, the Hon. Mr Geoff Brock, who instigated this through his agreement with the Premier, and this country cabinet to Kangaroo Island and the Fleurieu was no different. It was incredibly busy, with lots of business and lots of issues and many in my portfolio that I met with.

When we arrived in Kingscote, the cabinet met with the Kangaroo Island commissioner and the mayor to get an overview of the issues and opportunities that are present on the island. I then adjourned with the Minister for Tourism and the Minister for Planning to visit the old police barracks and cells at Kingscote wharf. This site is the focus of an unsolicited bid proposal from Bickford's to develop a high-end microbrewery and distillery for the island. The company is in final negotiations with the state government to purchase land in the wharf precinct at market value. This development will create an integrated tourism and hospitality facility that will attract visitors, promote the food and wine industries and generate local jobs. The plan includes the establishment of a visitor and function centre and the redevelopment of the old Kingscote police station and nearby land.

Then, I was joined by the Minister for Agriculture to see the work being done on feral cat eradication on the island. Feral cats cause huge problems, both for wildlife and for livestock. This project is currently in the first phase and aims to deliver a systematic and comprehensive trial of a broad range of cat control methods and devices, as well as studying the movements and breeding rates of the cats.

Before leaving the island, I accompanied the Minister for Education on a visit to the Kingscote campus of Kangaroo Island Community Education. Staff from the Department of Environment, Water and Natural Resources teamed up with local teachers to develop innovative and engaging methods for teaching students about the marine habitat and ecosystems. This program is an excellent example of students getting out into the field and counting, for example, sea lion pups, planting seagrass or making their own short films on topics such as marine waste.

Once we were back on the mainland, I then visited the farm of Mr Alistair Just at Sellicks Hill. Alistair runs a sheep and cattle business on a 1,400 hectare property that includes over 50 kilometres of water courses. The property, Ashley Park, has biodiversity significance, with remnant vegetation and watercourses of the Myponga, Sellicks and coastal catchments flowing through the property. Alastair is an innovative young farmer who wants to improve the productivity of the property as well as the biodiversity values and sustainability of the site. With grant funding from the Adelaide and Mount Lofty Ranges NRM Board, Mr Just began to fence his watercourses off in 2008 to exclude livestock and revegetate parts of the property.

At the same time, he installed stock watering points away from the watercourses and implemented a system of rotational grazing. He is revegetating riparian areas and shelter belts with native species which reduces erosion, improves water quality and brings greater diversity of birds and insects back to the property. Since these changes, Mr Just has seen a reduction of selective grazing of pastures leading to fewer weeds and more perennial pastoral grass. At the same time, he has been able to increase his stocking rates and improve productivity while also seeing a reduction in erosion, better soil health and, as I said, improve water quality. This work has significant commercial benefits for the property, but not just his property: it has a fantastic leadership role in showing other farmers and property owners in the area what they can do with some clever financing through NRM, jointly funded to fence off watercourses.

It improves the health of their property, their watercourses and the ecosystem on their whole property. On a property of this size, it also has significant environmental impacts. Alistair has a range of other initiatives that he is using in addition to the fencing and reveg work to achieve a healthier,

more productive farm. These include choosing the right drenches to ensure a healthy dung beetle population, and recycling the nutrients to improve soil biology as well as using grape marc, a by-product from wineries, and composting it to use as supplementary stockfeed. He has told me that he has actually drought-proofed his property by laying in storage of grape marc, which is a by-product, of course, of the winemaking industry.

This is a great example of the critical work that NRM boards in regions are doing with primary producers to create a win for producers and a win for the environment. These sustainable farming initiatives improve productivity, create jobs as farmers produce more, whilst improving soil and water health and habitat. In between these site visits I had numerous one-on-one meetings as well as attending multiple community forums and barbecues. These forums are a great way for members of the community to speak directly to ministers while sharing a cup of tea and a phenomenal country scone, but I have to say that at this country cabinet, more so than at any other, I could hardly get a word in. The member for Mawson, Leon Bignell, was absolutely mobbed by throngs of constituents who were saying that they used to be Liberal voters but no more.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: They were former Liberal voters but no more—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —with the member for Mawson—

Members interjecting:

The PRESIDENT: Order! Would the honourable members allow the minister to complete his answer without interjection.

The Hon. I.K. HUNTER: It is embarrassing to say but the member for Mawson, the Minister for Primary Industries, was probably much more popular than every other cabinet minister put together, except for the Premier. I have to say it was a little embarrassing but also fun to watch the way that the local community responded to the member for Mawson. He is certainly held in very high standing on the southern coast, Kangaroo Island and in the Fleurieu region.

Finally to close, as I said, many important issues were raised with ministers whilst at the forums or at one-on-ones, and I must say the closing question of the community forum, I think it was in Victor Harbor, was asked by a young woman, a school captain from Investigator College, and she impressed me incredibly. She stood up at the end of the forum, as I said, to ask a very important question about sex education in schools. She pointed out that young people are often quite vulnerable, still discovering their sexuality in high school, and sex education in schools is so important to children and it can be very inconsistent across the education system and can, if it is not done properly and not put in place in more schools, really ignore some of the most vulnerable young people in our community.

Her passion was evident and I have to say she had a standing ovation from the hall by getting up at such a young age, with such great confidence, asking quite a serious question of a cabinet. I admire her courage greatly. Her passion for social justice is a credit to her, to her school and to the Victor Harbor community.

KANGAROO ISLAND

The Hon. J.M.A. LENSINK (15:04): By way of supplementary question: can the minister provide an update on how the abalone and rock lobster industry is doing on Kangaroo Island?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:04): Just swimmingly: I think they have reached their quota early.

KANGAROO ISLAND

The Hon. R.L. BROKENSHIRE (15:04): Supplementary to the minister's answer on Kangaroo Island and the Fleurieu: did the minister inspect and/or was the minister briefed on the proposal for the wharf at Smith Bay and, if so, does the minister have any concerns about environmental issues?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I have received briefings through my agency.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: No, other ministers visited. This development has been declared, I think, a major development, and it will go through the major development process with very stringent environmental—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: —very stringent environmental conditions that will be explored from the proposition. It is clearly an issue that has diverse opinions on the island, but by being declared a major development it will have very stringent environmental conditions ruled right across it.

KANGAROO ISLAND

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:05): That proposal has significant environmental concerns raised by both parties. Will the minister confirm that he did not visit the site while on this recent country cabinet visit?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I have already said that: other ministers visited instead of me.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! Will the Leader of the Opposition desist, the Hon. Mr Parnell has the floor.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! Show respect to the Hon. Mr Parnell.

PINERY BUSHFIRES, COUNCIL FEES

The Hon. M.C. PARNELL (15:06): I seek leave to make a brief explanation before asking a question of the Minister for Emergency Services about bushfire recovery.

Leave granted.

The Hon. M.C. PARNELL: I will note that the minister may wish to refer the question to the Minister for Planning, but if he has anything to say I am happy to hear that as well. The Pinery bushfire, as members would know, destroyed a large number of homes, and many of those homeowners are now seeking to rebuild their properties.

I have been in touch with one of the architects who is helping the affected community with their development applications, and have discovered that there are a number of difficulties that people seeking to rebuild are facing, not least of which is having to comply with very different standards of building approval to those that may have existed when they first built their properties.

I think most people would accept that an old property that has been destroyed, when it is rebuilt, will be rebuilt to modern standards—I don't think that is really in doubt. One thing that has bothered a number of homeowners are the fees and charges that may not, and in some cases are not, covered by any insurance they may have.

According to the government's website, councils in fire-affected areas are offering assistance, including fast tracking and fee reduction for development approvals, yet I understand that people are still being charged demolition fees to complete the work that the fire did not quite

finish, knocking down the skeleton remains of their buildings. Many are being charged application fees for rebuilding, and there are a number of services, for example, that might be under the ground that have not been affected by the fire but nevertheless need to be replaced because they do not meet modern standards and definitely are not covered by insurance.

So, all this adds up to an emotional and financial cost to these people trying to rebuild their lives. My question of the minister is: is the government giving consideration to the waiver of Development Act fees for people who are rebuilding their homes after bushfire or, if those fees have been already partially waived by councils, will government consider picking up the difference and in fact reimbursing councils for the development application fees that are lost in the case of people rebuilding after bushfire?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): I thank the honourable member for his question. I am happy to take that question on notice and pass it on to the minister responsible in the other place. I think it will be the Minister for Communities and Social Inclusion, who is the minister responsible for recovery. They sound like good questions to be answered, and I am more than happy to seek a response from the responsible minister.

METHAMPHETAMINE HARM REDUCTION

The Hon. S.G. WADE (15:09): I seek leave to make a brief explanation before asking a question of the Minister for Police.

Leave granted.

The Hon. S.G. WADE: The government released its report on crystal methamphetamine, and I understand the minister led the task force in relation to that. In relation to the increased treatment committed, where will the 15 new regional residential rehabilitation beds be located? Will they be at one site or more sites?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:10): I thank the honourable member for his question. He refers to the work the Ice Taskforce did that I referred to earlier, particularly on the demand side of the equation. It came through loud and clear as we got around in regional areas that there was a view within those communities—a genuinely held view that reflects the facts—that there is a shortage of treatment services in regional areas, particularly when it comes to residential-style rehabilitation. Of course, we have facilities along those lines in metropolitan Adelaide but, for whatever reason, there has not been the funding available to provide those services in regional South Australia.

I think it is a legitimate concern when you speak to affected users who are seeking such treatment services but, even more profoundly, speaking to loved ones of those people that they would like to see have access to those treatment services. They speak of the great difficulty that the tyranny of distance provides. What we know from evidence-based research but also by just engaging with people in the sector anecdotally is that the prospect of relapse or the prospect of treatment being successful is often informed by access to support networks—that, more often than not, is family.

There is a value in having these sorts of services located in places which are relatively closer to those support networks or where people reside. Hence the government's commitment to do this. It is part of our $3.6 million effort to improve treatment services generally. Part of that $3.6 million contributes to the 15 residential rehabilitation beds that the Hon. Mr Wade refers to but also speaks to the 50 per cent increase in outpatient services that we are providing in this area.

Regarding where those 15 beds are going, I am advised there are no specific locations that have been determined at this point, apart from committing to the fact that they will go into regional communities. As yet, it has not been determined that this many beds will go into the South-East or this many beds will go into the Upper Spencer Gulf, or wherever.

That decision is yet to be made, and I understand that it will be informed by the advice we get from clinicians on where the demand is, where the need is, and what the capability to actually deliver the service is. There is a range of factors that will inform that, but the commitment that the

government has made is to do this into regional areas, and I think it is a good one. I think it speaks to our commitment to the regions. I think it speaks to our commitment to actually tackle this issue where it is occurring.

We know, as I said earlier, that this issue is not particularly oriented to one geographical location over another, which means that where it does occur in our regions we should be providing the services that we can to be able to assist those people to kick their addiction from this insidious drug.

METHAMPHETAMINE HARM REDUCTION

The Hon. S.G. WADE (15:13): Supplementary: could the minister clarify whether the government is intending that the facility be a 15-bed facility or that the 15 beds might be placed at more than one site?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:13): I am advised and I am led to believe that it will be at more than one site. However, I want to be clear that it has yet to be determined how many sites it will be and where those sites will be. My understanding is it is likely to be more than one site but, as I said earlier, it has not yet been determined exactly where these beds will be going.

METHAMPHETAMINE HARM REDUCTION

The Hon. T.T. NGO (15:14): My question is to the Minister for Police. Can the minister outline how the government is seeking to stop the hurt in our community caused by crystal methamphetamine?

The Hon. D.W. Ridgway interjecting:

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:14): I am sure—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

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

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Will the Minister for the Environment please desist. Both of you, if you want to continue this, go outside.

The Hon. D.W. Ridgway: Grow up.

The PRESIDENT: The only one who has to grow up at the moment, honourable Leader of the Opposition, is yourself, when you are interrupting and interjecting while a minister is on his feet trying to answer a question. Minister, please get up and answer the question.

The Hon. P. MALINAUSKAS: I thank the Hon. Mr Ngo for his question. I think what the Hon. Mr Ngo wants to hear more than anything else is what this government is doing in the way of action to address the issue of ice in the community. I am very proud to be part of a government that is serious about actually making a difference on the ground when it comes to this drug, which is why we have announced an $8 million package that is seeking to address this issue on both the supply and the demand side of the equation.

I am sure that if the Hon. Mr Ridgway had partaken—as many members of the opposition did—in the forums that were conducted throughout the state, both in regional areas and metropolitan Adelaide, then he would not be seeking to make this a political issue, as he is seeking to do in the chamber right now. I am sure that if the Hon. Mr Ridgway had shown up to one of these forums and made the effort to speak to some of the families who have been affected by this drug, he would be less inclined to make this a political point-scoring exercise, as distinct from the more eloquent questions that some of his colleagues have asked so far today, including the Hon. Mr Ngo.

I am happy to work through the package that will be rolled out and is being announced in the context of this year's state budget. On the demand side of the equation, I have already mentioned—as the Hon. Mr Wade asked about—the $3.6 million that the government has allocated, which is going to result in 15 residential rehab beds in regional areas. It is also going to contribute to a 50 per cent increase in outpatient counselling services specifically in regard to getting rid of addiction.

We have also announced that a further $560,000 will be allocated to double the support provided to Family Drug Support. Family Drug Support is a non-government, non-profit organisation that provides assistance to families who have a loved one who is suffering from a drug addiction, particularly ice. It is a really important service. I can't tell you how moving it was hearing from parents—loving, devoted, committed parents—who are genuinely suffering as a result of their son or daughter having an ice addiction.

What these parents spoke of is an unconditional desire and willingness to assist their child kick this addiction but not necessarily knowing how best to go about achieving that objective. What they were looking for is support, knowledge and expertise about how best to utilise their commitment to be able to achieve that end. Many parents who would have been able to engage Family Drug Support to acquire that knowledge spoke of how important that service has been to them, but the problem has been that Family Drug Support simply hasn't been able to get to everybody. In essence, doubling their funding will, of course, provide the opportunity for Family Drug Support to get out into the community more and help more loving families.

On the supply side of the equation, we are giving SAPOL additional powers and resources to be able to do their job. In terms of resources, we are increasing the size of the dog squad. That is an investment of in excess of $200,000. We are increasing the pool of funds available to SAPOL to conduct covert operations. Covert operations are critical, particularly when it comes to capturing people further up the food chain in relation to drug manufacturing and distribution. We want to make sure that our policing response isn't just aimed at low-level dealers—many of whom are suffering addictions themselves—but actually aiming our resources at catching some kingpins, who are the people who truly profit, in large ways, from this insidious drug.

I mentioned the $200,000 Dob in a Dealer campaign as a result of a more eloquent question asked by the Hon. Ms Lensink. I should mention the in excess of a quarter of a million dollar investment in TruNarc technology. The TruNarc system is a tool that SAPOL use to readily and quickly test substances to determine whether or not they are of an illicit nature. They are tools that SAPOL currently have in metropolitan local service areas, but aren't ones that are available in the regions.

This funding will now ensure that each country local service area has access to a TruNarc machine, and of course we know that that testing capacity allows for the more speedy administration of justice in regional areas, which will go a long way. We want to increase the power for SAPOL. Currently, when SAPOL pulls someone over who delivers a roadside positive drug test, SAPOL is not empowered to search the car. We think that's an anomaly that needs to be fixed, and we want to give SAPOL the capacity to be able to do that. That, of course, may necessitate legislative change, and that will be an opportunity for the Hon. Mr Ridgway to actually do something and vote in a way that gives SAPOL that power.

We also want to address things in the Correctional Services system. Currently, if someone receives a period of time in gaol of less than five years relating to a drug-related offence—it might be drug trafficking, for instance—they are eligible for automatic parole. We do not think that is appropriate; we think that someone with such a fine or a sentence should be subject to ordinary parole procedures and have to demonstrate to the Parole Board that they have amended their ways during their time within the criminal justice system.

So, these are a number of measures, but in terms of community, we see community as playing a fundamental role when it comes to addressing this issue. The truth is that community networks are often the most powerful drivers of behavioural change. We need an outcome here that does speak to drug consumption behaviour in the community, which is why we are funding approximately $600,000 worth of grant programs—some in the sporting sector, some more in the

community group sector—to go out there to positively engage with the community to educate people, particularly young people, who are taking drugs, particularly ice, which is a particularly bad idea.

All of this adds up, amongst other measures, to an $8 million package, combined with some legislative change, to ensure we get an outcome in the community on the ground, sooner rather than later. I said at the very beginning of the establishment of this task force that this was going to be a quick and surgical strike on the issue of ice. We have never suggested for a moment that this is going to fix the problem. We have always made it clear that the purpose of this task force wasn't to develop some long-term strategy when it comes to drug consumption in the community. That has its role to play and we already have in place the Alcohol and Other Drug Strategy, which takes us through to 2020.

The purpose of this task force was to see what the state government can do quickly and readily to make a difference on the ground, sooner rather than later. That's why these measures that we have announced are very practical. They are often tangible and they are practical, with the object of making a difference on the ground, sooner rather than later. State government can't do it on its own, federal government can't do it on its own, community groups can't do it on their own—this is going to take a holistic response. But this package represents this state government stepping up to the plate to make a difference regarding this insidious drug.

DRUG OFFENDER SENTENCING

The Hon. D.G.E. HOOD (15:23): My supplementary to the minister is: has the government considered what measures it might undertake in order to address the sentencing of very high-level drug offenders in our courts?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): Of course, the government is already undergoing a piece of legislation before this chamber, which I won't go into, regarding the Sentencing Bill. We think the Sentencing Bill has a look at sentencing generally to ensure that that piece of legislation reflects community standards in terms of getting an outcome that will most likely make a difference when it comes to criminal acts, generally.

DRUG DETECTION DOGS

The Hon. T.J. STEPHENS (15:24): Supplementary question: minister, you have mentioned $200,000 for drug detection dogs. Can you explain to us how many extra dogs and/or handlers that supplies? What priority do you give to drug sniffer dogs?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I am more than happy to get that information for the Hon. Mr Ridgway. From recollection—

An honourable member: The Hon. Mr Stephens.

The Hon. P. MALINAUSKAS: Sorry.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. P. MALINAUSKAS: The Hon. Mr Stephens has asked an eloquent and thought through question about the government's strategy, as distinct from going on. I am advised that it will result in an additional two drug dogs and then, of course, funding associated with the handlers who look after the dogs. My understanding is that it is two drug dogs plus funding for the handlers. I don't have a specific number on hand in terms of the number of handlers but I am more than happy to get that for the Hon. Mr Stephens.

The PRESIDENT: Will the Leader of the Opposition in future refrain from using the word 'bozo' when referring to anyone in this chamber. I won't tolerate it from either side of the chamber.

Members interjecting:

The PRESIDENT: The Hon. Mr Darley.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Darley has the—

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Mr Darley.

Members interjecting:

The PRESIDENT: The Hon. Mr Darley, just take your seat for a minute. The Hon. Mr Darley has been waiting very patiently to ask a question and I think it's—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, I am talking. You don't talk while I am talking. Will the Hon. Mr Malinauskas not interject. The Hon. Mr Darley has the floor and deserves the very same respect anyone deserves when they are on their feet asking a question. The Hon. Mr Darley.

PARLIAMENTARY PROCEDURE

The Hon. J.A. DARLEY (15:26): Thank you, Mr President. I seek leave to make a brief explanation before asking questions of the Leader of Government Business.

Leave granted.

The Hon. J.A. DARLEY: Every sitting day, my office, along with all the other crossbench offices, send a whipping list to the government and opposition whips indicating whether we are ready to progress matters on the *Notice Paper*. Each parliamentary sitting day, the Greens, Dignity Party, Australian Conservatives and my office list the matters on the *Notice Paper* and specify whether we are ready for the matter to progress. The reason for requesting matters to not progress is usually because our offices are still consulting with stakeholders, considering amendments or awaiting further information from ministerial offices; it is not simply to hold up the parliament or because of disorganisation from offices.

These intentions are usually respected as a matter of convention, with the understanding that if a matter is progressed when a member is not ready then that particular member will not support the bill. Other than prohibiting a member from being able to contribute to the debate, progressing a matter when a member is not ready is usually not a problem where there is overwhelming support or opposition to a matter. However, the same action can cause enormous problems when the success of a bill hinges on the vote of one or two members. My questions are:

1. Can the minister advise what is the point of all the crossbenchers providing whipping advice when this advice is ignored and decisions are made to progress matters contrary to whipping advice?

2. How does the minister determine what matters are to be progressed? Does consultation with the relevant minister's office take place?

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) (15:28): I thank the honourable member for his question and I am happy if he wants to talk to me afterwards about a particular bill that he has been prevented from contributing to or is being prevented from contributing to through the passage of the bill. I am happy for him to come to tell me about that particular bill that he cannot contribute on as a result of something that has happened in this chamber.

I am not aware of one but if the honourable member wants to come to me afterwards and talk about a bill that he has been prevented from contributing to or a bill that he is now being prevented from contributing to, I am very happy for him to come and talk to me about the bill that he was not afforded an opportunity and no longer has an opportunity to contribute to. I am not aware of one.

I think, as a general principle, we are extraordinarily respectful in this place—both the opposition and the government—to the wishes of each other and to the crossbenchers when progressing matters. However, I am happy if the honourable member wants to talk to me afterwards, if there is a bill that he has not been afforded the opportunity to contribute to and does not have an opportunity to contribute to, because I am certainly not aware of one.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

YOUTH MENTAL HEALTH

The Hon. J.S.L. DAWKINS (15:29): I seek leave to make a brief explanation before asking the Minister for Employment a question regarding mental illness in young unemployed people.

Leave granted.

The Hon. J.S.L. DAWKINS: The founder and former chairman of beyondblue, the Hon. Jeff Kennett, has recently raised concerns around the mental health of young people in regional areas due to high unemployment rates, particularly in non-metropolitan Australia. It has long been discussed that the increasing rates of unemployment or underemployment are leading to rising levels of depression and anxiety in youth, particularly for males.

Additionally, the Royal Flying Doctor Service recently released its findings that showed country people are twice as likely to die by suicide than city dwellers and are far less likely to seek help. In addition, of course, I am well aware of the pressure on mental health and suicide prevention community organisations in metropolitan areas with high levels of youth unemployment. Given this, my questions to the minister are:

1. Has the minister discussed the issue of high youth unemployment and the relationship that has with mental illness issues with the Minister for Mental Health?

2. Has the minister's department made a submission to the development of the 2017-20 Suicide Prevention Strategy?

3. Has the minister's department had contact with the large number of suicide prevention networks which exist in areas of high youth unemployment in regional areas and the northern suburbs?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:31): I thank the honourable member for his question and thank him for his advocacy in this area. I have said before that I don't think there is anyone who has been a more consistent, passionate and strong advocate on the issue of suicide prevention than the Hon. John Dawkins. I thank him for his question, his very genuine interest and his advocacy in this area.

It absolutely is the case that for many people unemployment is a very big factor in terms of a person's mental health. For many people, much of their identity is tied up in what they do professionally, and certainly when circumstances change, it can have drastic impacts on a person's mental health, and I think the honourable member referred to that. I know he is well aware of the effects, particularly in more isolated communities in regional Australia and how more pronounced that can be. I don't think there would be many people in this chamber who haven't known someone, or a family of someone, who has been affected by suicide at some stage.

In relation to the Department of State Development's involvement in mental health strategies, particularly as they pertain to people who are either unemployed or have lost employment, I will have to check if the Department of State Development and the area that deals with employment has had interaction with the health department in programs that have been formulated, but I am most happy to do that and bring back an answer—

The Hon. J.S.L. Dawkins: Particularly for suicide prevention strategies.

The Hon. K.J. MAHER: —for the honourable member.

Bills

SUPPLY BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 30 May 2017.)

The Hon. R.I. LUCAS (15:33): I rise on behalf of Liberal members to indicate, as per convention, support for the second reading of the Supply Bill debate. As members will be aware, the Supply Bill enables the government of the day to continue to pay for public sector wages and services in the period between the end of the financial year and the passage of the Appropriation Bill sometime later in this calendar year. Without the passage of the Supply Bill, state public services would potentially grind to a halt, and it is therefore an essential part of the financial and governance structure of the state that a Supply Bill akin to this be passed.

I do not normally delay proceedings in the Supply Bill by a series of detailed questions—I generally leave those for the Appropriation Bill debate—but there is one question that I intend to pursue during the second reading. If it is not satisfactorily answered by the minister in the response to the second reading, I give notice that during the committee stage of the debate I will ask the minister to have a senior officer from Treasury present to provide advice to answer one particular question, and that is the gravamen of this particular bill.

This particular bill this year is asking for $5.9 billion to be approved by the parliament as part of the Supply Bill. That is an extraordinarily large sum of money, and it is an extraordinarily significant increase on the normal size of the Supply Bill allocation. For example, last year it was $3.4 billion, so this is an increase of $2.5 billion—almost double—to $5.9 billion being asked for by way of supply.

If one goes back over the last three or four years, the number generally has been somewhere in the threes. It has been lower than $3.4 million and it has been higher than $3.4 million, but it has never been anywhere close to the $6 billion being asked. One then asks the question why, and there is no explanation given at all in the second reading explanation, either in the House of Assembly or in the Legislative Council. The issue was raised in the second reading debate in the House of Assembly, but again no specific response was provided.

When this issue was first raised with me, there was one issue that I pondered and that was: is there likely to be a longer period between the start of the financial year and the passage of the appropriation? The answer to that is no, there is nothing that we are aware of in relation to the sitting weeks of parliament or the timing of the budget bill that would necessitate an almost doubling of the amount of money to be allocated as part of the Supply Bill.

As I said, I give fair warning that I seek from Treasury, through the minister in charge of the bill in this council in his reply to the second reading, a detailed explanation as to why we are being asked for such a sum of money. As I said, if a satisfactory explanation is not provided, I will seek to pursue the issue during the committee stage of the debate to get some satisfactory explanation from the government, and in particular from Treasury.

Again, if I can put the question, I am assuming that this number was first suggested by Treasury, and therefore it is for Treasury to indicate, via the Treasurer or the minister, why they asked for such a significant allocation. If it was not suggested by Treasury, my question then goes to the Treasurer, as to why the Treasurer asked for such a significant increase in the money appropriated or allocated under the Supply Bill, or being asked be appropriated or allocated under the Supply Bill. Again, those issues should be pursued during the committee stage of the debate.

If I can now address the general issues in relation to the Supply Bill. Clearly, one of the significant issues that impacts on our state budgetary situation continues to be the commonwealth-state financial arrangement, not just through the GST allocations but also through grant appropriation sectors, national partnership grants and specific purpose payments, and generally the nature of the financial relationship between the federal government and the state government.

I do not intend to prolong this debate by going through the gory detail of this state government seeking to point the finger of blame at the commonwealth government for every problem the state government confronts. The reality is that the federal government is big enough and ugly enough to defend itself. On occasions, the state Liberal Party, under Steven Marshall's leadership, has disagreed with decisions and budget decisions that the federal government has taken, and on other occasions we have supported those particular decisions, as would be appropriate.

What I would point out is that in the most recent federal budget, in a little-publicised table, there is an indication of the total commonwealth payments to South Australia for next year as compared to this year, that is 2017-18 compared to 2016-17. This is a table concerning a fact that the state government does not want anyone to be aware of and certainly does not highlight in any of their own discussions about the treatment of South Australia by the commonwealth government. What this table shows is that this year the state of South Australia received $9.8 billion in total commonwealth payments; that is, GST, national partnership grants and specific purpose payments.

Given we have a budget size over the forward estimates of around $18 billion to $19 billion, it is clear that more than 50 per cent of the total money that we in South Australia spend is actually raised through commonwealth payments. Next year, the commonwealth budget tells us that there will be a $700 million increase to South Australia in total commonwealth payments. In 2017-18, total commonwealth payments to South Australia will be $10.5 billion compared to $9.8 billion this year. That is $700 million extra next year coming to South Australia. Yet, all we heard after the commonwealth budget were the squeals that South Australia had been dudded in a particular area or a particular portfolio budget line.

The issue that the state government needs to address and to respond to, and I think media commentators and the community need to understand, is that the commonwealth arrangements with the state cover many, many portfolios and many, many funding lines. The biggest and most important for us is the GST because it is unencumbered funding. It is funding that comes to the state and we can spend that funding however we wish. The national partnership grants and the specific purpose payments clearly are as a result of agreements between the commonwealth and the state. In some cases they require state funding to match, in part, the commonwealth grants that are given, but clearly the commonwealth there has some say in the priorities in the spending that state governments have.

The GST, which is the biggest component of the total commonwealth payments, is unencumbered. That is completely a discretionary funding line for the state government and can be spent on whatever priority we might have. We have an increase of $700 million. Of that, around about $400 million (approximately—this is back-of-the-envelope numbers) is increases in GST. That is the unencumbered funding. So, the government cannot say, 'Yes, we got $700 million extra but we have to spend it on the South Road project,' or, 'We have to spend it on this particular capital works project.' Of the $700 million, $400 million is unencumbered, extra GST funding.

As I said, whilst we in the Liberal Party will, when required, always put the state of South Australia first, and will therefore disagree with some decisions of federal governments, whether they be Liberal or whether they be Labor, we will be fair about our commentary and, unlike the state Labor government, will not seek to make an art form of, every time the state government stuffs up, pointing the finger of blame at the commonwealth government and saying it is all their fault and we have had nothing to do with it.

On the one side we have massive increases, and on the other side we still see massive waste and financial mismanagement within the state public sector. I have detailed a number of these in recent contributions last year and I will go through some of these in greater detail during my Appropriation Bill contribution later in the year, but just briefly, there is now a $700 million overrun for the Royal Adelaide Hospital project; that is, $1.7 billion now at $2.4 billion.

That does not take into account additional costs which have not been included in that $2.4 billion and the fact that some other health funding lines are being used to fund equipment purchases and a variety of other budgetary allocations, to which the Auditor-General referred in a recent report and we have asked him to provide further detail in this year's report as to where the state government was hiding additional expenditure required at the new Royal Adelaide Hospital

project site, but hiding it in other budget lines because they were already embarrassed by the $700 million budget blowout and they did not want that number to get any higher.

We have seen any number of blowouts on IT projects: the EPAS project; the EPLIS project, about which I think there is another report from the Auditor-General today; the RISTEC project within Treasury; the CASIS project within the Department for Communities and Social Inclusion—projects, in some cases, where millions of dollars were spent and then literally scrapped before they could even get underway. We have seen something almost akin to that with EPAS, a project budgeted at more than $400 million and we are still seeing, on a monthly basis, problems being raised about the adequacy and usability of that particular IT project.

We have seen millions wasted on government and party political advertising. In the last two years we have seen a low point in the government using taxpayer funding for party political ends with the government secretly channelling $700,000 through a front organisation called One Community during the last federal election campaign, part of which was used to pay volunteers at polling booths on election day to hand out material advocating opposition to federal Liberal government candidates in four seats.

These were non-government organisations in South Australia, well known to members here and to the community, who helped the Labor Party to construct this front organisation called One Community and then, mysteriously on the same day they applied for it, to get a $700,000 grant to go out and advocate and call for causes that are sympathetic to the state Labor government and the federal Labor Party. That was the low point in terms of this government being prepared to use taxpayer funding in any way that it could get away with to further its own party political ends.

We have seen massive amounts of money being wasted on government consultants and contractors, Mr Acting President. Through the Budget and Finance Committee, you have had a look (as I have and the Hon. Mr Darley and other members in this chamber) at some of the answers that have come back in relation to consultants being employed through SA Health. We are talking literally hundreds of millions of dollars being spent on consultants, some to help construct Transforming Health and then some to try to fix Transforming Health, and now we are being told that, in essence, because Transforming Health has been an unmitigated disaster, on the government's spin on it anyway, they have moved successfully through the implementation of that program and are moving on to spending on hospital and health infrastructure as part of this particular budget.

We have seen the massive waste of money in terms of the way in which the government has managed its targeted separation package programs, its Determination 7 forced redundancy programs, and a number of HR-related governance issues which have demonstrated this government's and these ministers' incapacity to manage the departments that work for them.

We have seen in the last couple of budgets—and, we are told again, this budget—that this will be the jobs budget, or a jobs budget, now. Last year, we were told by the Treasurer that last year's budget was God's own work. So magnificent was the construction of that budget and so pleased was the Treasurer with the nature and structure of last year's budget, that he described it and some of its programs as God's own work.

The brutal reality for the people of South Australia is that misery continues. We continue, as we have for the last two or three years, to have the highest unemployment rate in the nation: the most recent figures on seasonally adjusted terms for May at 6.9 per cent and the trend figure at 7.1 per cent—by far and away the highest unemployment rate in the nation.

So, if we have had two jobs budgets and they still deliver the worst unemployment rate in the nation, heaven help us if we are going to get another jobs budget from the Premier and the Treasurer, because the proof of the pudding is in the eating and we have seen what two jobs budgets have done to the economy and to South Australia. Heaven help us with the third in the trilogy of jobs budgets: it is sure to deliver more misery to South Australians, particularly young South Australians.

Some interesting analyses done by some economic commentators, and also the journalist at *The Advertiser*, Mr Daniel Wills, highlights the underemployment figures produced by the Australian Bureau of Statistics, as well as the unemployment figures. As members in this chamber would be aware, in the calculation of unemployment and employment, one only has to answer the

question that you have been employed for one hour or more in the last period to be taken off the unemployment list and to be placed on the employment list. So, if you are working for three hours a week you are no longer unemployed, you are an employed person, albeit significantly underemployed.

So, there is this additional information provided by the Bureau of Statistics, which in South Australia's circumstance, if you combine those who are unemployed in South Australia and those who say, 'I'm only working a few hours a week and I want to work more hours', we have 17 per cent of South Australians who are unemployed or underemployed.

Again, in South Australia this measure of the misery index is such that it is significantly higher than for any other state in the nation. Again, that comes as a result of two jobs budgets from this government. The reality is that this government has had 16 years. They have tried everything, they have done everything, and they have been singularly unsuccessful in terms of tackling the significant economic problems and crises that confront the state, and in particular the jobs crisis that confronts South Australia.

I think the people of South Australia need to look rationally at the continued claims of governments and jobs budgets on, 'Well, we have successfully implemented Transforming Health, we are now going to move into the next stage', and look at the reality of where we are in South Australia. The unemployment and the underemployment figures, our economic growth figures, our net interstate migration figures, are all indicators that there is something wrong in terms of the state Labor government's management over a 16-year period.

Increasingly, we are hearing—and I am sure it is the reality out there that people are saying—that this lot have had a chance, they have had a fair go, they have not been able to achieve what they said they were going to achieve, and it is now time to give someone else a chance to see whether or not a fresh new vision for South Australia, an alternative plan, new policies and options, might produce better results for the state, but in particular for South Australian families and small businesses. That is certainly what Steven Marshall, on behalf of the party, outlined early last year: a broad future vision, with 2036 highlighted, and has continued to highlight with a series of policy announcements over the last 18 months.

What will be clear in this election is that there will be a clear difference between the two parties come March 2018. It will no longer be possible to say that it is a choice between Tweedledee and Tweedledum, because the policy differences between the two parties will never be clearer. That has been indicated by a number of commitments that have already been given, for example, in relation to the critical area of the cost of living for South Australian families. The state Liberal Party made a commitment almost three years ago now that if elected in 2018 it would reduce the cost of living for South Australian families and businesses by $90 million a year, or $360 million over four years, by a massive reduction in ESL bills in South Australia, something which will be implemented in the first budget of a Liberal government, if elected.

Also in the area of cost of living, tackling the increasingly highly publicised area of massive increases in local government rates. Since last year, the Liberal Party has been out there with its clear policy that it will be introducing a policy of capping local government council rates, something which has been implemented by a Liberal government in New South Wales and is being implemented by a Labor government in Victoria.

That has been strongly opposed by the Local Government Association, as one can expect. That association, run by a former Labor Party staffer, employing consultants almost solely comprised of other Labor Party staffers, has threatened the Liberal Party with a massive seven-figure advertising campaign. Good luck to the LGA, good luck to those who make the leadership decisions, because the state Liberal Party will be on the side of the ratepayers and will be on the side of small businesses and others who are saying enough is enough.

The Labor government is the one not prepared to support struggling families and businesses. It is hopping into bed with the LGA, because again, as I said, the significant movers and shakers within the staff and organisation and the consultancy are former staffers of theirs. They are former ministerial advisers; they have easy and ready access through to ministers' offices. They get on the phone to the ministers and say, 'Hey Tom, we don't want you to do this,' or, 'Jay, we don't want you

to do that.' They are on first name terms with the Labor ministers in South Australia. Steven Marshall and the Liberal Party are on the side of the ratepayers. So, in those areas, and there will be others, we are prepared to tackle the cost of living issues for struggling South Australian families and businesses.

In other areas there are stark differences in policy. The state Liberal Party is firmly opposed to the proposition for a toxic nuclear waste dump in South Australia. That is in clear contrast to the positions publicly enunciated by the Premier and senior ministers, like minister Malinauskas and minister Koutsantonis, former ministers like Tom Kenyon, the member for Newland, and others—significant movers and shakers. If that party was to be re-elected, contrary to what it might say prior to an election, you can rest assured that the issue of a toxic nuclear waste dump would be back on the agenda in South Australia.

I remind members and South Australians that, prior to the last election, the government said and made promises with their hands on their hearts that there would be no privatisation under a Labor government and under Premier Weatherill and Treasurer Koutsantonis. As soon as the election was out of the way, they embarked on widespread privatisation of the Motor Accident Commission and the Lands Titles Office. They have scoped and had a look at HomeStart. We uncovered the secret plans for minister Hunter, SA Water and Treasury to look at the possibility of privatising SA Water.

The Labor government has demonstrated through its own actions that what it promises before an election is not what it will deliver after an election. The fact that, as of this week, the specially set up nuclear waste disposal agency in South Australia (called CARA) is still operating—staff are still being paid and it is still undertaking the task which it has been asked to do—and that there are still members of the Labor Party pushing for further consideration in the next parliament of the proposition of toxic nuclear waste dumps in South Australia, are all clear evidence that indicate, contrary to a throwaway line from the Premier that he has had a change of mind, that not only should he not be believed, but that this government should not be believed in relation to the issue. Again, this is a clear policy difference.

With regard to shop trading hours, again, there is nothing starker there. The shoppies union will not allow minister Malinauskas and Premier Weatherill to make any changes in terms of shop trading hours. The Liberal Party, again, has been prepared to take on the battle with the shoppies union and, indeed, with some of our own strongest supporters among some of the independent retailers who have strongly opposed the Liberal Party proposition that we believe it is in the best interests of families. We operate under the simple premise that if a trader wants to trade and a shopper wants to shop and a worker is prepared to work, why should the shop trading hours legislation, with only limited exceptions, prevent those circumstances from occurring?

There is the embarrassment of having national stores like Harvey Norman—only in the state of South Australia—having to construct their stores with a built-in roller door in the middle of the store because, on public holidays and at some other times, the state government and the shoppies union say, 'We will let you sell bedding and furniture in the front part of your store, but we won't let you sell the computers and electrical goods in the back part of the store, even though you're open.' So, if you want to operate Harvey Norman stores in South Australia, you had better construct a roller door in the middle so that on public holidays the roller door comes down and customers come in and the sign says: due to state government legislation we cannot sell you electrical goods and computer goods on this particular public holiday, but we can sell you bedding and furniture.

Those are the sort of crazy laws that this government is not prepared to tackle, but a state Liberal government would be prepared to tackle. It is one of just a handful of issues, already, that I can talk about: infrastructure in South Australia, the Productivity Commission in South Australia and a range of other initiatives where there are clear policy differences between the current government and a future potential Liberal government. As we approach March 2018, there will be clear policy differences between the two parties.

The last issue I want to address in the Supply Bill debate today is something which has only arisen publicly in the last 24 hours, and it is within my portfolio remit. It relates to ReturnToWorkSA, or WorkCover. We have seen the appalling case reported in the last 24 hours in *The Advertiser*

today, titled 'Adelaide businessman wins compensation bid for alcoholism developed after WorkCover bungle'. It states:

> A businessman drank himself to the point of alcoholic brain damage over a worker's compensation claim he believed to have been unfairly rejected—because WorkCover forgot to tell him for a decade that he had actually won the case.
>
> WorkCover's failure to tell the meat industry business owner that his claim had been approved in June 2002 led to the man becoming so enraged that it caused the alcoholism that rendered him unfit to work.
>
> Culminating in a comedy of errors, it was only in late 2011 when the businessman's brother phoned a talkback radio station that WorkCover employees realised they had failed to inform the man that he should have been compensated for a decade.

There is an article in InDaily today, headed 'WorkCover "must be held accountable" for compo failure'; an interview with the gentleman where he indicates his frustration at the way he had been treated and his business, a family business in South Australia, had been treated by WorkCover (now ReturnToWorkSA). That decision, which came down on 2 June, states in its conclusion:

> Mr Lesiw's psychiatric gastrointestinal and alcohol-induced brain damage injuries are compensable. He has an incapacity for work as a result of such injuries from 8 February 2013. I will hear from the parties as to the nature of the orders to be made to conclude these proceedings.

This really is an appalling example of the sort of governance and mismanagement that this state Labor government has presided over for the last 15 or 16 years. It has had tragic implications in relation to this particular case. They really are issues that minister Rau and the government, and in particular ReturnToWorkSA, need to answer; that is, how was this error made in the first place, what caused the error, and why was the decision not communicated to Mr Lesiw and his brother? The evidence given during this hearing was that at the time a number of other WorkCover employees discussed the case with Mr Lesiw's brother and did not advise them of the decision.

However, minister Rau also needs to answer questions because there has been released under freedom of information an indication that Mr Lesiw's brother contacted the minister's office in May 2013 complaining about this particular case, and the evidence there is that minister Rau sent a pro forma letter in essence which stated, 'Look, it's inappropriate for me to comment on matters before the Workers Compensation Tribunal.'

My question to minister Rau and the government is: what actions, if any, did the minister take internally as a result of that in terms of establishing the accuracy of the claims that had been made by Mr Lesiw? Was the simple question asked: is it correct that an error was made back in 2002 and that the people were not advised? What were the procedures which applied in WorkCover at the time and what changes, if any, have occurred to ensure that no similar errors are repeated? What actions, for example, has ReturnToWorkSA taken to ensure that these sorts of appalling circumstances never re-occur in the case of another workers compensation claimant?

When I get the chance during question time, at some stage this week, I intend to put questions indirectly to the minister in relation to what the total legal costs and total costs of settling this particular issue are, which are, of course, part of the ongoing costs of ReturnToWorkSA which need to be borne by employers in this state.

Whilst the Liberal Party supported the changes made a few years ago by the government to try to bring down the appallingly high workers compensation rate in South Australia, the premium rate in South Australia still remains uncomfortably high when compared to most other state jurisdictions. This case and other cases that we have heard about are examples of why there are clearly continuing problems with the old WorkCover organisation, and one needs to hear whether or not these issues have been resolved in relation to the new return-to-work organisation.

These will be important questions to be answered when we debate the Return to Work Corporation of South Australia (Crown Claims Management) Amendment Bill, where the government is asking that what, on the independent advice from the government's own experts, was a reasonably successful self-insurance arrangement of government departments should be handed over holus-bolus to ReturnToWorkSA.

In this appalling example and the implications for this particular individual and business, we see a tragic example of how WorkCover has been managed. We still see that the premium rate in

South Australia is higher than those of other states and territories. Certainly we in the Liberal Party have not seen the evidence yet that ReturnToWorkSA has changed its overall approach and is managing as efficiently and effectively as equivalent bodies in other states so that the premium rate and the management of cases of injured workers is comparable to the policies and practices in other states or jurisdictions as well. They will be important issues that we will need to address when we get into the committee stage of the Crown claims management bill.

As I indicated in the second reading of that debate, one still unanswered question is that ReturnToWorkSA is going to be charging government departments approximately $25 million in premiums in the next 12 months, whilst those departments will still be employing almost 200 claims managers and other employees—some almost $20 million in costs of employees.

Unless the government can rebut these numbers, the net cost of managing workers compensation claims looks like increasing by at least $20 million to $25 million. At a time when we are struggling for every last dollar that we can in the state public sector, the government jams up taxes and charges whenever it gets the opportunity. We cannot afford to make decisions which, by the single stroke of a pen, significantly increase the cost of managing workers compensation in the state public sector with no identifiable benefit in terms of the management of claims and benefits to injured workers as a result of that particular decision. With those comments, I indicate my support for the second reading.

The Hon. J.S.L. DAWKINS (16:13): I rise to endorse the comments of my colleague the Hon. Mr Lucas, who obviously has the lead on this matter for the Liberal Party. I have spoken on many supply bills in this house and, of course, it is simply a mechanism to allow continued payment of public servants and for public services until the Appropriation Bill is passed by the parliament later this year.

It is extraordinary that the appropriation for the Supply Bill this year is almost $6 billion—$5.9 billion—when last year the appropriation in the Supply Bill was $3.44 billion. I suppose in recent years it has been of a similar amount, and all of a sudden it has blown out to almost $6 billion. I do not profess to have any great economic understanding, but to me that is something that is a great surprise, and one wonders whether it is indicative of the way that, overall, the government manages its funds with the funds of the taxpayers of South Australia.

I particularly wanted to reference today the work that is carried out by the public servants that I referred to and the work that has been done on behalf of the government in relation to not only the Northern Economic Plan, which was announced with some fanfare on 29 January last year, but also the work that was done in the development of that plan prior to that. I have no doubt that the aims of the Northern Economic Plan are based around the fact that the impact of the closure of the General Motors Holden plant at Elizabeth was going to be very significant for the northern suburbs of Adelaide and large areas close to those.

I acknowledge that there were many well-meant intentions that were put together by members of the government and its bureaucracy, but I have to say that, in the period since the first development of ideas and the gathering together of local people, the work of the department, DSD and other agencies within the government has seen that the potential for this plan to deliver to the people that it was meant to deliver to has been undermined.

I can exemplify that by the fact that there was some very good work initially done by the gathering together of leaders in the community. I have very good friends in the cities of Salisbury, Playford and Port Adelaide Enfield who put together some great efforts in the development of the plan. The thing that I was initially alarmed about was that it was only designed for those three cities. The Town of Gawler, which to my understanding has almost exactly the same number or had exactly the same number of employees at Holden's as the City of Port Adelaide Enfield, was for some reason excluded.

I have asked questions over a very long period of time. In fact, I have asked a dozen questions and some five supplementary questions about various aspects of the plan and its development. Specifically, I have asked probably at least five questions on Gawler's exclusion from the Northern Economic Plan. As the minister's responses came back, it became clear that some of the advice he was getting from his department was not accurate.

While at some stages my claims about that have been questioned, the reality is that, given the lack of consultation with the Town of Gawler over its inclusion or lack of in the Northern Economic Plan was raised in this place to a great degree, any contact about further schemes—and compensate is not the right word—to replace the inclusion of the Northern Economic Plan should have been at the highest level. It would seem that, if there was any consultation with the Town of Gawler in more recent times, it was done at anything but the highest level.

I think that, when you have some of the employees of agencies caught in the middle of this having to take some of the heat that has resulted out of the poor communication that has obviously come from the Department of State Development or other bodies that have been leading this work, it would show that it has been a very poor public relations exercise.

The Northern Entrepreneur Scheme has been based around Gawler and given to Gawler as a pat on the head saying, 'Well, you know, this will make up for you not being in the plan, but by the way, most of the program is going to be based at the Stretton Centre in the City of Playford.' I have nothing against the Stretton Centre at all, but if you are going to do something for Gawler, then do it in Gawler. The lame excuse that has come out of the department is that they could not do anything in Gawler because they could not provide appropriate after hours facilities. As someone who has lived in and around that town all my life, that is a lot of nonsense.

I think it has been an unfortunate period. It does show—and I have said it in this place before—that in the period after the member for Light was demoted from the ministry, he took his hand off the steering wheel. He was not interested in these matters, and it was only because I kept raising them in this place that the minister, to his credit, brought back answers, but on occasions they were not as prompt as they could have been and sometimes they came back with information that was not correct. I think the fact that the member for Light did not drive this has shown up very recently in local media that the Town of Gawler was excluded in the first place. It should not have been excluded in the first place because it had equal representation of workers in the Holden plant as did the City of Port Adelaide Enfield.

There are many other issues in relation to the Northern Economic Plan that I could talk about today. I am passionate about Gawler, as a place that I have spent a lot of my life in, and also about the northern suburbs. I have probably done as much work as, or more than, most other members of parliament in this place in the northern suburbs in my life, and I am proud to say that I have worked with many candidates and with many of the councils and community organisations in that area.

I think it is disappointing that a plan that was released on this fancy letterhead and with all these grand ideas has resulted in many other questions being asked in this place, not just by me but by so many other members, including the Hon. Mr Lucas, and I think we have continued to have questions raised about that whole process right up until today. In that sense, I am disappointed about the fact that some people have raised false expectations. One thing in my parliamentary career that I have always been disappointed about is when people have been given false expectations and then crudely let down.

The other area that I want to touch on today is one that most people in this place would know is very close to my heart, and I referred to it to an extent in question time today, and that is suicide prevention. I have indicated in the past a frustration at the delay in the development of the state government's second suicide prevention strategy.

The first one was developed only because of the work I did in the parliament, along with the member for Adelaide, to basically drag the government into recognising that this was a significant community concern and issue. The first strategy ran out at the end of 2016, so you would have thought that in 2016 you would have the next strategy ready to go in 2017, but no, that has not happened. The consultations for the 2017-20 strategy only closed in May this year, I think it was. So, almost half of this year was gone before the strategy was closed.

I will give great credit to the work of the officers of the Office of the Chief Psychiatrist. They have been given not only the role of developing the suicide prevention networks around South Australia and with a very small staff have been doing very great work in that area, they have also been given the job of developing consultation for this new strategy. I am not sure when this strategy is going to be released but what I am sure of is that the Minister for Mental Health's lack of

care and focus on these issues has been glaringly obvious. I have said before in this place that her inability to attend any particular suicide prevention events or functions in this state has been remarked upon widely.

People who do this work in this area as volunteers need support. One thing that people who work in the mental health space are told is that to be able to help other people you have to look after your own mental health and you need to take care of yourself. Those people need the encouragement of the people at the top. People in the mental health sector, and the suicide prevention sector particularly, get no encouragement from this minister. She has been a gross disappointment. I always thought she would be far better than the previous incumbent, who has no interest in the area, and I thought this minister had an interest. Unfortunately, her priorities have been overtaken by other matters and I am really frustrated by that.

Having said that, I give great credit to the continuing work, I hope, and that the strategy can be released before the year 2017 is over because I think it is something the community deserves to have in a focus on this important work. With those words, I commend the Supply Bill. It is one that historically, in our form of government, is a manner by which the government can continue to complete its identified priorities before the next Appropriation Bill is passed. With those words, I support the bill.

Debate adjourned on motion of Hon. J.E. Hanson.

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 June 2017.)

The Hon. A.L. McLACHLAN (16:29): I rise to speak to the Statutes Amendment (Drink and Drug Driving) Bill 2017. I speak on behalf of my Liberal colleagues. The Liberal Party is supporting the second reading of the bill. I alert the government that I have a number of questions and I ask that they be addressed in the second reading summing up. The government has stated, when introducing this bill, that its aim is to reduce the incidence of drug driving and in turn improve safety for all road users. It seeks to achieve this by introducing the following initiatives: harsher penalties for drug-driving offences; a new offence of drink and drug driving with a child under the age of 16 present in the vehicle; a requirement for those convicted of this new offence of drug driving with a child to undergo a drug or alcohol dependency assessment; streamlining the drug testing process; and enabling all sworn SAPOL officers to conduct drug screening tests across the state.

It is my intention to briefly address each of these aspects of the bill. The bill introduces harsher penalties for drug-driving offences in the hope that this will act as a deterrent for those who consider the conduct of taking drugs and driving. The bill introduces a three-month licence disqualification for the first offence of drug driving. When introducing the bill, the minister indicated that Victoria has already enacted an equivalent law. The bill also increases the length of court-imposed licence disqualifications for repeat drug-driving offences, which will double in most cases. The minister also indicated that New South Wales, Queensland and the Australian Capital Territory, as well as Tasmania, already have disqualifications for a first offence that goes to court.

I ask the minster to advise whether these measures have proven to be successful in reducing the incidence of drug driving in those jurisdictions. I further ask how the impact of these laws is being measured in each jurisdiction and what data is being collected. I also ask whether the legislative changes made in the other jurisdictions were accompanied by a public education campaign aimed at increasing the general public's awareness of the changes to the laws and seeking to shift community attitudes. If there have been campaigns, how has the effectiveness been measured and over what time frame?

The bill introduces a new offence of drink and drug driving a motor vehicle with a child under the age of 16 in the vehicle. The new offence carries with it significant penalties. The new offence will apply where the driver's blood alcohol content is 0.08 or higher, which is referred to in the Road Traffic Act as a category 2 offence or higher; however, I note that it will apply to all drug-driving

offences. My understanding is that in respect of the drug-driving offence, it is purely a detection based offence. This means that, unlike the threshold of 0.08 alcohol reading, the amount of drug present in the offender's system will not be taken into account.

Whilst the penalties will be the same as respective drink or drug-driving offences without a child present, there will be an added requirement for offenders to undergo a drug or alcohol dependency assessment. An offender will not be able to regain their licence until they have been assessed as non-dependent by a clinician. Information identifying offenders will also be provided to the Department for Child Protection for the purposes of their investigations into child safety. It can also be used by the Department for Communities and Social Inclusion for child-related employment screening. I ask the minister whether the information able to be shared for those stated purposes is whenever an offence is committed, or whether it is only when a finding of drug or alcohol dependency is made.

I ask the minister to advise of the legislative authority which will permit the sharing of this information. The bill also increases the penalty for driving unlicensed at the end of a disqualification period if the driver has not completed the required dependency assessment or has been assessed as dependent on alcohol or drugs. The penalty has been increased to a $5,000 fine or imprisonment for one year and disqualification from holding or obtaining a licence for not less than three years. The government states that this approach is consistent with the approach taken for motorists caught driving unlicensed following disqualification for a serious drink-driving offence and not having entered into a mandatory alcohol intervention scheme.

This bill seeks to streamline the roadside drug testing procedures. It does this by removing the second stage of drug screening tests that are currently undertaken by officers at the roadside. Officers will now conduct the first screening test to detect the presence of a drug. The government has advised that, once passed, the bill will enable all SAPOL sworn officers to conduct roadside screening tests.

If a drug is detected, the officer will then collect an oral fluid sample, which will be forwarded to Forensic Science SA for confirmation before an offence can be confirmed. The Liberal opposition is supportive of these measures that seek to enhance operational effectiveness.

I ask the minister to set out the training to be provided to all SAPOL officers on appropriate handling to ensure the integrity of samples is never jeopardised, and advise the procedures that are in place to ensure that there is no corruption of samples that are sent to Forensic Science SA.

The Road Traffic Miscellaneous Regulations currently only prescribe certain drugs. They include (I will use the acronyms) THC, methamphetamines and MDMA. If it is the only prescribed drugs that are detected by the test, is this because the test is only capable of identifying these drugs, or is it because of a deliberate policy decision by the government to calibrate the test? I also ask: what are the costs for administering each test and is it anticipated that there will be any increased spend consequent to the passage of this bill as a result of anticipated demand? I further ask whether the initial screening test will detect the presence of any drug or just those prescribed by regulation? Why have additional drugs not been prescribed, such as cocaine or other certain opiates?

I note there exists a wide body of research, which debates the complex issue of drug-driving laws based on detection-only testing. In a Californian review, conducted in 2015, Associate Professor Andrea Roth described the difference between drink-driving laws and drug-driving laws as such:

> We base our drink driving laws on this demonstrably correct data and accordingly allow for some alcohol in the bloodstream for full drivers licence holders, so as long as it is below blood alcohol content of .05 per cent. But not so with other drugs such as cannabis. Here we take the prohibitionist stance and apply it to driving without bothering to undertake the rigorous analysis that accompanied and underpinned drink driving law development.

In Australia, Dr Alex Wodak, chair of the Australian Drug Law Reform Foundation and formerly head of Drug and Alcohol Services at Sydney's St Vincent Hospital, has noted that:

> One of the problems with zero tolerance drug driving laws is that they punish some drivers who are not impaired as a way of deterring other drivers who might be impaired or might become impaired from driving. This is what we call vicarious punishment; it offends basic notions of fairness.

Of similar note is Mr Greg Barns, the Australian barrister and spokesperson for the Australian Lawyers Alliance, who has publicly criticised Australian drug-driving laws for having no evidential

basis and not being based on data or scientific knowledge and has highlighted that similar laws in the US are now under pressure with the development of medical cannabis. He pointed to a landmark decision last year in the Arizona Supreme Court, when it was identified that a flaw in the zero tolerance drug-driving laws is that a driver cannot be considered to be under the influence based solely on concentrations of marijuana or metabolites that are insufficient to cause impairment.

This is a very complex public policy area, as we are dealing with a bill that proposes detection-based testing without the need to prove impairment. Following a briefing provided by the minister's staff to the Liberal opposition, certain statistics were provided by the minister in a letter to the member for Bragg in the other place dated 26 May 2017. The letter contains some data on the number of drug and alcohol screening tests compared with detections for 2016. What those statistics failed to reveal was, first, the level of drugs detected in each offender and, secondly, the corresponding level of impairment.

I ask the minister: what is the nature of the drug screening test, both the roadside test and the subsequent oral analysis; for example, does the roadside test merely provide a positive or negative result? Does the oral analysis provide a reading of the amount or a percentage of the prescribed drug present in the offender's system? If yes, why hasn't the bill been drafted into categories of offences based on the level of prescribed drug present to reflect the varying levels of impediment relative to the level of consumption; for example, similar to the various categories for drink-driving offences?

Is there a certain level of a prescribed drug required to be present before it would show up in a roadside test or an oral fluid analysis? Do the levels measured by both the roadside test and oral analysis vary depending on physical traits of the person tested? For example, could two people ingest the same amount of a drug and return different test results? Have there been any cases in South Australia or other jurisdictions where the drug test, as it is carried out in South Australia, has been proven to be inaccurate or incorrect?

I am aware of a New South Wales case that came before the courts last year in which the magistrate dismissed a charge against a driver who had been accused of driving with an illicit drug present in his body. The magistrate did so on the grounds that the defendant, after an early discussion with the police officer, held an honest and reasonable belief that he still would not have a detectable level of cannabis nine days after the most recent use.

I ask the minister, in particular on this issue, how long does each of the drugs prescribed by the regulations and within the ambit of this bill stay within a person's system once consumed? Currently, if an offender is caught drug driving for a first offence is there a standardised time frame that SAPOL officers recommend offenders wait until they should drive again?

The issue of potential unfairness coupled with doubt over the effectiveness of these laws on actually improving road safety was very aptly critiqued in an article co-authored by Dr Alex Wodak, whom I mentioned earlier, and David McDonald, who is a visiting fellow at the National Centre for Epidemiology and Population Health at the Australian National University. The article highlighted, and I quote:

> The most important question is whether or not a particular drug, independent of other factors, increases the risk of a road crash, death or serious injury. And, if so, how much of that drug has to be present to cause how much increased risk?
>
> The drugs to be included for testing need to be on the basis of their relative risk, relatively common use and significant contribution to road crashes, but not because of their legal or therapeutic status. This is because some of the legal drugs used therapeutically, such as benzodiazepines like Valium, impair drivers even more than some illegal drugs do.
>
> The amount of the drug in the system also needs to be taken into account. Someone who took an ecstasy tablet a few days ago may still have detectable levels in their system, but will have significantly different levels of impairment to someone who took one an hour ago.

I ask the minister, has the bill been drafted to reflect the recent advancements being made in respect of medical marijuana? Does the bill or the current law regulate in any way the driving of someone who is on a strong prescription medication such as Valium? I also have some other questions for the minister based on the data that the government has provided in support of the bill.

In the minister's second reading speech he stated that over the last five years 24 per cent of drivers and riders killed on South Australian roads tested positive to cannabis, methylamphetamine or ecstasy or a combination of these drugs. I ask the minister to provide the figures upon which this calculation was made. I also ask for the data for each year.

I noted in the media release of the minister dated 11 May the figure provided was 22 per cent. I ask the minister to confirm what is the correct statistic. I also ask, out of the 22 or 24 who tested positive to drugs how many tested positive to a combination of drugs and alcohol? For those offenders who tested positive to alcohol, can the minister indicate whether the amount was over the prescribed 0.05 limit? Have the numbers of those killed with drugs in their system increased over the last five years? If so, by how much? What are the numbers for each type of drug that is prescribed? Is there any trend showing an increasing usage of a particular drug? If so, by how much?

In the letter dated 26 May 2017 to the member for Bragg in the other place, which I referred to previously, the minister stated and I quote:

> While drug testing of drivers is much more targeted than alcohol testing, these statistics demonstrate that the level of drug driving is at an extremely concerning level.

Can the minister explain how drug testing is more targeted than alcohol testing? Does SAPOL target certain geographical areas, certain events, certain times of the day? I also ask, if this bill is passed whether SAPOL patrol cars will be equipped with roadside testing devices? Will it operate in the same way as random breath tests do?

I ask the minister to advise the number of drug screening tests over the past five years, the percentage detected and the type of drug. I also ask, for the same period the number of people charged with driving under the influence of a drug and the resulting conviction rate. I ask the minister to provide data on the locations or geographical areas where the drivers with drugs in their systems have been detected.

The Liberal Party is supportive of initiatives that seek to improve the safety of our roads for all road users. The Liberal Party wants legislation initiatives to be effective. Often, legislative changes are only the first step when changing attitudes and behaviours in our community and must be accompanied by other initiatives. The Liberal Party is also supportive of measures which seek to increase the safety of our children, particularly when they are passengers in vehicles. The Liberal Party has filed amendments, and the effect of the amendments are as follows.

Amendment No.1, which has been filed in my name, will provide a discretion to the Registrar of Motor Vehicles to reissue a driver's licence if the applicant satisfies the Registrar that they are no longer dependent on alcohol or drugs or that they have undertaken a sufficient amount of appropriate treatment for alcohol or drug dependency. This amendment provides an important mechanism by which the offenders are encouraged to seek treatment for drug or alcohol dependency. It will also incentivise such offenders to persist with any such treatment, as they have an opportunity to regain their licence if they do so. This amendment is motivated by the policy objective of encouraging people to seek assistance for their own addiction.

If we fail to rehabilitate drug users by breaking the cycle, we will continue to see drug drivers on our roads. The government bill fails to deal with the primary problem; that is, reducing drug dependency within our communities. Drug driving is merely a symptom of the problem. I note that the government's own Ice Taskforce, of which the Minister for Road Safety is chair, stated in its recent summary report that the treatment services are highly effective with people who have problems related to methamphetamine use. Our amendment will encourage these people to seek treatment and thus help them to overcome the primary problem that is causing the drug taking.

Amendment No. 2, filed in my name, is consequential. The amendment provides scope for regulations to define what is the sufficient amount of appropriate treatment. Amendment No. 3 seeks to align a first offence of drug driving with that of a first offence of a category 2 drink-driving, if it is established by evidence given on oath that the offence is trifling. If it is so established, then it will provide discretion to the court to order a period of disqualification that is less than the prescribed minimum period, but not less than one month. This will ensure that an appropriate punishment is enacted, but in circumstances where the offence is trifling and it is a first offence, offenders receive

a proportional sentence. The government's bill as drafted provides no mechanisms whatsoever for extenuating circumstances to be taken into account for a first offence.

Before I complete my second reading, I have a number of further questions regarding drug assessments:

- The Corporate Health Group was gazetted as an approved drug assessment clinic in 2014. Have any other drug assessment clinics been gazetted since 2014?
- Is it government's intention to gazette more approved assessment clinics, given that with the passage of this bill there is likely to be an increase in demand?
- If Corporate Health Group is the only provider, has the government sought assurances that the Corporate Health Group can handle in a timely manner the expected increase in demand for drug assessments?
- What is the average wait time for a drug assessment with the Corporate Health Group at this time?
- What is the median wait time and the longest wait time?
- How many people are currently waiting for an assessment pursuant to the Motor Vehicles Act at this time?

I ask the chamber to look favourably upon the Liberal Party's amendments.

The Hon. K.L. VINCENT (16:48): I will briefly put on the record Dignity Party's support for the Statues Amendment (Drink and Drug Driving) Bill 2017. I also appreciate that the minister's office has provided a briefing to my office on this and answered some of the questions we had during that briefing. In general, the Dignity Party will always, of course, support measures that enable safer roads for South Australians. We should ensure, in particular, that injuries and disabilities caused and lives lost are reduced as much as possible—hopefully to zero—on our roads, particularly because young people are over-represented in motor vehicle accident and injury and death statistics. These are some tragedies that we certainly want to prevent.

While we support these measures in principle, we are also considering the amendments that have been tabled by both the Hon. Mr Darley and the Hon. Mr McLachlan, which look at encouraging drivers to go into diversionary programs as part of their treatment, following a positive test for drug driving. A query I have is: when will we have the capacity, with drug testing and data recording, to ascertain which drug is causing a positive test result in an accident that has caused an injury or fatality? It would be useful if we could break down the numbers and have this information in relation to serious injuries and fatalities so that we can compare them to roadside drug tests which are positive; for example, due to cannabis (both THC and CBD), methamphetamine and ecstasy.

I would also like to raise once again my concern around drug testing and licence suspension of drivers who use medical cannabis for chronic pain, nausea, epilepsy and other conditions where their cannabis use may result in a positive test for drug driving, although it does not impair their ability to drive safely. The Dignity Party would very much like to see a regime introduced where doctors can sign off on a driver using medical cannabis for health reasons and therefore not fail the drug test if they have cannabis present in their system, so long as the cannabis is for medical use and can be medically proven not to impair their ability to drive safely.

With those few brief words and those questions that we would like answered by the minister, we will continue to consider the amendments before us but, at this stage, flag our broad support for the principles of the bill.

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

STATUTES AMENDMENT (POSSESSION OF FIREARMS AND PROHIBITED WEAPONS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 June.)

The Hon. T.J. STEPHENS (16:51): I rise on behalf of the opposition to speak to the Statutes Amendment (Possession of Firearms and Prohibited Weapons) Bill currently before the council. The honourable Minister for Police introduced the bill on 1 June this year. The bill seeks to amend the new Firearms Act 2015 to widen the definition of 'possession'. The decision of the Court of Criminal Appeal in the matter of the R v Ioannidis fell in favour of the respondent and the trial judge's decision was upheld. However, the Chief Justice suggested that the presumption of possession only applies if an item is found during a search at the time when the person is in the vehicle.

Currently, police search procedures dictate that a suspect is made to alight from a vehicle prior to its search. This is done for obvious safety reasons. This may have the unintended consequence of rendering any find of firearms as inconsequential, as possession is no longer presumed. This, of course, is nonsensical and must be rectified. It is entirely reasonable to presume that a firearm or ammunition found in a personal handbag inside a vehicle driven by a person constitutes possession of the same firearm or ammunition. In the case of an unfortunate set of circumstances, there is room in the legislation for a situation to occur where a firearm or ammunition may be present in a vehicle without the person knowing prior to the search. If this can be proved then the person is not presumed to possess the firearm.

Opinion on the bill was sought from the Law Society, which is yet to correspond. Once we receive its opinion we may ask questions of the minister during the committee stage. Given that this bill has not laid on the table for the normal week, as is the convention, the opposition is doing what it can to ensure the speedy passage of the bill. This bill makes common sense and the opposition commends it to the council.

The Hon. R.L. BROKENSHIRE (16:53): Again, the Australian Conservatives come into this council to help out the police minister with a situation that I had hoped would have been sorted out when we went through the new Firearms Act, but there is no blame on anyone's part and, in fact, for the record, this minister was not the minister at the time. We support this important piece of legislation and we understand why the minister and the government want to get it through more quickly than the normal procedure where it would have—as my colleague the Hon. Terry Stephens said—laid on the table for at least another week.

The Firearms Act 1977 and the regulations allow the Registrar of Firearms to issue a firearms prohibition order (FPO). FPOs place restrictions on a person's access and possession of firearms and the government has stated that the most current figures show 264 persons who are subject to an FPO, generally criminal offenders. This bill intends to amend the new Firearms Act before it is proclaimed and that is the reason why we are supporting the minister on this occasion. We want to see it all tidy and, given that there is the intention still, I understand, for the minister to get all of this through by 1 July, time is of the essence.

The bill amends provisions relating to FPOs under the new act in order to close an unwanted and potential loophole. The bill seeks to correct a recent interpretation by the court in the decision of R v Ioannidis relating to the presumption of possession. In that case, police stopped and searched a vehicle. The defendant was a passenger. The defendant exited the vehicle before the police search and police subsequently found ammunition in the defendant's handbag. As the defendant was subject to an FPO, the possession of ammunition was considered a breach, which I believe the community would absolutely agree with.

The court eventually held that the presumption of possession only applies if an item, in this case ammunition, is found when the person is in the vehicle at the time the item is found during a search. Based on the court's interpretation of the law, the presumption does not apply where the person has exited the vehicle while the search is conducted.

It is an interesting interpretation of the law by the courts, I might say, and one that I personally shake my head at. Clearly, the police had to get the person out of the car. Obviously, the police were observing that person all the time, they were observing the car and what was in the car, so I see it as an absolute technical interpretation by the court. It is problematic because it is common practice for police to search the vehicle after the driver and passengers have exited for safety reasons for all concerned, especially for our police.

The main amendment of the bill is to amend the new act before its commencement on 1 July this year, overriding the court's interpretation in relation to the presumption of possession in the case that I have just highlighted to the council. Under the bill, the prosecution need only prove that the person had been on or in the premises, the vehicle, the vessel, etc., immediately before the relevant item was found.

The bill also proposes to amend the Summary Offences Act to apply the same rule in relation to weapons prohibition orders (WPOs). The government stated that only nine persons, as at 18 April 2017, are subject to WPOs. I understand the government contends that it is not necessary to amend the current act in relation to this issue given the short amount of time before the act will be repealed by the new act and the unlikelihood of the court decision arising again during that same short period of time.

I have advised the Combined Firearms Council executive of this bill and the reasons why it has been brought on very quickly and they concur with it in all respects. This is the sort of thing that legitimate firearms owners strongly support. We do not want imposts where unnecessary on legitimate firearms owners, but we do need to keep our community safe. Clearly, this person had committed an offence and goodness knows what that ammunition was intended to be used for, but very bad consequences could have occurred. I commend the minister and the government on this occasion for introducing the bill. The Australian Conservatives support the bill and look forward to seeing its fast passage.

The Hon. T.A. FRANKS (16:58): I rise very briefly to indicate that the Greens will be supporting the Statutes Amendment (Possession of Firearms and Prohibited Weapons) Bill. I want to put on record our thanks to the minister. As has been noted, this bill is being somewhat rushed through the parliament, but for very good reason and with reasons that were explained. The crossbenches in particular, certainly from the Greens' perspective, thank James Agness and the minister for their consultation, for answering our questions and for providing the clarity we need to pass this bill, not only with urgency but with pleasure, as the Greens always support further protections against the abuse of firearms in our society.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:59): I thank honourable members for the contributions they have made regarding this bill and acknowledge the collaborative work of members within the house. I also acknowledge the fact that it is attempting to be rushed through, but we do thank the support of the opposition and the crossbenches, as has been indicated thus far. I look forward to the timely passage of this bill as soon as is practicable, notwithstanding the fact that it is being done in a way that is rather quicker than what this place is accustomed to.

Bill read a second time.

NATIONAL GAS (SOUTH AUSTRALIA) (PIPELINES ACCESS-ARBITRATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 May 2017.)

The Hon. R.I. LUCAS (17:01): I rise on behalf of Liberal members to support the second reading of the bill. As members of the House of Assembly will be aware, the member for Stuart has had carriage of this piece of legislation for the Liberal Party. He spoke to the bill in the House of Assembly debate and indicated that the Liberal Party would be supporting the bill. That is indeed the position of Liberal members of the Legislative Council.

Briefly, the bill establishes a framework for arbitration for non-scheme pipeline services where commercial negotiations between prospective users and the pipeline service provider break down. The scheme administrator is going to be the Australian Energy Regulator. There is to be, as is always the case, a complicated set of rules that will ensue from the legislative framework that is being approved in this bill. I am not sure whether the national gas rules have been finalised at this stage. Certainly, they had not been finalised during the House of Assembly debate a few weeks ago,

but they will provide the precise detail as to how this particular arbitration will be conducted—the rules for the arbitration.

We are advised that the COAG Energy Council has approved this legislative amendment and that all state and territory energy ministers, as part of that council, supported this draft legislation. For that reason, we will be supporting it as well.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:03): I thank honourable members for their contribution at the second reading stage and look forward to the speedy resolution of this through the committee stage this afternoon.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: When the minister concluded the debate on 1 June, he did not address a whole series of questions that I put during the second reading contribution, so I intend to pursue a number of those during the committee stage of the debate. One of the key ones that I raised during the second reading was what the costs to the government are going to be as a result of particular changes that the government is asking us to undertake.

I outlined some of the information the confidential Bentley-Latham review had concluded and the government also has indicated that the intention is for government departments to be charged $25 million, I think it is, in 2017-18 in terms of premiums to ReturnToWorkSA. Separately, the government has been asked what is going to happen to the 200 employees who currently work within government departments and agencies on managing workers compensation. As a group, they rightly have been saying, 'We've got concerns about what you are doing in terms of policy but also what it means for us in terms of our jobs.' The PSA has been raising those particular issues as well.

The government has said, as I understand it, 'For 12 months you are going to continue in your current position.' The proposal in this bill is that new claims after 1 July will be managed by ReturnToWorkSA and their claims managers, but the existing 200 people in government departments will manage the pre-existing claims that are there and that there has been a commitment given for a 12-month period.

Firstly, can the government confirm the commitments they have given to the existing 200 individuals who work within government departments and agencies? Is it correct that they have given a commitment for just a 12-month period? If that is the case, what happens to those individuals immediately after the election in July of 2018?

The Hon. P. MALINAUSKAS: I am advised that indeed the Hon. Mr Lucas is correct, in that there has been a commitment given in writing, I understand, to the relevant employees that their

employment will continue for 12 months. However, I am also advised that the number is not 200, it is closer to 140.

The Hon. R.I. LUCAS: The understanding from the confidential Bentley-Latham review is that it is 140 full-time equivalents, but it is up to 200 individuals because there are a number of people who are working part time with a number of departments and agencies. I think the figure the minister has been given by his adviser is technically correct in terms of full-time equivalents, but it is actually 200 individuals who have been given the commitment.

Can the minister take that on notice then and is he prepared to provide a copy of the written advice that has been given to those 200 individuals? I do not seek to delay the committee for that, but my question essentially then is what is the situation for these 200 individuals, or 140 full-time equivalents, come July next year? That is, will they be declared surplus to requirements and then subject potentially to Determination 7 if their agency cannot find them alternative work within the particular agency?

The Hon. P. MALINAUSKAS: I am advised that for those individuals concerned the commitment is to ensure that their employment continues for the 12-month period as discussed. Beyond that, there is every possibility that those individuals will continue to be employed within their respective agencies, providing advice and information, and performing functions in and around the application of return-to-work responsibilities that individual employers still have under the act.

To get to the nub of the question, there is no guarantee that that will be the case; however, there is every prospect that it will be the case. Nevertheless, the commitment is as it stands: those employees will be preserved for a 12-month period, as discussed.

The Hon. R.I. LUCAS: I return to the first question that I raised in the second reading, that is, what are the costs to the government? The minister will be aware that I have asked questions, and I am assuming at this stage that the minister might have sought advice from some of the agencies that he is responsible for in terms of SAPOL and the emergency services agencies. If you still have 200 people employed—at least for this first 12-month period, and possibly after that but certainly for the first 12-month period—and the confidential Bentley-Latham report estimated that the total cost of managing claims within the public sector at the moment was about $25 million, that is where this $25 million premium to be charged by ReturnToWorkSA has come from.

I do not have the number with me at the moment but I put it at the second reading. Somewhere between $17 million and $20 million of that was the cost of employing these workers within the public sector. If, in 2017-18, you are still continuing to employ the workers within your agencies, within SAPOL and others, and you are also having to pay $25 million in premiums to ReturnToWorkSA, is the government accepting, at the very least for 2017-18, that there will be a significant increase in terms of the budget cost of managing workers compensation in the public sector?

The Hon. P. MALINAUSKAS: I am advised the following. There is a fair bit of information here so I am going to attempt to truncate it for the purposes of—

The Hon. R.I. LUCAS: No, I am happy to listen to all of it.

The Hon. P. MALINAUSKAS: Here is the information. Agencies currently incur the cost of workers compensation claims directly. For claims with an injury date prior to 1 July this year, this will continue to be the case under the proposed new framework and this expenditure will reduce over time as these claims are closed out. Should the legislation before the parliament pass, ReturnToWorkSA would start managing and incurring costs for new claims from July onwards and will begin to levy a charge or a premium on government agencies. This charge will be small initially and build up over time as the number of claims build up each year.

Government agencies already fully budget for the 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, which will phase down, to a payment to ReturnToWorkSA, which will phase up.

A key point is that the arrangements for the 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 intent is to transfer the management of the government's workers compensation claims to ReturnToWorkSA and achieve a mutual financial outcome for both ReturnToWorkSA and government agencies in the first instance. 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 common expert administration and management of claims, as well as the experience and advice to agencies from ReturnToWorkSA, would result in lower costs, which would be available to the government to redirect towards core public services. 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.

Each agency will be levied a separate premium, based on estimated individual experience of that agency in the coming year. The 2017-18 premium will be set at approximately $26 million in total for the government, again reflecting the expected costs of new claims next year, plus administration costs for ReturnToWorkSA. As self-insurers, government agencies already pay ReturnToWorkSA a self-insurer levy to cover the initial administration costs to be incurred by ReturnToWorkSA in 2017-18 in managing the government claims. The premium is broken up based on an expected cost for each individual agency. ReturnToWorkSA will invoice agencies twice yearly in equal instalments. That is my advice.

The Hon. R.I. LUCAS: Can I ask the minister to clarify. The second reading says that from 2017-18 ReturnToWorkSA will actually charge $26 million (I said $25 million earlier) in premiums. The minister has confirmed that by way of the explanation he has given there, that is, for 2017-18, $26 million. Yet, earlier, in the second reading explanation he was indicating that there would be flexibility, that it would start smaller in terms of what the premiums would be for 2017-18 and, as things transitioned, it would increase. Yet, at the end of the speech, he confirms the second reading, that is, that there will be this $26 million premium that will be charged to agencies.

So, if the minister is talking about it factoring up or increasing, then you are starting off at a base of $26 million. He is indicating there that the $26 million is a base and it will actually increase, which makes it even worse. The minister rightly points out that over a number of years some of the existing 200 staff might, in essence, be moved out and therefore a cost removed.

But, let me give the minister an example (and it may well apply to some of his agencies). Some agencies might only have one person handling workers compensation claims management, but they also do other jobs. So, the CEO will come to the minister and say, 'Minister, Billy the goose (or whoever it is) is handling claims management but also does a range of other issues, so we can't get rid of that position completely because he or she does a range of other activities and we need to keep him or her on in that particular position.'

This has occurred so many other times with whole-of-government-wide initiatives, which occurred with Shared Services originally and is occurring currently with EPAS in terms of amounts that were attributed to savings, where agencies say, 'Look, this particular person was doing this job and was nominally included as part of the savings toward the whole-of-government-wide initiative, but we need that person because he or she is doing some other job as well.'

You, not just personally, but the government collectively, will potentially have a range of these smaller agencies, which will say, 'We've only got one person and we can't get rid of that particular person. If we get rid of that person other rehabilitation programs or work safe programs or occ health and safety-type programs won't be conducted by this agency because the person who is managing workers compensation claims is also doing work health safety programs and a whole range of other things like that within this particular agency, or might even be doing completely unrelated work because it is such a small agency.'

I ask the minister to again clarify that if the base premium is $26 million and if, in the early part of that explanation, it is actually going to factor up, is the minister indicating that ReturnToWorkSA in years 2018, 2019 and onwards might be charging aggregate premiums higher than $26 million as it takes on more and more responsibilities?

The Hon. P. MALINAUSKAS: I think I understand the tenet of the Hon. Mr Lucas's question, but maybe for the sake of clarity I might shore that up before providing a response. My understanding is that the Hon. Mr Lucas is asking: if the $26 million figure largely reflects what the current cost to the state is in terms of the overall management and payment of these claims, and that amount is going to be paid to ReturnToWorkSA and there is not a saving realised through a reduction in the number of people managing those claims, then how could it be cost neutral? Is that, in essence, another way of putting your question?

The Hon. R.I. LUCAS: That is one of the questions; that is part of it.

The Hon. P. MALINAUSKAS: That being the case, I think we are going to have to take that question from the Hon. Mr Lucas on notice and give him a response in due course.

The Hon. R.I. LUCAS: Mr Chairman, if questions are going to be taken on notice, which will be useful, I refer the minister and his advisers to a series of questions that I put at the second reading. It would be useful to get answers to those. They were not provided at the end of the second reading. I understand the Hon. Tammy Franks may well have questions that she put at the second reading that still do not have answers, either. I think it would be useful if the minister would provide us with answers to questions that members put. It would assist the debate.

To clarify this particular dollar issue that is being raised, one is exactly the question the minister has just highlighted; that is, at least for 2017-18 the minister seems to be indicating that the costs to the government are going to be significantly higher than the current costs because you have committed to the 200 people continuing to be employed. There is a saving of $5 million because that is the fee that is currently paid, but $20 million of the $26 million is still going to be paid and you are going to be charging departments $26 million.

So, a department like SAPOL is going to continue to employ two, three or four staff, whatever the number happens to be, and you are going to be slugged with a premium to ReturnToWorkSA, which you will have to pay. My obvious question to you is: are you going to be given additional appropriation for SAPOL to pay for this statewide thing, or are you and SAPOL going to have to find a saving within SAPOL to meet that government-imposed cost? That is just for the first year.

My second question ensues from the answer the minister read, which stated that in the first year it is $26 million. I do not have a copy in front of me, but in the early part it states that as it transitions there is a lower cost in the first year, and as things transition it will be increased in terms of the premium. So, the $26 million in the first year is going to be increased in following years. If all the savings are achieved to offset that further increase, the total cost in the end will be this perfect zero sum game of $26 million. I am saying to the minister that that does not always happen, for the reasons I outlined.

Whoever is in government after March 2018 may well have a situation where you are told by your CEO that you have to keep existing staff, and you do not achieve the savings, but you still have to find the money to pay the premium, which may well further increase to ReturnToWorkSA. So, they are important budget issues before we move on to the issues about where the improvements are going to be in terms of managing injured workers and claims, for example.

The Hon. P. MALINAUSKAS: I understand the tenor of the Hon. Mr Lucas's question. The only thing that his remarks do not take into account are the potential savings that are going to be realised through the better management of claims in the long term. If you accept the wisdom, as the government does, that having ReturnToWorkSA manage the claims (with all their substantial expertise in doing so) brings a benefit when it comes to the outcome of those claims, that in turn realises a saving. That is an important dynamic in the context of the Hon. Mr Lucas's question.

The Hon. R.I. LUCAS: Again, we can pursue this, if we are reporting progress, when we get to that stage, but can I again refer the minister, and his advisers in particular, to the information in the confidential Bentley-Latham report. I know what ReturnToWorkSA is saying, both to

Bentley-Latham and to individuals, but the Bentley-Latham report actually states that the cost of managing under the self-insured scheme at the moment is significantly lower than ReturnToWorkSA's costs of managing workers compensation. I put the figures from Bentley-Latham—not my figures, but Bentley-Latham's figures—on the record in the second reading. I am going from memory but I think it was something like 39 per cent or something of total costs were ReturnToWorkSA's figures whereas for the government currently it was 28 per cent of the total costs were actually management expenses, as estimated by ReturnToWorkSA.

Rob Cordiner and the new management of ReturnToWorkSA say, 'Look, yes, that might have been the case when Bentley-Latham did it 12 months ago or nine months ago but we are hoping to improve and our costs are going to reduce'—and that may or may not be the case. That is the reason why in the second reading I said that this is all a bit pre-emptive. It may well be that in two or three years ReturnToWorkSA can demonstrate that the confidential Bentley-Latham report was two years too early or three years too early and ReturnToWorkSA is a much better manager and operator.

However, there is certainly no evidence that the government's own confidential report to back up what the minister has just indicated—and I accept that he was given that as advice—and the reason why the minister refuses to release the Bentley-Latham report, having commissioned it, is that it just does not support his argument. If it did support his argument he would have released it to individual members to convince them about the merit and the worth of the particular program.

From our viewpoint, as we indicated at the second reading, we do not have any ideological fight in relation to this. Essentially, we are unconvinced by the evidence. There is nothing in the second reading and there is nothing that has been given to us, because the questions have been ignored, that would convince any sensible person, I think, to say, 'This is the reasonable way to go and the appropriate way to go.'

If, at some stage in the future, a government can convince someone: here is the evidence, and let us do it that way because ReturnToWorkSA is managing it better, then fine, but at the moment that does not appear to be the case. There are many other questions that I have and I know the Hon. Tammy Franks has some questions which I think she wants to highlight that still have not been answered. My request to the minister would be that once the Hon. Tammy Franks speaks, or indeed anyone else who has questions that have not been answered, it would make sense to reconvene this committee when there are answers that have been prepared to all of those questions, rather than us having to repeat them again and delay the committee proceedings.

The Hon. T.A. FRANKS: I rise to ask the minister if he has been provided with a cheat sheet or some sort of fact sheet with some 10 or so questions that I asked at the second reading stage to provide answers to, or should I just start to read them out again?

The Hon. P. MALINAUSKAS: Yes.

The Hon. T.A. FRANKS: Excellent.

The Hon. P. MALINAUSKAS: I believe the Hon. Tammy Franks asked about the increased cost for Education, particularly in the area of special needs. Government agencies, including Education, are 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 which will phase down to a payment to ReturnToWorkSA.

I understand that on 31 May the Hon. Ms Franks asked a question regarding the AEU's concerns that principals will spend more time in the tribunal. The proposed changes will not impact on principals. DECD has a central Injury Management Unit that will continue to have oversight of work injury claims and will liaise with the claims agents regarding any disputes that may arise. It was also asked: what is the government's motivation or was this associated with privatisation? The minister has answered this question in the other place and made it very clear that it is not part of some conspiracy theory in aid of privatisation or 'fattening the pig'. As the minister himself said, 'There is no market and there is no pig.'

There was a question regarding no evidence that the system is broken and whether the public sector is underperforming. The rationale for change is not based on the performance of the public sector, as previously stated. It is about consistency, efficiencies and streamlining the management of work injuries. ReturnToWorkSA has made significant improvements in the quality and consistency of claims management services to over 50,000 registered employers and their workers in the state over the last two years. The government considered whether there were any opportunities for the Crown to also benefit from strategies that ReturnToWorkSA has employed.

Taking into account that ReturnToWorkSA is solely focused on work injury claims as its core business, it makes sense to streamline the management of work injury claims for the Crown. The Crown, although one employer, operates in silos with the individual agencies replicating claims management processes. There is no overarching risk management approach and most agencies have developed their own processes and practices in the management of their work injury claims. ReturnToWorkSA has developed IT systems and data analytics that would be of huge benefit to the Crown in identifying and managing risks. This level of data capability is currently unavailable within the Crown.

I believe the number of staff impacted was a source of concern. The Commissioner for Public Sector Employment issued a communication in May to all agency chief executives, stating that over the next 12 months there would be no reduction in the Crown injury management workforce as a result of the transition of work injury claims management to ReturnToWorkSA. Crown injury management staff will continue to be required to manage the current claims, as only claims with a date of injury on or after 1 July will be managed by ReturnToWorkSA. Some of these claims may require management for up to three years (inclusive of medical entitlements).

In addition, there will still be a requirement for all agencies to have ReturnToWork coordinators in accordance with section 26 of the Return to Work Act 2014 to work with ReturnToWorkSA to support their injured employees in their recovery and return to work. I understand you are wondering whether public sector claims managers have to train EML and GB case managers. My advice is the answer is no. ReturnToWorkSA's claim management agents are skilled and trained in the management of work injury claims.

Regarding your question on consultation, there has been extensive engagement and consultation with key partners regarding the implementation of the transition. This has included regular fortnightly meetings with the Commissioner for Public Sector Employment, SA Unions and the PSA regarding the transition. All unions and associations have received formal correspondence regarding the proposed changes.

Governance and working committees are in place, with key government agencies to oversee and contribute to the implementation of the transition. An information session for all government injury management and HR staff was presented by the Commissioner for Public Sector Employment. Crown injury management staff have been extensively engaged in a variety of workshops regarding the changes for the opportunity to consult on the implementation of ReturnToWorkSA's service delivery model.

Meetings with agency CEs, CFOs and HR officers have been held to discuss the transition, provide information on the financial impacts and discuss the new service delivery model. The government project team continues to work with all key partners to ensure that all appropriate consultation and engagement continues to occur.

How have public sector employees been informed of the changes? I am advised that public sector employees have been provided with a number of written communications from the Commissioner for Public Sector Employment, as well as a face-to-face information session run by the commissioner. There have been eight workshops run by the Office for the Public Sector for public sector injury management staff. There is a website that provides information on the changes, as well as the opportunity for public service staff to ask any questions. There are also frequently asked questions on the Office for the Public Sector website.

How have injured workers been engaged or communicated with? I understand that until such time as the bill is determined, it is deemed unnecessary to contact injured workers. I understand that one of the Hon. Tammy Franks' questions was: why is Minda, RSB and also RDNS exempt from the

changes? The bill allows for these instrumentalities to be exempt from the commencement date that will apply to the rest of the Crown. In respect of each of these instrumentalities, the minister has given clear assurances that we will work out a way so that they are not negatively impacted. ReturnToWorkSA is working with the entities in question to explore the most appropriate insurance arrangements for them. The options to be explored include private self-insurance or premium paying employer in the general registered scheme. As mentioned, the minister has made it clear that he will ensure that these organisations are not negatively impacted by this proposal.

Finally, I understand you are asking why the Return to Work Corporation of South Australia Act is being amended. The Crown cannot form part of the registered ReturnToWorkSA premium paying scheme without a legislative amendment. As the bill represents a change to the administration of the Crown scheme, not a change to the entitlements within the scheme, it is appropriate that the amendment be to the Return to Work Corporation of South Australia Act, which deals with the administration and operation of the Return to Work Corporation.

The Hon. T.A. FRANKS: I thank the minister for his answers from the information that he has been provided with. I note that in my second reading contribution I said that I was not at all engaging in the debate about whether or not this was fattening up the pig, so I found it interesting that that was one of the answers. I am not sure that the minister covered the response on asking for the Bentley-Latham report to be tabled and how much has been spent on the Bentley-Latham report. They were two glaring omissions in the answers to the questions I put on notice in the second reading debate.

I also asked quite specifically for the number of claims managers currently employed in the public sector to be provided. When I asked for the consultation process, I did not ask for meetings, I asked for a list of the external and internal stakeholders to be provided. I will add to that: at what point were they engaged in this consultation? Was it in the drafting of the bill, or was it after the bill was already prepared? If the timing could be provided, that would be useful.

I did raise concerns that have been raised with me by the AEU of South Australia. They had a meeting with me the day before I made my second reading contribution; as we know, this bill has been a somewhat rushed process. The AEU has now had time to write, I think, to other members of parliament, but certainly to myself and so I reiterate some of their concerns. They have raised concerns that I would like addressed when we resume at clause 1. I note that we are probably going to report progress now.

They have flagged that the loss of DECD self-insured status will result in the following occurrences: the loss of experienced DECD claims management staff; the imposition of a return-to-work premium on schools and preschools; increased costs overall to DECD schools and preschools; increased administrative accountability for leaders; increased administrative workload for leaders; salaried costs of injured workers performing modified duties being met by schools and preschools; the loss of early intervention support; increased legal disputation; and DECD schools and preschools losing control of human resources and human resources outcomes.

I ask the minister to take that on notice and bring back a response in the continuation of the debate on this bill in clause 1. I also seek leave to table the letter that the AEU of South Australia has sent to myself, dated 2 June 2017, outlining their concerns, and ask that the minister respond to that letter in the debate.

Leave granted.

The Hon. T.A. FRANKS: Further, given that we have not been provided with the payment amount for the Bentley-Latham report, can the minister confirm that amount? I have been told that it is $111,288.02. It would be good to know whether the price there is indeed right or not. With that, I have several other questions, but it would have been good to get all the questions answered as we commenced clause 1. I look forward to the response to the AEU's written verbalised concerns.

The Hon. P. MALINAUSKAS: We will take some of those questions on notice. The one that did jump out from the Hon. Ms Franks that we do have an answer for at hand is, of course, the number of staff working in claims management. I am advised that number, as mentioned earlier, is approximately 140 FTEs.

The Hon. R.I. LUCAS: Just before we report progress and apropos of the earlier discussion, can I just quote for the minister's benefit the actual sections from pages 26 and 27 of the Bentley-Latham report in relation to management expenses. They relate to this issue about ReturnToWorkSA saying to the government that they are going to reduce costs because they are more efficient.

What Bentley-Latham have said to the government is that currently the level of management expenses in the insured scheme—that is, ReturnToWorkSA scheme—is significantly higher than in Crown agencies. They say that the current costs for the insured scheme are around 0.5 per cent of remuneration, which is 39 per cent of 2015–16 injury year claim costs. Page 26 of the report notes that the equivalent figure for existing Crown agencies is 28 per cent of 2015–16 injury year claim costs, or 0.3 per cent of total remuneration.

Management costs are actually 28 per cent of total costs in the existing arrangements that are in SAPOL and DECD and others, and it is actually 39 per cent in ReturnToWorkSA. Clearly, there are no savings to be achieved, according to Bentley-Latham. My question when we reconvene is: does the government accept what Bentley-Latham, their own confidential advisers, have said, that, 'Hey, it's actually more efficiently being handled in terms of management costs and expenses by SAPOL, DECD, Health and a variety of other areas as opposed to the equivalent costs in ReturnToWorkSA'?

The Hon. P. MALINAUSKAS: Again, we will take those questions on notice.

Progress reported; committee to sit again.

SENTENCING BILL

Committee Stage

In committee.

Clause 1.

The Hon. P. MALINAUSKAS: I thank all members for their careful and constructive contributions to the bill. I rise to speak at clause 1 in response to various questions raised during the second reading stage of the bill. I will then adjourn to allow members to consider the response.

In response to the Hon. Andrew McLachlan, I thank him for his indication of general support of the bill. I note that the honourable member has asked whether intensive correction orders and community-based orders have been tried in other jurisdictions. Victoria enacted a scheme of intensive correction orders. It included intensive orders, home detention and community-based orders in one heading. It was repealed and replaced by a unified scheme of community correction orders.

The reason for this is not clear. It is too soon to assess the effectiveness of the new Victorian scheme. The government has decided that the correct approach is to split the community-based orders into three different kinds proposed in the bill. Intensive correction orders (ICOs) became available as a sentencing option in New South Wales by the enactment of the Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010 (the amending act) on 1 October 2010. The leading case on the practice of these orders is R v Pogson. There was a review of the intensive correction order scheme by the New South Wales Sentencing Council. It reported in September 2016. The principal conclusion was that the scheme was underused and poorly targeted.

There is also a scheme of intensive correction orders in Queensland and Western Australia. There does not appear to be any published research on them. Intensive correction orders became available in the ACT in 2016. The honourable member asked about a letter sent by the Bar Association in March 2016. That was a response to a general and widespread public consultation on a draft Sentencing (First Principles) Bill 2016. That bill was only a small part of this bill and has, of course, been superseded and substantially amended by the bill before the council.

The honourable member asked about the government's response to a letter from the SA Bar Association on 16 March last year. This is a lengthy letter running to five pages of closely typed script and I will not take the time of the council unnecessarily by going through all of it. The essence of the

letter is that judges have been doing a fine job at sentencing for centuries and the idea of setting down a primary factor of sentencing unnecessarily interferes with the freedom of judges to engage in instinctive synthesis and unbalances the sentencing process.

The government simply does not agree. The government has taken the policy position that sentencing should first and foremost be about the protection of the community. In their correspondence, the Bar Association has mentioned the Veen cases. These cases actually illustrate the need for the bill as drafted, and that community protection should be the primary consideration in sentencing. Veen was a young man who committed homicide, which would have been murder but for the partial defence of diminished responsibility leading to a verdict of manslaughter. There was persuasive evidence at the first sentencing hearing that he was a dangerous offender and was quite likely to kill again, and on that basis the sentencing judge gave him life imprisonment.

Veen successfully appealed to the High Court on the basis that he could not be given the maximum penalty of life imprisonment for reasons of preventative detention, but the experts in Veen were right. When released, Veen killed again in the same circumstances, again being found guilty of manslaughter by diminished responsibility. Again, he was sentenced to life imprisonment and again he appealed to the High Court. This time the life sentence stood. The High Court, when faced with the absolute proof that they were wrong the first time, found that community protection was indeed more important.

The Bar Association quotes from the second Veen case, without facing the inescapable fact that someone had to die to get a dangerous criminal imprisoned. What the Bar Association says is that:

> A just and proportionate sentence is not one in which the concept of community protection has prevailed over all other sentencing considerations, unless there is a particular need for that in light of the unique circumstances of the case.

In their correspondence, the Bar Association is treating community protection as merely a concept. For the government, the very point of the criminal process is community protection. The circumstance of the Veen case was far from unique. There was an adequate prediction of future dangerousness of sexual homicide. The government disagrees with the Bar Association. The Bar Association also objects to the omission of such matters as the effect on the dependents of the offender. In doing so, the Bar Association shows a weak understanding of the law.

It is true that this factor is currently mentioned in the act, but it is not applied literally. The Full Court recently addressed the law on this in R v Constant 2016. The government agrees with what the Full Court said. This is a precis of what the court said:

> Hardship to spouse, family and friends is the tragic but inevitable consequence to almost every conviction and penalty recorded in a criminal court. Again and again, sentencing judges point out that convicted persons should have thought about the likely consequences of what they were doing before they did it. I am, of course, addressing myself to the more serious crimes in which some form of premeditation, wilfulness or intent must be proved.
>
> It seems to me that courts would often do less than their clear duty—especially where the element of retribution, deterrence or protection of society is the predominant consideration—if they allowed themselves to be much influenced by hardships that prison sentences, which from all other points of view were justified, would be likely to cause those near and dear to prisoners.
>
> If the appropriate penalty is imprisonment, consequential hardship to dependents will occur and must be taken as contemplated and accepted by both commonwealth and state legislatures. More than that, it is accepted as appropriate by the community which in many instances marshals its resources to relieve such hardship where it can.
>
> It has long been accepted that the common law imposes an exceptional circumstances test where hardship of dependents is put in mitigation of penalty. Hardship to families of dependents is to be considered in the context of purposes of punishment and in particular the overall purpose of the protection of the community and the promotion of community welfare through the administration of justice and enforcement of the criminal law.
>
> In our view…sentencing courts to consider whether the community's interest in the imposition of the appropriate sentence, being a sentence formulated having regard to the purposes of punishment and for the promotion of the community welfare through the administration of justice and the enforcement of the criminal law would, if imposed, pursue those purposes at a cost to the defendant's family or dependents that is, in the community's interests, too high such that the sentence under consideration should be adjusted.

The government agrees that this states the correct principle and not just the bald statement that the effect on dependents is relevant. It is much more complicated than that. The government does not find the Bar Association's letter persuasive.

I now turn to the contribution of the Hon. Mr Parnell. I thank him for his indication of support for the bill. I note that the honourable member asked some questions about the 10 by 20 Reducing Reoffending Strategic Policy Panel Report. I am currently working with my colleague to finalise the 10 by 20 state government response and action plan. As you are aware, the 10 by 20 panel report outlined six strategies with 36 associated recommendations for the government to consider. In developing our plan for the next four years, there is a need to focus on actions that are realistic and will lead to change. Supporting sentencing and sentencing options to achieve better outcomes is under consideration as a response to the action plan.

All actions outlined in the response will be focused in evidence and best practice with the aim of addressing the reasons why people offend and to build sustainable pathways so that ex-offenders can return to the community and go on to live crime-free lives. The 10 by 20 government response and action plan cannot be released publicly prior to the 2017-18 state budget.

Once released, the action plan will detail how the government will address reoffending and its impacts across the criminal justice sector. I look forward to continuing to work together with my colleagues to address issues that directly affect our community, including reoffending. The funding consequences of this bill are a matter for budgets and associated financial announcements. What we are doing here is progressing the legislative regime. I note that there are a number of amendments from the government, opposition and crossbench. I look forward to consideration of these amendments during the committee stage.

Progress reported; committee to sit again.

STATUTES AMENDMENT (TRANSPORT ONLINE TRANSACTIONS AND OTHER MATTERS) 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) (18:05): I move:

That this bill be now read a second time.

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

Leave granted.

The Government introduces the Statutes Amendment (Transport Online Transactions and Other Matters) Bill 2017 with the aim of making small but important changes to multiple South Australian laws so they work more effectively for our community. The Bill makes a number of changes, including to the *Motor Vehicles Act 1959*, *Road Traffic Act 1961*, *Highways Act 1926* and the *Heavy Vehicle National Law (South Australia) Act 2013*. The Schedule also amends transport legislation, including the *Harbors and Navigation Act 1993*, to remove gender specific language, reflecting the government's policy on gender identity and equality.

Motor Vehicles Act

Proposed changes to the Motor Vehicles Act support the Government's Digital by Default agenda in order to further modernise the ways in which customers are able to transact with government. The community wants to transact with government online; indeed the 2016 state *Customer Satisfaction Measurement Survey* showed that people are significantly more satisfied with government services when they are able to access them online (http://dpc.sa.gov.au/what-we-do/services-for-business-and-the-community/government-services-and-information/customer-satisfaction-measurement-survey). This also complements recent initiatives, such as the changes to the Act proposed in the *Statutes Amendment and Repeal (Simplify) Bill 2016* which provide capacity for driver's licences to be in a digital form, to keep pace with contemporary society and expectations.

At present there are around 20 or so online services which already operate for the public in relation to the Act, mostly via the EzyReg website. However, of high frequency transactions such as transfers of vehicle registration, particularly after vehicle sales, and acknowledging licence disqualifications, customers are still required to mail or lodge paper-based forms and personally attend at service centre counters.

The Bill alleviates this situation by removing legislative barriers in the Motor Vehicles Act to the use of electronic 'online' processes so that vehicle registration transfers and notices of vehicle sales may be recorded online,

instead of requiring lodgement of physical forms. Either or both parties may choose to use the existing methods, or the new online services via secure EzyReg online accounts. To provide flexibility, the legislation requires provision of information in an application, form or notice in a 'manner determined by the Minister'.

As amended by the Bill, section 139BD of the Motor Vehicles Act will enable the option for a notice of licence disqualification issued by the Registrar of Motor Vehicles to be acknowledged by the recipient online. The recipient will follow an online procedure via their EzyReg account, which includes a number of verification steps, much like an internet banking transaction, and payment of the requisite fees. The Bill also provides a presumption that the notice has been given on the day that the person acknowledges it electronically.

Each year around 430,000 registration transfers and associated transactions are processed and around 17,000 transactions connected to licence disqualification acknowledgements. These amendments will allow for this almost half a million additional transactions to take place online each year. These changes have the potential to positively impact large numbers of our community, resulting in a significant saving of time and inconvenience for the public by providing an alternative to physically attending at service centres in business hours. To ensure all members of our community are catered for, online methods will be optional, and existing methods for customer transactions, primarily focussed on the lodgement of paper forms, will also remain.

The Bill will also give members of the public the option to receive the communications by 'electronic means of a kind determined by the Minister', such as an EzyReg account, rather than by post.

With the goal of assisting the public and promote efficiencies, further changes to the Act contained in the Bill include changes to enable licence renewal applications to be made by telephone, and a power for the Minister to delegate his or her powers and functions under the Act. To cut red tape across government, provisions relating to the recovery and refund of small monetary amounts is deleted as this is managed across government by the *Public Finance and Audit Act 1987*.

The Bill also amends the Act's provisions for the accident towing roster scheme. To optimise health and safety for the holders of towtruck certificates, the requirement for certification to be fixed to clothing is removed.

Heavy Vehicle National Law Associated Amendments

Further amendments in the Bill involve changes to the *Heavy Vehicle National Law (South Australia) Act 2013*, the Road Traffic Act, and the Motor Vehicles Act, consequential upon the introduction and operation of the Heavy Vehicle National Law (National Law) on 10 February 2014. The National Law establishes a national heavy vehicle regulator and a national regulatory scheme for all heavy vehicles (over 4.5 tonnes gross vehicle mass) for participating Australian jurisdictions.

For the more efficient operation of the National Law in South Australia, the Bill introduces a power of delegation for the powers and/or functions conferred on road managers and road authorities in the local application Act.

Changes proposed to various sections of the Road Traffic Act will clarify that there are now separate legislative frameworks for light and heavy vehicles, clarify definitions and terminology consistent with the National Law, and make other minor amendments.

Bicycle Definition – Road Traffic Act

Other miscellaneous amendments in the Bill include updating the definition of a *bicycle* in the Road Traffic Act to remove unicycles and scooters from this category. This will achieve consistency with the more up to date definition in the Australian Road Rules. To avoid future inconsistencies, amendments to the Act are also made so that the definitions of a wheeled recreational device and a wheeled toy will now be dealt with by regulation.

To optimise the operation of the provision, the Bill also amends section 175A of the Road Traffic Act to clarify that an average speed Gazette notice made under that section may be varied or revoked.

Highways Act

The *Statutes Amendment and Repeal Act 2012* (2012 Budget Act) incorporated amendments to the Highways Act that provided for certain roads to vest in the Commissioner of Highways so as to enable the Commissioner to enter into contracts to promote commercial activities on these roads.

A degree of ambiguity has however arisen as to how these roads are to be treated as a 'road' or a 'public road'. The proposed amendment to section 26 of the Highways Act clarifies beyond any doubt that the powers under Part 2 of Chapter 11 of the Local Government Act 1999 will apply to roads vested in the Commissioner as if such roads were public roads.

This change makes clear that the Commissioner has the same powers with regard to these roads as councils, as was intended by the 2012 Budget Act.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Heavy Vehicle National Law (South Australia) Act 2013*

4—Insertion of sections 22A and 22B

This clause will insert new sections 22A and 22B at the beginning of Part 2 Division 6 (Miscellaneous) of the local application provisions of the Act.

22A—Delegation by road authority

Proposed new section 22A empowers the road authority (that is, the Minister to whom the administration of the *Road Traffic Act 1961* is committed) to delegate the powers and functions of the road authority under the Act to a particular person or a person for the time being occupying a particular position (other than a road manager or a delegate of a road manager).

22B—Delegation by road manager

Proposed new section 22B empowers a road manager to delegate the powers and functions of a road manager under the Act (that is, an authority, person or body responsible for the care, control or management of a road) to a particular person or a person for the time being occupying a particular position (other than a road authority or a delegate of a road authority).

Part 3—Amendment of *Highways Act 1926*

5—Amendment of section 26—Powers of the Commissioner to carry out roadwork etc

This clause amends section 26 to ensure that Part 2 of Chapter 11 of the *Local Government Act 1999* applies to roads vested in or under the care, control and management of the Commissioner of Highways as if those roads were public roads.

Part 4—Amendment of *Motor Vehicles Act 1959*

6—Insertion of section 6A

This clause inserts a new section to allow delegations by the Minister.

6A—Delegation by Minister

Proposed section 6A empowers the Minister to delegate powers and functions of the Minister under the Act.

7—Amendment of section 16—Permits to drive vehicles without registration

This clause amends section 16 so that an application for a permit to drive an unregistered motor vehicle can be made online, and so that notice to the holder of a permit under that section can be given by the Registrar online.

8—Amendment of section 20—Application for registration

This clause amends section 20 so that an application for registration of a motor vehicle can be made online and so that the particulars to be included in an application for renewal of registration can be prescribed by the regulations.

9—Amendment of section 21—Power of Registrar to decline application

This clause amends section 21 so that the Registrar can decline an application for registration made online.

10—Amendment of section 24A—Registrar may accept periodic renewal payments

This clause amends section 24A to make a minor amendment that is consequential on the amendments to section 56 proposed by this measure.

11—Amendment of section 43—Short payment etc

This clause amends section 43 so that notice to the registered owner or registered operator of a motor vehicle demanding payment of an amount for registration or insurance can be given by the Registrar online.

12—Amendment of section 47C—Return or recovery of number plates

This clause amends section 47C so that notice to the registered owner or registered operator of a motor vehicle requiring the return of number plates can be given by the Registrar online.

13—Substitution of section 56

This clause substitutes section 56 which sets out the obligations of the transferor upon transfer of the ownership of a motor vehicle.

56—Duty of transferor on transfer of vehicle

This section requires a person who transfers the ownership of a motor vehicle to another person to lodge an application for cancellation of the registration of the vehicle within 7 days of the transfer, or to give the transferee the prescribed documents in respect of the vehicle and complete and sign notice of the transfer of ownership within 7 days after the transfer, and within 14 days after the transfer lodge the notice of transfer of ownership. The maximum penalty for non-compliance is a $1,250 fine.

14—Amendment of section 57—Duty of transferee on transfer of vehicle

This clause amends section 57 to enable an application for the transfer of registration of a motor vehicle and the prescribed documents in respect of the vehicle to be lodged online.

15—Substitution of section 57A

This clause substitutes section 57A.

57A—Power of Registrar to record change of ownership of motor vehicle

This section allows the Registrar to record a change of ownership on the register without registering the name of the new owner if a notice of transfer of ownership has been lodged under section 56, or the Registrar is satisfied on the basis of other evidence that the ownership of the vehicle has been transferred to another person.

16—Amendment of section 58—Transfer of registration

This clause makes a minor amendment to section 58 which is consequential on the amendments to other sections which allow for online lodgement of applications and documents.

17—Amendment of section 60—Cancellation of registration where failure to transfer after change of ownership

This clause makes a minor amendment to section 60 which is consequential on the amendments to other sections which allow for online lodgement of applications and documents.

18—Insertion of section 60A

This clause inserts section 60A.

60A—Lodgement of applications, notices etc

This section provides that for the purposes of sections 56, 57, 57A, 58 and 60, a requirement to lodge an application, notice or other document with the Registrar will be taken to have been met if all the information required to be included in the application, notice or other document is provided to the Registrar in a manner determined by the Minister.

19—Amendment of section 75—Issue and renewal of licences

This clause amends section 75 to enable applications for the issue or renewal of driver's licences to be made online.

20—Amendment of section 75AA—Only one licence to be held at any time

This clause amends section 75AA to enable notice requiring a person to surrender a licence or permit to be given by the Registrar online.

21—Amendment of section 81F—Mandatory alcohol interlock scheme conditions

This clause amends section 81F so that a notice to produce a vehicle for inspection by an approved alcohol interlock provider can be given by the Registrar online.

22—Amendment of section 85—Procedures for suspension, cancellation or variation of licence or permit

This clause amends section 85 so that notice of a suspension, cancellation or variation of a licence or permit can be given by the Registrar online.

23—Substitution of section 98ML

This clause substitutes section 98ML.

98ML—Towtruck driver to carry and produce certificate

This section requires the holder of a towtruck certificate or temporary towtruck certificate to carry the certificate in accordance with the regulations. Currently section 98ML provides that the certificate must be fixed to the holder's clothing in accordance with the regulations.

24—Amendment of section 98V—Cancellation of permit

This clause amends section 98V to enable notice to be given to the holder of a disabled person's parking permit by the Registrar online.

25—Amendment of section 138B—Effect of dishonoured cheques etc on transactions under the Act

This clause amends section 138B to enable notices under that section to be given by the Registrar online.

26—Repeal of section 138C

This clause repeals section 138C which provides that if for any reason a fee payable under the Act is overpaid and the amount overpaid does not exceed $3 (indexed), the Registrar is not required to refund the amount overpaid unless the person who paid the fee demands a refund.

27—Amendment of section 139BA—Power to require production of licence etc

This clause amends section 139BA to enable a notice requiring the production of a licence or permit to be given to a person online.

28—Amendment of section 139BD—Service and commencement of notices of disqualification

This clause amends section 139BD to allow for the acknowledgement of the receipt of a notice of disqualification to be recorded by electronic means of a kind determined by the Minister.

29—Amendment of section 139C—Service of other notices and documents

This clause amends section 139C to enable the service of documents by electronic means of a kind determined by the Minister.

30—Amendment of section 139D—Confidentiality

This clause amends section 139D to enable information obtained in the administration of the Act to be disclosed in connection with the administration of the *Heavy Vehicle National Law (South Australia) Act 2013*, the *Heavy Vehicle Regulations (South Australia)*, and the regulations made under that Act.

31—Amendment of section 141—Evidence by certificate etc

This clause amends section 141 so that, in the absence of proof to the contrary, in proceedings under the Act, a notice of disqualification will be taken to have been given to a person, in the case of a notice receipt of which is personally acknowledged by the person recording the acknowledgement, within the period specified in the notice, by electronic means of a kind determined by the Minister, on the day on which receipt of the notice is so acknowledged.

32—Amendment of section 142A—Evidence of ownership of motor vehicle

This clause amends section 142A to alter a cross-reference.

33—Amendment of section 145—Regulations

This clause amends section 145 to empower the Registrar to divide the declared area into zones for the purposes of the accident towing roster scheme, to enable regulations of savings or transitional nature to be made, and to make a minor consequential amendment.

Part 5—Amendment of *Road Traffic Act 1961*

34—Amendment of section 5—Interpretation

This clause amends definitions of words and phrases used in the Act. Among the changes are the following:

- *Australian Road Rules*—The current definition, which is a reference to section 80 of the Act, is deleted. A new definition is inserted by proposed new section 8.
- *journey documentation*—The current definition is amended to replace 'log book' with 'work diary'.
- *bicycle*—The current definition is amended to exclude unicycles and scooters, as is the case in the Australian Road Rules.
- *wheeled recreational device, wheeled toy*—The current definitions of wheeled recreational device and wheeled toy are amended to enable their respective meanings to be prescribed by regulation.

The amendments also substitute a new definition of *legal entitlements* and insert a definition of *quad-axle group*.

35—Insertion of section 8

This clause inserts section 8.

8—References to *Australian Road Rules*

This clause inserts a new definition of *Australian Road Rules* in place of the definition deleted from section 5. The proposed new definition applies (unless the contrary intention appears) not just to the *Road*

Traffic Act 1961 but to references to the *Australian Road Rules* in other Acts or laws and makes it clear that such references are to the Rules as they apply in this State.

36—Amendment of section 40P—Notice of removal of vehicle and disposal of vehicle if unclaimed

This clause amends section 40P to make a minor amendment to the definition of *relevant authority*.

37—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B so that offences against the *Heavy Vehicle National Law (South Australia) Act 2013* prescribed by the regulations can be included in the offences to which the section applies.

38—Amendment of section 82—Speed limit while passing school bus

This clause amends section 82 to substitute the definition of *vehicle standards* for the purposes of the section.

39—Amendment of heading to Part 4 Division 4 Subdivision 1

This clause amends the heading to Subdivision 1 of Part 4 Division 4 to make it clear that it applies only in relation to light vehicles.

40—Amendment of section 145—Defect notices

This clause amends section 145 of the Act to so that references to vehicle standards in the section are references to the vehicle standards for light vehicles.

41—Amendment of section 175A—Average speed evidence

This clause amends section 175A to make it clear that notices in the Gazette by the Minister specifying locations, routes and distances relating to average speed camera locations can be varied or revoked by subsequent notices in the Gazette by the Minister.

Schedule 1—Statute law revision amendments

The Schedule replaces gender-specific language with gender-neutral language in the *Harbors and Navigation Act 1993*, the *Heavy Vehicle National Law (South Australia) Act 2013*, the *Highways Act 1926*, the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961*.

Debate adjourned on motion of Hon. A.L. McLachlan.

BAIL (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

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) (18:06): I move:

That this bill be now read a second time.

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

Leave granted.

The *Bail (Miscellaneous) Amendment Bill 2017* amends the *Bail Act 1985* to improve the operation of the Act. The Bill inserts a further category of 'prescribed applicant' into section 10A of the Act, removes the option of seeking a telephone bail review under section 15 for prescribed applicants and excludes a Saturday as a working day for the purposes of the Act.

Under section 15 of the *Bail Act* an arrested person who is dissatisfied with a decision to refuse bail by a police officer may seek a telephone bail review.

A number of applications for review are from prescribed applicants as a consequence of charges relating to breaches of intervention orders or related bail conditions. A 'prescribed applicant' is defined in the *Bail Act*. For such applicants there is a presumption against bail unless the applicant establishes special circumstances justifying release. The chance of a prescribed applicant being granted bail on a telephone review are extremely low. A magistrate sitting in court has the ability to seek a bail enquiry report and/or a home detention report and information about the attitude of the complainant to the matter. This is not available in the circumstances where a telephone review is sought (i.e. early hours of the morning and weekends). It is proposed that the Act be amended so that prescribed applicants are not entitled to seek a telephone review. Such applicants will instead be brought before the court on the following working day.

A further amendment to section 10A of the *Bail Act* provides for an additional category of prescribed applicant. Presently, a prescribed applicant includes an applicant who has been taken into custody in relation to an offence against section 31 of the *Intervention Orders (Prevention of Abuse) Act 2009* where the breach involved physical violence or threats of physical violence.

Where serious violent offending also involves a breach or breaches of section 31 of the *Intervention Orders (Prevention of Abuse) Act*, an accused will often be charged with the violent offence on an information laid in the District Court with the breach of the intervention order as an aggravating feature by virtue of s5AA(1)(l) *Criminal Law Consolidation Act 1935*, rather than leaving the major indictable offence progressing as a separate file while the breach of intervention order offence proceeds in the Magistrates Court.

This saves court, prosecution and defence time by having the offending dealt with in one proceeding, and in one jurisdiction, rather than two. It further ensures the complainant is only subjected to giving evidence in one proceeding.

However, this approach has the disadvantage of arguably removing the status of prescribed applicant for any bail application the accused chooses to make. It means that in theory it could be easier for an accused to get bail on a major indictable offence which involved a breach of an intervention order, than it would be for the accused if his breaching offence were less serious.

The amendment provides that an applicant charged with an aggravated offence involving violence or physical violence where an aggravating circumstance is that the accused was, at the time of the offence alleged to have contravened an intervention order, would be a prescribed applicant. The onus would then be on the accused to establish special circumstances to justify a release on bail.

The obvious intention of including people who breach intervention orders by committing violent offences in the list of prescribed applicants was to ensure that people who do breach intervention orders in this way are not entitled to the presumption in favour of bail, and should not be entitled to access bail unless they establish special circumstances. The amendment to section 10A of the *Bail Act* will provide certainty that offenders charged with serious offences involving violence or threats of violence, where the offending breaches an intervention order but the breach of the intervention order is not charged as a separate offence, are 'prescribed applicants' for the purposes of the Act and the presumption in favour of bail is displaced.

The Bill also amends the definition of a working day for the purposes of the Act to exclude a Saturday as a working day. The Act already provides that Sunday and public holidays are not working days. The Magistrates Court and the Youth Court have not usually sat on a Saturday for many years. Removing the reference in the *Bail Act* to a Saturday as a working day will bring the Act in line with current practice.

A further amendment provides that the *Bail Act* is to be taken to have always excluded a Saturday, as well as Sunday and any other public holiday from the definition of *working day*. No liability will lie against the Crown, any officer or employee of the Crown or any magistrate or judicial office holder in respect of any actions taken that may conflict with the definition having included a Saturday.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

3—Commencement

This clause provides that, but for Part 3, this measure will come into operation on the day on which it is assented to by the Governor. Part 3 will come into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Bail Act 1985* to commence on assent

4—Amendment of section 3—Interpretation

The proposed amendment clarifies that a Saturday is not to be considered to be a *working day* for the purposes of the *Bail Act 1985* (the *Bail Act*).

5—Retrospective effect

This clause makes it clear that it is the intention of the Parliament that—

- the Bail Act is to be taken to have always excluded a Saturday, a Sunday and any other public holiday from the definition of a *working day*; and

- no liability lies against the Crown or any officer or employee of the Crown, or any magistrate or other holder of judicial office, in respect of a failure to bring a person taken into custody before the commencement of this clause before an appropriate authority on a Saturday.

Part 3—Amendment of *Bail Act 1985* to commence on day to be proclaimed

6—Amendment of section 10A—Presumption against bail in certain cases

Section 10A of the Bail Act provides that bail is not to be granted to a prescribed applicant (as defined in the section) unless the applicant establishes the existence of special circumstances justifying the applicant's release on bail. This clause proposes to add an additional category to the list of applicants currently included in the definition of *prescribed applicant*, being an applicant charged with an aggravated offence involving physical violence or a threat of physical violence if an aggravating circumstance of the offence is that, at the time of the alleged offence, the applicant is alleged to have contravened an intervention order of a court and the offence lay within the range of conduct that the intervention order was designed to prevent.

7—Amendment of section 15—Telephone review

Section 15 of the principal Act makes provision for the review by telephone of a decision of a police officer or a court constituted of justices not to grant bail to an arrested person in certain circumstances. The proposed amendment provides that the following classes of person will not have the right to such a review:

- a person (other than a child) dissatisfied with a decision made on application to a police officer on arrest who can be brought before the Magistrates Court constituted of a magistrate by not later than 4 pm on the next day following the day of arrest;
- a person dissatisfied with the decision made on application who is a prescribed applicant within the meaning of section 10A of the principal Act.

Debate adjourned on motion of Hon. A.L. McLachlan.

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Introduction and First Reading

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

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) (18:07): I move:

That this bill be now read a second time.

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

Leave granted.

The Summary Offences (Interviewing Vulnerable Witnesses) Amendment Bill 2017 amends the *Summary Offences Act 1953*.

The Bill addresses a potential gap in the *Statutes Amendment (Vulnerable Witnesses) Act 2015* arising from the recent Supreme Court decision. In light of this decision and recent changes in SAPOL operational practices, legislative amendment is prudent to provide for the explicit admissibility of a video interview with a vulnerable party in criminal proceedings for all offences, not just as at present a 'serious offence against the person'.

A 'serious offence against the person' in this context is a sexual or serious violent offence or a breach of an intervention or restraint order or stalking but not such other offences as assault or assault causing harm under s 20 of the *Criminal Law Consolidation Act 1935*. A 'vulnerable party' in this context is 'a person with a disability that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions.'

The Bill explicitly authorises the taking and use of a video interview with a vulnerable party for all offences and is not confined, as at the present, to a 'serious offence against the person'. The Bill provides that it is an issue for the investigator's discretion whether to take a video interview with a vulnerable party for other than a serious offence against the person. The Bill extends to those video interviews with a vulnerable party for other than a serious offence against the person conducted between 1 July 2016 when the *Statutes Amendment (Vulnerable Witnesses) Act 2015* commended and the date on which the Bill will come into effect.

The *Statutes Amendment (Vulnerable Witnesses) Act 2015* (and the supporting Regulations) now require that the account of a vulnerable party for a 'serious offence against the person' to be taken by a specially trained investigator in the form of a video interview. This video is expressly admissible under the 2015 Act at the court's discretion at trial in lieu of examination in chief. There is only express provision in the 2015 Act for the admissibility of

a video interview with a vulnerable party for a 'serious offence against the person'. There are no express provisions regarding other offences.

The *Statutes Amendment (Attorney General's Portfolio) Act 2016* in its transitional scheme sought to provide that video interviews with vulnerable parties conducted under the old law before 1 July 2016 remained admissible after 1 July 2016 in respect of all offences. This construction was accepted by the Supreme Court, however a potential gap was identified regarding offences other than a 'serious offence against the person'.

Legislative amendment is prudent to make it clear that video interviews with a vulnerable witness to any offence are admissible.

The Bill explicitly authorises the taking and use of a video interview with a vulnerable party for all offences. The Bill provides it is an issue for the investigator's discretion whether to take a video interview with a vulnerable party for other than a serious offence against the person but, if one is taken; any video is explicitly admissible in a court's discretion.

The Bill also provides for the taking and use of video interviews conducted with a vulnerable party for other than a serious offence against the person between 1 July 2016 and the date on which the Bill comes into effect with the Governor's assent. Without such a provision, there is a likelihood that any such video interviews may be inadmissible requiring a vulnerable witness for other than a serious offence against the person to provide their account at trial in the usual way. This is undesirable.

The Bill also supports recent developments in the context and prosecution of cases involving family violence. An example where an interview with a vulnerable party will be explicitly admissible under the Bill is a 10 year old child who witnesses his or her mother assaulted by their father and the resulting charge is assault causing harm, not a serious offence against the person.

The Bill maintains an accused's right to a fair trial. The defence right to cross-examine a vulnerable party is fully retained. Any video interview with a vulnerable party for other than a serious offence against the person is only admissible in the court's discretion and if the vulnerable witness is available for cross-examination.

The Bill provides further support to vulnerable parties, namely children aged under 15 or a person with an intellectual disability, within the criminal justice system.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no commencement clause, this measure will come into operation on the day on which it is assented to by the Governor.

Part 2—Amendment of *Summary Offences Act 1953*

3—Section 74EC—Admissibility of evidence of interview

The first 2 proposed amendments to section 74EC are technical and clarify that a 'prescribed person' is a 'prescribed interviewer'. The other proposed amendments are more substantial. Section 74EC of the Act currently provides that the admissibility of evidence of an interview between a vulnerable witness and a prescribed person is, for the purposes of section 13BA of the *Evidence Act 1929*, restricted to the investigation of a serious offence against the person. The proposed amendments will broaden this to provide for a court to have discretion to admit evidence of an interview between a vulnerable witness and a prescribed person in relation to the investigation of any other offence if the requirements of the section are followed in relation to the conduct of the interview.

Schedule 1—Transitional provision

1—Transitional provision

The transitional provision will make provision for the admission of an audio visual record of a statement of a vulnerable witness to whom the clause applies made to an investigating officer after the commencement of Part 5 of the *Statutes Amendment (Vulnerable Witnesses) Act 2015* and before the commencement of Part 2 of this measure as part of a formal interview process in relation to the investigation of an alleged offence (other than a serious offence against the person). The audio visual record of the statement may be admissible under section 13BA of the *Evidence Act 1929* as evidence in the trial of a charge of the offence as if the recording had been made pursuant to Division 3 of Part 17 of the *Summary Offences Act 1953* in accordance with the requirements of that Division as in force following the commencement of Part 2 of this measure.

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

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (SUSPENSION OF EXECUTIVE BOARD) AMENDMENT BILL

Final Stages

Returned from the House of Assembly without amendment.

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Introduction and First Reading

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

At 18:09 the council adjourned until Wednesday 21 June 2017 at 14:15.

Answers to Questions

WOMEN'S SPORT

In reply to **the Hon. K.L. VINCENT** (16 February 2017).

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

1. The Wendy Ey Memorial Scholarship Program was a fantastic initiative, and was an appropriate strategy to engage women in elite coaching roles when it was introduced.

Change is, however, necessary to meet the needs of a constantly evolving industry, and on the advice of the Office for Recreation and Sport, the program was discontinued but was replaced with significantly more opportunities, across a variety of areas for women and girls. We have committed more than $10.1 million for women in sport.

The Wendy Ey scholarship had an annual budget of $20,000 to assist elite female coaches and officials to develop their skills and abilities. In 2005-06, it had 27 applications, which reduced to eight in 2012-13.

When the program was placed on hold for 12 months, the Office for Recreation and Sport received only two inquiries about the program, further demonstrating the lack of demand for this particular scholarship.

In eight years, around 130 participants received Wendy Ey scholarships. Since we changed the system and added more funding, around 280 participants have benefited from new program in the past two years alone.

The Minister for Recreation and Sport has been working with the Office for Recreation and Sport and the SA Women in Sport Taskforce to identify an appropriate new initiative which continues to recognise Wendy's contribution to sport and to honour her legacy.

2. This government has invested unprecedented amounts of resources to support women in sport, including the establishment of the South Australian Women in Sport Taskforce headed by Assistant Minister Katrine Hildyard MP, and has committed $10 million in the last budget to build new or upgrade existing female change rooms.

This is in addition to the programs we already have in place to support and promote women in coaching and leadership roles in sports, including Women Leaders in Sports grants, which targets female coaches, officials and administrators to develop leadership capabilities.

Further to this, in July 2016, the government provided $120,000 to target female coach development and talent identification initiatives. As a result, the sports of softball, rowing, volleyball, hockey, netball, diving, canoe and cycling received support to identify and develop women and girls as athletes and coaches.

The government has also piloted, in 2016, the coach development program, which had 29 coaches of sub-elite level nominated by sporting organisations. The program has just commenced for 2017 and has once again 29 participants in the program.

The Minister for Recreation and Sport is committed to addressing inequality in all aspects and at all levels of sport.

3. In July 2016, the government provided $120,000 to target female coach development and talent identification initiatives. As a result, the sports of softball, rowing, volleyball, hockey, netball, diving, canoe and cycling received support to identify and develop women and girls as athletes and coaches.

The government is committed to raising the profile of, and acknowledging the importance of, women in sport. We also have an expectation sport will rightly reflect all South Australians in all aspects of the sport both on and off the field.

Since 2014, the government has delivered development programs for women in sport.

- *Steer Your Career* targets women who work in any capacity in sport and,
- *Developing Women Sport Leaders* is aimed at women aspiring to senior management roles.

The Coach Development Program was piloted in 2016 and due to its success is being delivered again in 2017.

4. The government will soon commence a project to work with the top funded state sporting organisations to examine their governance practices, particularly in relation to gender balance on boards. The requirement for these organisations will be to work towards a ratio of 40 per cent men, 40 per cent women, and 20 per cent of either gender.

NATIONAL SCHOOL CHAPLAINCY PROGRAM

In reply to **the Hon. S.G. WADE** (2 March 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Education and Child Development has been advised:

Delays in the first quarter's payment for 2017 occurred (as a once off event) because of implementation of new contractual arrangements for 2017-18 in South Australia.

I can confirm that the first quarter's payment for 2017 was made directly to service providers on 8 March 2017; and the second quarter's payment for 2017 was made on 11 April 2017.

The next quarter's payment is expected to be disbursed in July 2017 as per the table at 4.5.1 of the *National School Chaplaincy Program for government schools* guideline, which can be accessed from the DECD website.

SA WATER INFRASTRUCTURE

In reply to **the Hon. J.M.A. LENSINK** (11 May 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have been advised that permanent power generators are stationed at the following pump stations to maintain full operation during a power outage:

- Reliance Road, Hallett Cove (WWPS184)
- Gould Lane, Stirling (SPS SUB P/S083)
- Milan Terrace, Aldgate (SPS SUB P/S306)

The following pump stations have upgrades planned for in SA Water's capital investment period 2016-20, in line with SA Water's Overflow Abatement Program. These are prioritised based on the likelihood and impact of wastewater overflow. Upgrades include the installation of a permanent generator and switchboard replacement to include provision for a generator:

- Strathalbyn Road, Aldgate (SPS SUB P/S305)
- Mt Barker Road, Bridgewater (SPS SUB P/S321)

For the remaining pump stations mitigation strategies are in place to respond to and reduce the risk of pump station overflow and include:

- Priority of staff attendance to pump stations is based on storage availability
- Staff arrive at critical sites typically within 30 minutes to install temporary power generators and maintain operation of the pump station
- Where temporary generators are not available, consideration is given to hire additional temporary generators
- Staff exercise emergency response planning to manage critical and non-critical sites with interim vactor trucking to reduce likelihood of overflow
- The risk of pump station overflows are continually assessed in response to incidents and SA Water Asset Management review performance of its wastewater pump stations to affirm the current investment plan and SA Water's next capital investment period 2020-24.

STURT GORGE RECREATION PARK

In reply to **the Hon. M.C. PARNELL** (11 May 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have been advised:

SA Water manages and maintains the Sturt River Flood Control Dam as part of its four-hectare landholding which is bounded on all sides by the Sturt Gorge Recreation Park.

SA Water has worked very closely with the Department of Environment, Water and Natural Resources (DEWNR) on the development and implementation of the Sturt Gorge Recreation Park Management Plan (2008), including providing public access to the dam wall since 2007. This access has proven to be very popular amongst local residents and bushwalkers.

SA Water and DEWNR have recognised the benefits of an adequate crossing of the gorge at Sturt Gorge Recreation Park to both SA Water's operational business as well as the visitor experience at the park. The two organisations have been working on improving the gorge crossing and are seeking advice on potential engineering solutions to bridge the spillway.

Given that SA Water is planning unrelated dam upgrade works at the site in the short to medium term, both agencies have agreed to work together on the design of the crossing as part of the broader dam upgrade works. This will maximise efficiencies and limit any potential duplication and conflicting requirements. As with all works of this nature, any alterations to the dam wall will need to meet rigorous engineering standards to ensure the safety of users, the ongoing stability of the wall and maintaining flood capacity.

PARA WIRRA RECREATION PARK

In reply to **the Hon. J.S.L. DAWKINS** (17 May 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have been advised that Department of Environment, Water and Natural Resources (DEWNR) staff from Adelaide and Mount Lofty Ranges Region initially contacted the Department of Planning, Transport and Infrastructure (DPTI) regarding the replacement of the old Para Wirra Recreation Park signs on 7 March 2017.

DEWNR staff have been advised that there are a total of 14 signs surrounding the Para Wirra Conservation Park (CP) due for replacement.

It is expected the new signage will be completed by late September 2017.