LEGISLATIVE COUNCIL

Wednesday, 21 June 2017

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

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

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:18): 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

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to question No. 11 be distributed and printed in *Hansard*.

The Hon. D.W. Ridgway: What about the other 14,000 that are there?

The PRESIDENT: Be grateful for small mercies.

Parliament House Matters

CHAMBER BROADCASTING

The PRESIDENT (14:19): Remember also that we are being filmed today—testing, not being streamed. They caught you on 'bozo' last night—it went viral.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I have a question about that before we start question time. It is live, so people can see it in their offices? It is live within the building?

The PRESIDENT: Yes, it is. I saw the other house. I looked at mine and I could not see anything in here. At the moment they are just testing, but there are strict rules on this and all of you will be given a copy and there will be sessions to fill you in on the whole issue of live streaming, before it happens.

Members interjecting:

The PRESIDENT: All of it. It is on you now.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. K.J. Maher)—

Aboriginal Lands Trust—Report, 2015-16

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

SACE Board of South Australia—Report, 2016

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:20): I bring up the 47th report of the committee.

Report received.

Ministerial Statement

LAUNCHME

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:21): I table a copy of a ministerial statement made in the other place by the Minister for Communities and Social Inclusion, entitled New microenterprise development program.

Question Time

SA WATER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Environment questions about SA Water and water prices.

Leave granted.

The Hon. D.W. RIDGWAY: Last week, the minister revealed the average metropolitan residential water and sewerage bill would go up by some $25. This came after the previous week's announcement that there would be an 18 per cent rise in electricity bills. The average South Australian household bill for water now has increased some 240 per cent since 2001-02 and this is a further hit on the cost of living and will put pressure on many vulnerable South Australians. My questions to the minister are:

1. Does the minister concede that this rise in costs means that South Australians will continue to have the highest water prices in the country?

2. Can the minister reveal to South Australians what the dividend is that SA Water will pay to the Weatherill government this year?

3. Will the minister support the Liberal Party's call for an independent inquiry into water pricing in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for his most important question. However, I do take issue with him repeating the untruth, which I have advised the Liberals of many times, about claiming that South Australia has the highest water prices in the country. He only has to look at the Bureau of Meteorology's comparative report, which is published every year, to work out for himself that that is not correct.

In the past, I have written to previous spokespeople for the Liberals on this issue, and indeed the opposition leader in the other place, to correct them on those assertions and, fortunately, they are responsive to the facts and have stopped making those claims, but the Hon. Mr Ridgway seems to persevere. Clearly, he didn't get the memo.

The state government is committed to easing the cost of living pressures on families and helping to reduce household bills. Again, the honourable member only has to look at the last ESCOSA determination to work out that, in fact, the average decrease on combined bills is $87. He failed to mention that in his question. He doesn't actually mention the fact that the previous regulatory period dropped the average bill by about $41 and he fails to mention in his question that, of course,

we took the River Murray levy off the bills as well. All up, roughly $170 has come off the average bill in this state.

The Hon. David Ridgway didn't mention that in his preamble to his question. Goodness gracious, why should we pay any attention to what he says? He gets the basic premise wrong in his question, saying that we have the highest water price in the country—well, that's wrong, obviously absolutely wrong—and he doesn't mention the other aspect, that the bills have come down by roughly $170 on average. How much more credence do we put into this question from the honourable member, who absolutely denies the facts and wants to mislead people by not supplying the correct information about how much these bills have decreased over the two regulatory periods I have just talked about?

SA Water prices take into account a range of factors, including the cost to provide, sustain and enhance the delivery of water and sewerage services across the state. The pricing methodology is guided by the principles outlined in the National Water Initiative and by the South Australian government's commitment to statewide pricing. This commitment exists to ensure that SA Water customers across South Australia pay the same price per kilolitre of water regardless of whether they live in metropolitan Adelaide or in our regions and are serviced by reticulated water from SA Water.

Sewerage prices are also designed so that average bills are as consistent as possible right across the state. Last week, I announced that water and sewerage pricing for 2017-18 will be capped at CPI (about 2.1 per cent on average) to reflect the change in CPI across the country. This will see the average metropolitan residential water and sewerage bill increase by $25 and that is the only bit of the Hon. Mr Ridgway's question which is accurately based.

The Hon. D.W. Ridgway: So, there is an increase?

The Hon. I.K. HUNTER: A CPI increase, the Hon. Mr Ridgway. Can you not get that through your head? The increase has been capped at CPI and that is what we said when we announced the ESCOSA second regulatory period: of the decrease by $87 and further increases year on year capped at CPI. Didn't you get that memo? Wasn't that passed on?

The PRESIDENT: Minister, don't respond to interjections.

The Hon. I.K. HUNTER: Well, Mr President, he needs to be educated.

The PRESIDENT: You're encouraging him.

The Hon. I.K. HUNTER: You cannot allow—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —a person who purports to be a senior leader in the possible Liberal government—

The Hon. J.M.A. Lensink: He doesn't purport to be, he is.

The Hon. I.K. HUNTER: Well, that remains to be seen how the party room votes, of course. He purports to be a senior leader in a potential Liberal government and he can't even get the facts right. This man and this mob opposite are not ready for government. If they can't get their facts right in such an important policy area—

The Hon. J.M.A. Lensink: Let's ask the people of South Australia that question.

The Hon. I.K. HUNTER: Indeed we will, the Hon. Ms Lensink, and we will see how that works out for you.

Members interjecting:

The PRESIDENT: Minister, take a seat. Totally inappropriate; the minister is on his feet trying to answer a question. There are crossbenchers and others looking forward to asking questions. We are wasting time. Let's just get back onto the business we are here for. Minister.

The Hon. I.K. HUNTER: Thank you, Mr President. I can't agree, of course, that listening to me giving answers to Mr Ridgway is wasting time because he does need to be educated and I am very happy to do it. I am also very pleased that we are, as a government, delivering on our commitment to contain cost of living pressures for South Australians by limiting water prices and sewerage increases for the next year to CPI as well—so, not just this year, next year we will be limited to CPI. Over the last four years, SA Water customers have seen a 6.5 per cent decrease in combined water and sewerage bills, which is the largest reduction for urban residential customers out of the 13 similar size water utilities across the country, I am advised.

By carefully prioritising capital works and managing operating expenses, SA Water has been able to deliver an average 6.7 per cent or an $87 reduction in average metropolitan residential water and sewerage bills this year. Since the introduction of independent regulation in 2013, the government has driven down the price of an average household water and sewerage bill by $171. As a result, the latest SA Water customer satisfaction results for the period 1 January to 31 March 2017 show that 81 per cent of customers surveyed were either satisfied or very satisfied with their service experience with SA Water. This is an increase of 4 percentage points since the previous survey.

This government also provides a comparatively high level of revenue towards community service obligations when compared to other utilities across the country. In 2016-17, this government will provide $122.43 million, I am advised, in CSOs. These CSOs allow SA Water to provide concessions to approximately 120,000 property owners statewide and can be up to 30 per cent of an annual water bill. As part of the state government's tax reform package, the Save the River Murray Levy was abolished on 1 July 2015. This provided annual savings for 2015-16 water bills of $40 to most households and $182 for most businesses. This equates to a total saving of almost $109 million over four years—a saving of $109 million over four years coming out of SA Water, given back to members of our community.

It is a massive decrease, and that is exactly what the government has committed to do. We continue to ensure that South Australians have access to reliable and quality water at an affordable price and will continue to make that a priority for this government.

KANGAROO ISLAND MIDDLE RIVER CATCHMENT

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of the Middle River catchment.

Leave granted.

The Hon. J.M.A. LENSINK: Kangaroo Island is currently undergoing the worst seasonal conditions since 1959. The Middle River Reservoir supplies Parndana and Kingscote townships by pipeline, and also Emu Bay and the American River townships through standpipe supply, and numerous other properties for stock water along the way. The Middle River Reservoir catchment has been particularly impacted by the adjoining blue gum forestry plantations and consequently this has affected the water supply to the reservoir. There is a significant risk that those who rely on the Middle River Reservoir may run out of water in the coming summer period, which happens to be the majority of the island's residents.

What contingencies does the government have for Kangaroo Island residents and farmers who rely on the Middle River Reservoir in the event that it fails in this coming summer?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30): I thank the honourable member for her most important question. If we go back to the Water for Good plan, I think released in 2009, it shows that we have put in place planning to provide our state with the most secure water supply system in southern Australia. Action 64 in Water for Good requires that regional demand and supply statements are developed for all eight Natural Resource Management regions in South Australia.

The Department of Environment, Water and Natural Resources has completed the Kangaroo Island demand and supply statement, which was released in November 2015. The main finding of

the statement is that, with some pre-planned augmentation of the water supply system, sufficient supplies exist for both drinking and non-drinking water and no shortfalls are expected to occur before 2050. The statement was developed with the assistance of the Kangaroo Island NRM Board's Water Resource Task Force and underwent consultation with major stakeholder groups on the island. This included the Kangaroo Island Council, Regional Development Australia, Adelaide Hills, Fleurieu and Kangaroo Island, Kangaroo Island Futures Authority, Primary Producers Organisation, Agricultural Kangaroo Island and environmental group Eco-Action.

The regional demand and supply statements I have spoken about in this chamber before, I think in response to questions from the Hon. Mr Brokenshire about Eyre Peninsula (I think that's right), of all water resources in a region, both drinking and non-drinking quality, prescribed and non-prescribed, and to list the current and future major demands on the water resources, particularly in relation to growth of industry, growth of population and project when demand for water is expected to exceed supply. The process takes into account climate change projections, population growth and economic development and once the demand and supply statement has been prepared it is reviewed annually to ensure data remains up to date.

If projections indicate that demand is likely to exceed supply in the foreseeable future, as Minister for Water and the River Murray I will establish a planning process and we will reassess supply and demand conditions on the basis of that information. The planning process is triggered five years prior to when a demand and supply statement envisages that demand will exceed supply or on the basis of other information coming forward.

As I mentioned in this place yesterday, I was over on Kangaroo Island as part of the country cabinet visit. Water issues were discussed with us as a cabinet into the foreseeable future. The general manager of SA Water was there in attendance and talked to many members of the community about future projections. He reassured the community and reassured us that in fact there is adequate supply with the augmentation that I mentioned earlier in my opening remarks, that have been in plan for some time now.

That work is continuing, as indeed are other capital works across the state as part of SA Water's ongoing contribution to upgrading and renewing our infrastructure for the foreseeable future. There won't be any shortfall despite concerns the honourable member has raised about the Middle River catchment. Those concerns were shared with us but they were ameliorated, I think, by the direct intervention of Mr Cheroux in conversations he had at KI when country cabinet was there.

ICE TASKFORCE

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for Police a question in relation to the Ice Taskforce.

Leave granted.

The Hon. S.G. WADE: Last Thursday, the government released a 12-page document entitled 'Stop the hurt: ministerial crystal methamphetamine report task force summary report'. The summary report and a six-page infographic document can be downloaded from the website. My questions are: has the full report been released; when will it be released; when will it be posted on the website; and will the minister commit to tabling the full report in parliament?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35): The report, I understand, was committed to be made fully available. I am happy to chase up, immediately following question time, to ensure that those links work. I am not sure if he was suggesting that the links on the website work or not—

The Hon. S.G. Wade: I don’t think there is; there's only one to the summary.

The Hon. P. MALINAUSKAS: —but I am more than happy to pursue that. Certainly, I am also more than happy to make a copy of the report available to the honourable member as well.

JACKSON, AUNTY ELSIE

The Hon. T.T. NGO (14:35): My question is to the Minister for Aboriginal Affairs and Reconciliation. I was saddened to hear of the recent passing of a prominent Aboriginal elder. Can the minister tell the chamber about the impact that Aunty Elsie Jackson had on the South Australian community?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:36): I thank the honourable member for his question. On Monday in Port Augusta, at the request of her family, I had the immense privilege to speak at the funeral service of Aunty Elsie Jackson. It is always a great loss to our community when an influential leader who has made such a significant impact on the lives of young people passes away.

Aunty Elsie leaves behind a great legacy for those young people who will now carry on her work as champions of Aboriginal education, and who will ensure that the traditional language, culture and stories of the Adnyamathanha people are not forgotten. Aunty Elsie led an incredible life and touched the lives of many people across the Port Augusta region. There were hundreds of people, if not over a thousand people, at the Port Augusta sports complex paying their respects, which is a mark of how many people's lives she touched.

The service was about celebrating the life of Aunty Elsie Jackson and remembering her achievements during the last 71 years. An Adnyamathanha elder, Aunty Elsie was born in 1946 at Nepabunna in the northern Flinders Ranges, the 13th of 14 children. Education must have been in her blood, as I am told that she did not want to leave school after completing her studies. She remained as a teacher's aide, becoming one of the few women in the community at the time to have paid employment.

At 30 years old and still at Nepabunna school, Aunty Elsie became the first Aboriginal education worker in South Australia. In 1981, she moved to Port Augusta and worked as an Aboriginal education worker and student support worker at Port Augusta High School, where she taught Aboriginal studies and even drove the school bus for a number of years.

There would be few families in Port Augusta who have not in some way been touched by Aunty Elsie. She taught her culture to students, both Aboriginal and non-Aboriginal, and teachers alike and did much work in many community groups. When she was in her 50s, Aunty Elsie completed year 12 Aboriginal Studies and got 20 out of 20 for the subject. For this, she received a certificate and very proudly attended Government House to receive her certificate for getting top marks in that subject.

Her love of cooking and teaching young people about the traditional methods of gathering food and preparing bush tucker were noted. Cooking damper and kangaroo tail during NAIDOC and Reconciliation Weeks ensured that those traditions were not lost on new generations. A story was told at the service about the time she got a young teacher to get the ingredients for damper, such as the flour and the water, and the young teacher had all sorts of problems finding sand in the aisle of the supermarket to buy to cook the damper in!

A dedicated volunteer with the early years parenting program in the town, she created the Emu Trail Mobile Playgroup. She was involved in many children's groups and programs dedicated to connecting elders with their grandchildren at the centre. Aunty Elsie also made a significant contribution not just to the education of young Aboriginal people but also to the very important work of preserving the Adnyamathanha language.

An important custodian of traditional language and stories, as well as being a consultant for an insight into the early mission history of Nepabunna, Aunty Elsie also contributed to the *Flinders Ranges Dreaming* collection of Adnyamathanha traditional stories, with her telling of 'The Euro and the Kangaroo' and 'How the Moon Got the Mark on His Belly'. She also shared stories and historical knowledge in the Aboriginal Studies course book *The Adnyamathanha People* for secondary students in 1992 and consulted on the ABC's *The Dreaming* video series in 2004 and the Australian Children's Television Foundation's 'Language of Belonging'.

It is fitting that this year's theme for NAIDOC week in July is 'Our Language Matters'. It promotes the importance of language for cultural identity, a truth that Aunty Elsie embodied both in passion and in practice. At last year's Gladys Elphick awards, I was very proud to be able to present the regional award to Aunty Elsie for her work in actively contributing to the community at a local, state and national level. Aunty Elsie's passion for education and for her culture and heritage will live on through the young people that she taught, mentored, counselled and inspired. Her drive for ensuring education was accessible to all Aboriginal communities and ensuring that the Adnyamathanha language continues on is one of her proud legacies.

Again, I thank the honourable member for his question and his work in Aboriginal affairs on the Aboriginal Lands Parliamentary Standing Committee and pass my condolences on to all of Aunty Elsie's family and friends.

TERRORISM SCREENING

The Hon. D.G.E. HOOD (14:41): I seek leave to make a brief explanation before asking the Minister for Police a question relating to terrorism screening in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: Earlier this month, as members would be aware, a South Australian woman was arrested for a terrorism-related offence. It is alleged that the accused had pledged allegiance to, and is a member of, the terrorist organisation Islamic State. Obviously, that matter is yet to be proven, but those are the allegations. It is also reported the accused was prevented from boarding a flight in July last year in associated events. My questions to the minister are:

1. How long was South Australia Police monitoring this individual?

2. What is SAPOL's role in preventing so-called radicalisation and especially the radicalisation of young persons, which most often occurs online, as I understand it?

3. Given the heightened terrorism threat level in the United Kingdom and the upgrading of their warnings and status in that nation, is there any change to the terrorism threat level in South Australia?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): I will start with the last part of the Hon. Mr Hood's question. I thank the honourable member for his question because this is obviously an area that is topical at the moment and one that a lot of work is being done around by our security agencies, both at the state and federal levels. Certainly, the state government is doing its part when it comes to working with those respective agencies to ensure we are doing everything that needs to be done in a legislative context, as well.

The national terrorism threat level is a national scheme, and that still sits at 'probable'. It hasn't changed in light of recent events that we have seen occur around the country. The national terrorism threat level of 'probable' is, of course, already at a relatively high setting. But that remains the case. South Australia doesn't have a separate threat level; it is simply a national terrorism threat level. However, in respect to South Australia specifically, I am pleased to be able to report that, as it stands, there is no particular intelligence that SAPOL is in possession of that suggests there is any particular heightened or different risk in South Australia.

That is relatively good news; however, we are at pains, as a government, to make sure that the community understands that we are operating in a riskier world. It is important that, although there may not be any specific intelligence at hand at the moment suggesting there is a particular risk in South Australia, the community does not remain complacent and instead remains vigilant and aware. Of course, if they witness any other activities in the community that they believe to be suspicious or that may represent a risk, they should pass that information along as quickly as possible to the appropriate authorities. In South Australia, generally speaking, that is SAPOL.

Regarding the recent arrest that the Hon. Mr Hood refers to, the woman has now been remanded into custody and is in a custodial environment under the custody of the Department for Corrections. Her case is now subject to the appropriate court proceedings and we will be watching

that closely. The advice I have received up until this point from SAPOL is that, on the back of that arrest, there isn't any particular cause for alarm. There is no suggestion that the alleged offender is engaged in a broader network within South Australia. That, again, speaks to the intelligence I was referring to earlier that there isn't any particular risk in South Australia.

The work of our police agencies, working closely with our federal counterparts, particularly in ASIO and the AFP through the joint counterterrorism task force, remains ongoing. We receive regular updates as a result of that work. Of course, if the situation changes, then it would be my expectation that we receive that appropriate information via the police commissioner. Of course, if the police commissioner were ever to come to the government and suggest there needed to be a change legislatively in terms of authorities that police have, or indeed if there was a particular call and request, the government would readily consider those as they come across, but as yet there is no overwhelming desire on behalf of police to make substantial changes in terms of investment in resources or powers within the police.

The government is working hard to make sure we get the balance right here. We don't want to be a government that is unnecessarily alarmist, to the extent that we cause panic or confusion within our community. I think it is imperative and paramount that, as a society, we continue to live our everyday lives. We are fortunate and blessed to live in a free country. We live in a state that does have a good record when it comes to the safety of our citizens. We would hate to see that the events that have occurred overseas by an extremist few would somehow impede the capacity of ordinary South Australians to go about living their everyday lives.

We do not want that lifestyle to change in South Australia, and so we are committed to ensuring that is the case. Similarly, we want to make sure that, as a government, we are fulfilling our responsibilities of ensuring that we are providing the appropriate safeguards, the appropriate powers and the appropriate resources within our agencies to ensure that nothing goes wrong in the first place. It is a balance we want to continue to pursue, and I am very grateful that thus far there is every evidence that our security agencies are doing all the work that we reasonably expect of them to ensure that we keep the South Australian people safe.

RETURNTOWORKSA

The Hon. R.I. LUCAS (14:47): I seek leave to make an explanation prior to directing a question to the minister representing the Deputy Premier on the subject of ReturnToWorkSA.

Leave granted.

The Hon. R.I. LUCAS: Yesterday afternoon, I provided in some greater detail the tragic circumstances of a particular case referring to Mr Michael Lesiw. I don't propose to go through all the detail of that again, other than the essential element that his workers compensation claim had actually been accepted in 2002 but that that was never communicated to him or his brother in the family business, who was managing the claim, even though they spoke to a number of WorkCover officers at the time. That comes from the judgement in relation to this particular issue to which I referred yesterday. My questions to the minister are as follows:

1. Can the minister explain how the error was made in 2002 and what changes have been made in ReturnToWorkSA procedures since then to ensure that such an error will not occur again?

2. Will ReturnToWorkSA and/or the minister issue an apology to Mr Lesiw for the handling of this particular case?

3. After the minister was contacted for help in May 2013 and he replied to Mr Lesiw, did he ever demand from WorkCover an explanation as to what had happened and any advice as to how procedures would be changed to prevent a reoccurrence of such an error?

4. What have been the total legal costs to ReturnToWorkSA in fighting this case, and what is the estimated total cost of settling this particular claim?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:49): I thank the honourable

member for his important question. Of course, I will take that question on notice to ensure a response comes through from the responsible minister in the other place.

MURRAY-DARLING BASIN PLAN

The Hon. J.E. HANSON (14:49): My question is to the Minister for Water and the River Murray. Will the minister please update the council on the progress of the Murray-Darling Basin Plan?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:49): I thank the honourable member for his most important question. He is right on the money here; it is a very topical question because last week the Murray-Darling Basin Ministerial Council met in Canberra to progress the implementation of the Murray-Darling Basin Plan. The ministerial council met a week after the Council of Australian Governments' meeting in Hobart, which endorsed an implementation plan for delivering the full basin plan as called for by the South Australian Premier Jay Weatherill, the member for Cheltenham.

The historic basin plan agreed to in 2012 requires water recovery outcomes equivalent to 3,200 gigalitres per annum by 2024. On the agenda for this ministerial council were the sustainable diversion limit projects and constraints projects. These projects form a package of measures which will achieve up to 650 gigalitres of water offsets and form part of a larger package to deliver 3,200 gigalitres of water for the long-term health of the Murray. South Australia has been monitoring this part of the basin plan for many years because we want to ensure that there are no adverse impacts on South Australia's reliability and storage right as a result of the package of measures being put up by the Eastern States. Simply, we want to ensure that South Australia gets its fair share and that our community is protected.

At Friday's meeting, ministers endorsed a package of credible environmental projects, recognising that they will help meet the basin plan water recovery target and overcome physical and other constraints in delivering environmental water. This was an important step. With the SDL package and constraints now endorsed by the ministerial council, all basin states and the commonwealth can turn their full attention to the next important element of the basin plan. The Premier and I have been consistent advocates for the basin states and the commonwealth government to deliver the final 450 gigalitres of water that was promised in the Murray-Darling Basin Plan on time and in full.

The final 450 gigalitres is absolutely essential to ensure the long-term sustainability of the river. It is what scientists say is necessary to reduce salinity in the Coorong and the Lower Lakes and increase flows to the Coorong to ensure the ongoing health of the internationally renowned Ramsar site. This water is needed now just as much as it was in 2012 when this historic agreement was signed. Despite the improvement in flows to the Murray over the last 12 months, dredging of the Murray Mouth is continuing in the Goolwa and Tauwitchere channels to maintain connectivity between the Coorong and the Southern Ocean.

To date, almost two million cubic metres of sand, I am advised, has been removed from the channel since January 2015, so any suggestion that we no longer need this water for the environment is simply wrong. The basin plan is as crucial today as it was the day it was agreed to by all states and the commonwealth. The ministerial council, on Friday, also heard a brief update from Ernst & Young, which has been commissioned by the Murray-Darling Basin Authority to undertake independent analysis of how best to recover this final 450 gigalitres of water. The ministerial council was briefed on the progress of that work and should have a completed report to the authority and the council by the end of this year.

That report will inform the commonwealth government how to ensure that it delivers a Murray-Darling Basin Plan on time and in full, a commitment the South Australian government has and will remain steadfast to. That is because South Australians understand how important the Murray is to their livelihoods and we also understand how important it is for critical human needs. I expect the commonwealth and all states will now prioritise the basin plan's only remaining water recovery requirement: the final 450 gigalitres by 2024. We will be unwavering in our support for this 450 gigalitres of recovery.

The key industry groups and stakeholders who are concerned about this commitment that was given by Mr Joyce and the commonwealth government on the progress towards achieving the 3,200-gigalitre basin plan will need to be watching incredibly carefully over the coming years on how the final 450 gigalitres is approached. I understand the coalition of 22 environmental, Indigenous and community groups have called on all governments to implement the plan, particularly the 450-gigalitre component.

The South Australian government is very pleased to have their support in making sure that Deputy Prime Minister Mr Barnaby Joyce and Prime Minister Malcolm Turnbull understand how crucial the basin plan is for not just the health of the river, of course, but for the health of all the communities up and down the river that rely on it.

We will keep pushing the Eastern States to work up their plans for the remaining 450 gigalitres of upwater necessary to protect our precious river. We will be unstinting in our efforts and also unstinting in our offers of assistance to New South Wales and Victoria in particular on how to construct positive plans that will be not just environmentally or socio-economically neutral but beneficial for local communities, help create employment and return water to that river.

NATIONAL CARP CONTROL PLAN

The Hon. T.A. FRANKS (14:55): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions with regard to the National Carp Control Plan.

Leave granted.

The Hon. T.A. FRANKS: The federal government, as all members would be aware, plans to target European carp with the herpes virus, potentially leaving thousands of tonnes of dead carp in the River Murray, and that carp virus will not be released before the end of 2018. At the end of 2018, the National Carp Control Plan will make a formal recommendation on the best way to control carp impacts in Australia.

If it is recommended that the carp virus form part of a suite of carp control measures, and if formal approval is granted, the carp virus may then be released. In that case the initial release sites and specific pattern of release would follow the results of relevant research funded under research theme three, informing possible implementation.

It has been reported that it will cost some $30 million for New South Wales alone for a clean-up, as stated by the New South Wales Natural Resources Commission 'Shared Problems, Shared Solutions—Pest Animal Management Review of 2016'. I note that the then minister of science, Christopher Pyne, first raised this matter in May 2016 in terms of a government decision and stated, with regard to the use for the dead fish, 'We're either going to turn them into fertiliser, or pet food maybe, or dig enormous holes and put them in there.'

I note that the EPA does not allow enormous amounts of dead carp to be buried, and that was certainly pilloried at the time by commercial carp fisherman Gary Warwick. My questions to the minister are:

1. How will the EPA or SA Water be involved or consulted on the plan to remove dead carp from the waterways and protect water quality if the plan to infect carp with herpes virus is approved?

2. Is there a cost breakdown available from our state agencies similar to that one provided by the New South Wales Natural Resources Commission?

3. Most importantly, is the minister confident that the Carp Control Plan and other complementary measures will not be used as an excuse to reduce volumes or flow of environmental water in the basin?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I thank the honourable member for her most important question on 'carpageddon'. The common or European carp are considered the worst freshwater aquatic pest in South-Eastern Australia, particularly of course within the Murray-Darling Basin, where I am advised they make up more than 60 per cent of

fish biomass. They have had a significant impact on populations of a wide range of native plants and animals.

The carp herpes virus offers a potential option for the biological control of the common carp in Australia. The Invasive Animal Cooperative Research Centre research program, undertaken by CSIRO and the New South Wales Department of Primary Industries, has been working on this potential virus biocontrol for a number of years.

Significant progress has been made in evaluating the effectiveness of the virus on carp populations, and its absolute specificity to common carp. All research is done in high security quarantine and shows that the virus, to date, will not infect other exotic or native fish, and I am advised that there is a high level of confidence in that advice from the CSIRO.

The Australian government announced $15 million for the development of a national carp control plan in May 2016, with a subsequent announcement in November that the Fisheries Research and Development Corporation will be tasked with developing the National Carp Control Plan. This includes the appointment of Mr Matt Barwick to the role of national carp coordinator for the project, and the plan will get Australia prepared for the release of the virus. Developing the plan will require further research, stakeholder consultation and risk assessment and mitigation strategies (that is a bit of an understatement, I think).

A number of working groups are being established by the FRDC (Fisheries Research and Development Corporation) to work through these complex issues surrounding the proposed release, to which the honourable member referred in her explanation.

Overall governance will be through the intergovernmental Invasive Plants and Animals Committee. The South Australian government's representative on the science advisory group is Associate Professor Qi Feng Ye, principal scientist and science leader for Inland Waters and Catchment Ecology in SARDI. The South Australian government's representative on the policy advisory group is Dr John Virtue, General Manager of Strategy, Policy and Invasive Species in Biosecurity SA.

South Australia supports the biocontrol of carp in principle, but considers substantial risk is associated with it and substantial further work, therefore, is needed before a final decision is made regarding the release of the carp herpes virus. This includes ecological risk assessment, a well-considered, detailed and costed plan for the release of the virus, which we don't currently have, which adequately addresses these risks. Conversations with local communities are important and development of complementary control measures and complementary management actions are required.

I am advised that South Australia will not be endorsing the release of the virus without considering a detailed risk analysis and cost-benefit analysis, which are prerequisites to approval under the state's Biological Control Act 2004. South Australia will also need clarity on the total cost of implementing the plan and who will bear these costs before release of the virus could be agreed to. South Australia expects majority national investment will be required particularly in relation to managing any severe long-term water quality impacts on our state arising from the mass carp death upstream.

It should be noted that the virus will not eradicate all carp. That's too much to hope for. Modelling predicts that a release of the carp herpes virus will result in an initial carp reduction of 70 to 80 per cent, followed by a slow recovery to 30 to 40 per cent of the pre-release population, if not coordinated with further strategic management controls to further reduce the carp numbers. They will probably be more physical in nature, if they are indeed undertaken.

There is a national need, I believe, to develop and adopt other carp control and ecosystem recovery measures at the same time to complement this virus release, if it happens, to make sure we can double down and get the best kill rate of these carp.

As I said, there are some risks that we are concerned about for South Australia. They are fairly obvious to most people who want to think about this. Don't forget, we take a large part of our drinking water supplies from the River Murray. One can only imagine what would happen if there is an uncontrolled release of the virus without a plan in place to deal with the dead and dying fish and

the impact that will have, not just on the infrastructure of SA Water, but also its potential impacts on taste that will come down the river and into our water supply system.

The Hon. M.C. Parnell: Instant fish sauce.

The Hon. I.K. HUNTER: The Hon. Mark Parnell comes up with some innovative ideas on other utilities for the dead and dying fish biomass. I am sure there might be an idea in that in terms of job creation and innovation, but it is not something I am keen to pursue, but the Hon. Mark Parnell might like to.

There is also some potential impact on water storage, some of which are also homes for carp. Aquatic ecosystems will also be impacted. We need to have better research on what we can expect to happen there. The logistics and the costs involved in a large-scale clean-up effort, including responsible agencies and possible support for local government, which will feel the brunt of a lot of this, need to be developed further, along with these control measures. As I said earlier, the community engagement goes hand in hand with this. Without that, I believe there won't be a social licence to release the virus.

Biosecurity SA and DEWNR have convened a one-day South Australian government agency workshop to discuss the implications of releasing this virus. It was recommended that a whole-of-government approach be taken to enable South Australia to contribute to the development of the National Carp Control Plan. The workshop consisted of representatives from PIRSA, DEWNR, EPA, SA Water, SA Health, local councils along the River Murray and researchers from the New South Wales Department of Primary Industries, Invasive Animals CRC and the University of Adelaide.

It goes without saying that the proposed release of this virus is probably unprecedented due to the nature and scale of the release, although not dissimilar to the rabbit calicivirus, of course, but with totally different implications for the river environment, which is much more concentrated than broadscale rabbit infestations across the country. It will require work across portfolios and governments, but also crucial partnerships with communities and local government to ensure, if it is implemented, that it is done successfully and at least cost to the community.

South Australia considers the commonwealth-led development of the National Carp Control Plan must include the following: a key communication strategy; ecological, social and economic risk assessments and mitigation strategies; human health risk assessment; compensation and support package for affected parties; release protocols; and a release strategy with consideration to complementary control measures—for example, daughterless carp. I am not quite sure what they are but I will seek some further advice for the honourable member on that as that might be an area of some interest. I am sure it is something to do with GM control of fertility but we will come back to you on that.

In addition, there are management actions; that is, habitat restoration and control. There will need to be a clean-up strategy—pretty obvious; ongoing monitoring and evaluation to see what impact the virus release is having; research programs to fill critical knowledge gaps, and there are a lot of them; and, of course, ongoing management. Biosecurity SA has contracted the University of Adelaide to undertake pilot field research on the effects of large-scale fish kill, water oxygen depletion and water quality to the River Murray.

I am advised the release of the virus will require a number of commonwealth approvals under the Biosecurity Act 2015, the Environment Protection and Biodiversity Conservation Act 1999 and the Agricultural and Veterinary Chemicals Code Act. Approval will be also be required under jurisdictions and the Biological Control Act, which mirrors legislation which requires unanimous agreement from all states and territories and the commonwealth following comprehensive risk assessment and cost-benefit analysis and proposed virus release. Further relevant SA legislative approvals will include the Fisheries Management Act 2007 and the Environment Protection Act 1993.

There are a number of fisheries issues which I am not really supposed to comment about but I can say to the honourable member, as part of the government's current strategy to control carp, six commercial fishers in the River Murray from the New South Wales border to Wellington and 36 licence holders in the Lakes and Coorong fishery are licensed to take carp. In 2014-15, the total catch of carp from the River Murray and Lower Lakes was 570 tonnes, with a gross value of

production of $691,000. New South Wales Department of Primary Industries has contracted Ridge Partners, an agribusiness and resources consultancy, to investigate the direct and indirect economic impacts of the recreational and commercial fishery in the Murray-Darling Basin.

The honourable member spoke about complementary measures and this is one of them. These have been agitated at MinCo on the River Murray for some time now. It has been South Australia's position that complementary measures in and of themselves are good if they deliver an environmental outcome, but if they do not return a flow then they are no-go. South Australia's position on this has been that complementary measures should be advanced by jurisdiction, state and commonwealth but they will not be considered for flow adjustment unless they have a flow adjustment component which is backed up by the CSIRO methodology, in which case they are not complementary measures, they are either adjustments or efficiency measures.

That has been our consistent position, and I am pleased to advise the council that on Friday it appears that New South Wales and Victoria have finally accepted that position. They are keen to work on complementary measures because they will provide synergistic benefits for the basin plan outcomes but they will need to be funded separately and we are keen to encourage the commonwealth to look at how they might deliver these good environmental programs but outside of the Murray-Darling Basin agreement budget.

ABORIGINAL HERITAGE ACT

The Hon. T.J. STEPHENS (15:07): My question is to the Minister for Aboriginal Affairs and Reconciliation. When will the government bring into operation the provisions of the Aboriginal Heritage Act, which look like they have still not commenced following their passage through parliament in 2016? Examples are: composition of Aboriginal Heritage Committee; provisions relating to ministerial directions; provisions regarding sacred site access; and clauses protecting traditions.

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) (15:08): I thank the honourable member for his questions. I assume he is referring to the changes that went through about a year ago to the Aboriginal Heritage Act that set up RAHBs (registered Aboriginal heritage bodies is what the act contemplated) to allow Aboriginal people and their groups to be involved at the start of the Aboriginal heritage process rather than at the end in terms of directly negotiating with land use proponents.

I will double-check for the honourable member but I am pretty sure that the regulations that will go around the changes to the act are now with the South Australian Aboriginal Heritage Committee to look at the regulations before they are put into parliament, but I am happy to go and check to confirm that that is where the regulations that are needed for that are up to, and, if it is any different, bring back a further and better answer for the honourable member.

QUEEN'S BIRTHDAY HONOURS

The Hon. J.M. GAZZOLA (15:09): My question is to the Minister for Police and Emergency Services. Can the minister update the chamber about the exceptional contribution of members of our police and emergency services sector who were recently awarded Queen's Birthday honours?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:09): Let me thank the honourable member for his important question. As members may be aware, the great deeds and contributions of Australians from all walks of life were recognised over the recent Queen's Birthday long weekend. As the Minister for Police and Emergency Services I am privileged to have within my portfolio some of the hardest working, dedicated and most talented individuals in our state.

Through Australian honours awards such as the Australian Police Medal, the Australian Fire Service Medal and the Australian Emergency Services Medal, we get a chance to recognise and reflect upon the exceptional service, above and beyond what is required or reasonably expected, that officers and volunteers from the sector deliver to our state.

First of all, I would like to speak about an extraordinary CFS volunteer firefighter from Millicent who recently received the distinguished Order of Australia medal in this Queen's Birthday honours for his service to the community through emergency response organisations. Without question, Mr Mike Kemp deserves this high honour, having been recognised several years ago with the Australian Fire Service Medal. What's more, he received the 2017 Premier's Certificate of Recognition just last month for outstanding volunteer service and was also honoured by the Wattle Range Council with a reception in the Bruce Towers History Room at the Millicent Public Library.

Mr Kemp boasts a strong history with the CFS, joining 44 years ago and becoming the local group officer shortly thereafter at just 22 years of age. He held this position for decades and is still a volunteer firefighter with the Millicent brigade. He has been a part of firefighting operations through all major fires and his expertise has been recognised by the CFS at both the regional and state level. Undoubtedly, Mr Kemp is an inspiration to his peers, volunteers and the Australian community and I congratulate him on his great honour.

Mr Dennis Turner, a volunteer CFS member and brigade lieutenant from the CFS 1 Region Operations Brigade, was awarded the Australian Fire Services Medal demonstrating distinguished service during his 49 years within the CFS. Mr Turner has also been highly influential in road crash rescue areas, advocating for police psychology training as well as the training and use of hydraulic rescue tools. As a strong believer in training and development, Mr Turner's excellent leadership skills have also been recognised.

Mr Jeffrey Wiseman, a staff member of the Department of Environment, Water and Natural Resources brigade, was also awarded the Australian Fire Services Medal. Starting his career as a ranger for ForestrySA, Mr Wiseman counts close to 40 years of service as a firefighter in South Australia. Notably, he was involved in the design of the prototype hose winder, which would later become standard equipment in this state. He has displayed exceptional service during major fires, from Ash Wednesday right through to Pinery. A leader and mentor for many years, he is widely respected by his colleagues and the sector broadly.

From the State Emergency Service the unit manager of the Sturt unit, Mr Christopher Shaw, was awarded the Emergency Services Medal for his leadership, guidance and mentoring throughout what was the busiest period the SES has ever seen. With over 20 years of service to the community, Mr Shaw has responded to several major incidents, including the Pinery fire as well as the recent severe weather event of last year. His dedication to strengthening the SES can also be seen through his training of other trainers in the rescue operations and drive vehicles operational courses.

The first of SAPOL's Australia Police Medal recipients in this year's Queen's Birthday honours was Senior Sergeant First Class Peter Brown. His duties in regional towns across our state, including as officer in charge of the Millicent Police Station, has seen him highly regarded by his fellow staff members for his knowledge of the law and procedure, intellect and judgement. I am particularly heartened by his efforts in facilitating recent ice forums across the Limestone Coast as well as his commitment to road safety committees over more than 20 years.

Chief Superintendent Bob Fauser was also afforded the Australian Police Medal for achieving outstanding results in operational policing, organisational development and community engagement across his close to 40-year career within SAPOL. Proof of his ability is nowhere more apparent than in his current efforts leading SAPOL's organisational reform team to deliver and enhance policing services to the community.

I am pretty sure that Chief Superintendent Fauser will not mind me saying that he is also one of the fittest police officers in SAPOL. I see him regularly at the gym early in the morning, looking fit as a fiddle. I am sure he won't mind me mentioning that. As minister for both road safety and police, I also have a tremendous respect for the chief superintendent's hard work and tireless dedication to drive down our road toll, as officer in charge of SAPOL's traffic support branch.

Last but not least, Detective Sergeant Tania Sheldon was awarded the Australian Police Medal for displaying distinguished service to SAPOL, particularly through her involvement in criminal investigations that specialise in coronial, sexual-based crimes and family and domestic violence. Her contributions to the development of the multiagency protection service have been pivotal to its

success in what is now recognised as a best practice model in Australia for managing matters of domestic violence.

I congratulate all of these very worthy medal recipients and thank them for their continued effort and dedication to the South Australian community. South Australia is a stronger, safer and more resilient state thanks to their contributions. The list of recipients in the Queen's Birthday honours was substantial, and many of those recipients received a large amount of kudos publicly in the media—and for good reason. People who receive these honours have, more often than not, made an outstanding contribution to our state and country.

What strikes me is that most of the awards that are reported in the media tend to be of those people who have a high profile, whether it be CEOs being paid millions upon millions of dollars per year to work for their companies or, of course, actors and actresses or people of high profile. The thing about the men and women that I have just listed is that they go about their work with enormous humility. They don't deal with any public adulation, nor do they seek public recognition or adulation. They go about their work humbly, behind the scenes, just looking after fellow South Australians. That adds up to a particularly special element of the recipients that I have just mentioned. I thank them for their hard work and wish them all the best for what, no doubt, will be more years to come of contributing to this state.

DISABILITY HOUSING

The Hon. K.L. VINCENT (15:17): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Disabilities regarding Disability SA housing under the specialist disability accommodation (SDA) rules through the National Disability Insurance Scheme (NDIS).

Leave granted.

The Hon. K.L. VINCENT: Members of the chamber will be aware that the disabilities minister announced in February that state government supported community accommodation services will stay within government and continue to operate commercially, ensuring that people with disability requiring 24-hour support stay in homes with the same support or care providers. SDA, in the NDIS context, refers to accommodation for people who require specialist housing solutions, including to assist with the delivery of supports that cater to their extreme functional impairment or very high support needs.

From 1 July 2017, eligible participants will have SDA funding included in their plan, enabling them to source the SDA they require and choose from the market. SDA funding is for the dwelling itself and is not intended to cover support costs, such as supported independent living, which are assessed and funded separately by the NDIS. My questions to the minister are:

1. Can a tenant in a government owned group home choose their own service provider, rather than DCSI disability services?

2. Can a tenant who receives SDA in their plan, in a government owned group home, move from that home to another?

3. Will vacancies in government owned group homes be filled first, ahead of community or private accommodation providers?

4. What are the options for tenants who do not wish to live in a government group home or a congregate setting?

5. Will current government funded clients in group homes have the choice of other SDA houses?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:19): I thank the honourable member for her question and acknowledge her ongoing advocacy in the area, generally. Naturally, I will be more than happy to take this question on notice to ensure we get a response from the responsible member in the other place.

MANUFACTURING WORKS REVIEW

The Hon. A.L. McLACHLAN (15:19): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question.

Members interjecting:

The PRESIDENT: Order! Leave is granted.

The Hon. A.L. McLACHLAN: I understand the Department of State Development is in the process of commissioning a further review of the Manufacturing Works Program to ascertain what the program has actually achieved, with the review expected to be completed by 30 June. I ask the minister: who has been commissioned to undertake the review? Is he confident the review will be completed by the expected deadline of 30 June?

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) (15:20): I thank the honourable member for his, once again, very difficult and very tricky question. I have recently seen some information about the review. I can't find it immediately, but if I can find it quickly I will come back and let the honourable member know, otherwise I will return very quickly with an answer to his question about the review of the Manufacturing Works Program.

What I can do, though, as a demonstration of my genuineness about coming back quickly to answer his very tricky questions, is: he asked a question yesterday about the South Australian Early Commercialisation Fund being administered by TechInSA. The question was, essentially: is there some sort of fee for service paid to TechInSA in administering that fund in awarding the grants? My answer to that indicated that, no, I didn't believe there was a fee for service for that particular program; however, the government does provide TechInSA its operational budget and its funding.

Advice I have received since the question yesterday indicates that that is the case, that there isn't a fee for service, if you like, for that particular program, in terms of a fee for administering that program or administering particular grants in that program, but TechInSA officers are involved in the assessment and the ongoing review of grants from there, as are officers from the Department of State Development.

I can also indicate that I can provide better and further information for the Hon. Terry Stephens' question about the Aboriginal Heritage Act, which he asked earlier in question time. I don't want to give too much away too quickly, but I can advise the honourable member that it's either with the South Australian heritage committee or they have just finished looking at regulations to support that. It is a matter of weeks away before those regulations are finished and we are in a position for them to be brought to parliament to make sure that we have all the things needed for that scheme.

That scheme will, of course, make sure that, in terms of Aboriginal heritage, Aboriginal people are going to be at the front of the process, rather than at the end of the process. That's one of the reasons it was so important to have the South Australian Aboriginal Heritage Committee look at how the scheme will work. The South Australian Aboriginal Heritage Committee consider many items of Aboriginal heritage in the state. They look at when items are to be entered on the central register for Aboriginal heritage. Importantly, the South Australian Aboriginal Heritage Committee also provide advice to the minister when there are applications around heritage, particularly under section 23 of the act. That's why the South Australian Aboriginal Heritage Committee has been involved in the regulations that will go to supporting these changes.

I note that I have, a number of times, been invited and been grateful to spend time with the South Australian Aboriginal Heritage Committee at their meetings when we put these changes through in 2016 to enable the new legislative regime to take place.

Matters of Interest

HEADSTONE PROJECT

The Hon. T.J. STEPHENS (15:24): I rise today to speak about the solemn work of an organisation called the Headstone Project. This organisation aims to find the final resting place of returned soldiers from the First World War who, for a variety of reasons, now lie in unmarked graves.

The reasons may be that the soldier does not qualify for a commonwealth-funded war grave, the lease on their grave may have expired and often the soldiers run out of family to maintain their grave, or the families simply lack the funds to pay for the plots. Many returned soldiers from this era do not qualify for perpetual war graves, as their death was not directly related to their war service.

The Headstone Project was established in Tasmania about five years ago by local historian Andrea Gerrard, after discovering that there were dozens of unmarked graves of returned soldiers. Mrs Gerrard then formed a committee and undertook a systematic survey of the cemetery. These words of Mrs Gerrard best explain the origins of the project:

> In 2011, with the centenary of the First World War looming on the horizon, it was decided by a group of like-minded individuals from Hobart that something needed to be done about the veterans in unmarked graves here in Tasmania; that these men should no longer be anonymous and that their service needed to be recognised. Also that their families needed a place to mourn.
>
> A simple…headstone constructed from two pieces of concrete was designed, one that would fit across the head of the grave. On this would be placed a bronze plaque that included the service emblem and cross, the person's number, rank and name, the unit they served with, and some personal details.
>
> From the very beginning of this work we have had the backing of Millington's Cemeteries, who control Cornelian Bay Cemetery, Hobart's main cemetery. They have forgone their fees and helped with the provision of maps and other records to assist in helping us find the unmarked graves dotted throughout the cemetery.
>
> Tasmanian graves are all in perpetuity and at no time is a family asked to pay further fees or have the grave reused on non-payment. While this is not the case in other states, we are aware that there are moves being made to ensure that our veterans at least lie in graves that are in perpetuity.

The project has since memorialised 150 out of the 316 identified graves at Cornelian Bay Cemetery in Hobart, the criterion being those men who were awarded the British War Medal. Unfortunately, as a voluntary organisation with little to no revenue stream, the remainder of the memorials are yet to be funded, but this has not stopped the enthusiasm of those involved. Work for the Dole schemes have been instrumental in ensuring that many of the Tasmanian graves could be completed, something that Senator the Hon. Eric Abetz was intimately involved in.

Since 2012, there have been ceremonial unveilings performed by Lieutenant Colonel Andrew Wilkie MP, federal member for Denison, the Hon. Dr Brendan Nelson AO, Director of the Australian War Memorial, and Lieutenant General Angus Campbell AO DSC, Chief of Army. The Governor-General, His Excellency the Hon. Sir Peter Cosgrove AK MC, has agreed to unveil a newly-memorialised grave in November of this year. The project certainly has its supporters, and rightly so, given the nature of the good work it does.

As news of these finds became widespread, inquiries came from throughout Tasmania, with 70 graves identified in Launceston alone, and this is expected to rise once a proper study can be done. Thirteen graves have been memorialised in Ulverstone and nine in New Norfolk. Based on initial proportions, it is predicted that there may be up to 12,000 of these unmarked graves throughout Australia. It was at this point that the committee felt it necessary to expand its operations to the mainland.

This is where Mr John Brownlie comes in, who was invited by the Tasmanian committee to become the South Australian representative. I met with Mr Brownlie recently, and I was encouraged by his commitment to this noble project. Mr Brownlie is in the process of establishing a committee in South Australia, where a similar survey may be done of our cemeteries.

Channel 7 aired a story in April in the lead-up to ANZAC Day, which led to at least five families coming forward and identifying soldiers who were relatives with unmarked graves in the Port Pirie, Kimba, West Terrace and Centennial Park cemeteries. I encourage families who believe they have relatives in such graves, or indeed those who are keen to join the project's committee in South Australia, to contact Mr Brownlie via email at johnlbrownlie@outlook.com.

I acknowledge the support of Veterans SA and the Adelaide Cemeteries Authority for this project, and I hope the committee can achieve similar results to those in Tasmania. I wish the Headstone Project every possible success.

CHINESE AGED-CARE MISSION

The Hon. T.T. NGO (15:29): I rise to speak about the recent successful mission to South Australia by 12 Chinese aged-care managers who visited Adelaide for training by local aged-care experts. On behalf of the Minister for Health Industries, the Hon. Jack Snelling MP, I was pleased to welcome the delegation from the city of Qingdao of the Shandong Province. South Australia has a long history of engagement with China and, in particular, the Shandong Province, with 2016 marking our 30th anniversary as a sister state. Last year also marked the 15-year anniversary of the sister city relationship between Adelaide and Qingdao.

Recognising the importance of these longstanding relationships, the Shandong government and Health Industries South Australia signed a letter of intent in 2015 to enhance exchange and cooperation and to promote joint development in health and medical care between our regions. An exciting outcome from our previous business mission to Shandong was the establishment of Australian Aged Care and Health Export Services, a partnership of the ACH group, the University of South Australia and other specialist aged-care providers to pursue trading opportunities with aged-care businesses in China.

Following two years of discussion with municipal governments and aged-care providers in Shandong Province, the 12 aged-care managers undertook a high level, 10-day training program, with classes conducted at Port Adelaide TAFE, UniSA's Adelaide East Campus and ACH Group's Vita Site and Yankalilla facility. The program also included tours of South Australian aged-care facilities, with a focus on critical topics such as dementia care, infection control, palliative care, Australian Standards and healthy living and lifestyle.

I take this opportunity to acknowledge Marco Baccanti, CEO of Health Industries South Australia, who has been instrumental in helping Jerome Maguire, CEO of Australian Aged Care and Health Export Services, to guide the project from the beginning. This opportunity, the first of its kind in Australia, came about as a direct result of the South Australian government's missions to Shandong in 2015 and 2016. I am told the Qingdao government is funding the cost of the training program, which injected around about $130,000 into the South Australian economy. It is worth noting that the Asia-Pacific region is the fastest growing healthcare market in the world and the Chinese government predicts that it will spend $US1.3 trillion a year on health care by 2020.

China and Australia are widely held to be countries with an ageing population. In many cultures across the world, parents traditionally take care of their children when they are young and when parents grow older it is the children's responsibility to look after them. I heartily agree with the author Tia Walker who said, 'To care for those who once cared for us is one of the highest honours.'

Both governments in Shandong and South Australia recognise the value of training and development in order to respond to a growing need for aged-care services. I am proud that as sister states we have a shared desire to provide the best quality aged-care services for those in their twilight years. South Australia has more than 70 years of experience in aged and disability care. It was fantastic to see the enthusiasm of the program participants, who were keen to develop and learn new skills in aged care. This training is a great example of how our state is using its significant aged-care expertise to generate economic benefit.

I am pleased that the Australian Aged Care and Health Export Services has been chosen by the Qingdao government to manage its new aged-care facility. The shared project, along with future potential training opportunities, marks the beginning of a bright future for all aged-care trade between China and South Australia.

SIGNIFICANT TREES

The Hon. M.C. PARNELL (15:34): I rise today to speak about the Glenside Hospital redevelopment. I do so today because in the last 48 hours or so the chainsaws have been out and the first of 83 significant and regulated trees are being felled. I wanted to reflect a little bit on how it is we have got to this situation and what we might do to improve the way our planning system operates into the future.

To give members some background, many will recall that around nine years ago the government declared that the Glenside mental health facility, or the Glenside campus as it was

known, was surplus to requirements and they resolved to sell it and rezone the land for a housing estate.

That debate was had—and from the government's point of view won, and from the Green's point of view lost—about nine years ago. The land was rezoned to accommodate up to 600 homes. I was part of the Environment, Resources and Development Committee at the time. I recall that it was a combination of the Liberals, the Greens and Independent the late Dr Bob Such who voted against rezoning Glenside Hospital. The Hon. Dr Such had a change of heart some weeks later and the government ultimately got the numbers through to rezone Glenside Hospital. To a certain extent, the fate of the site was sealed back then.

However, in more recent times the government, having found a preferred developer in the form of Cedar Woods and negotiated a sale price of $25.8 million for the 16-hectare site, then proceeded to again rezone the land, this time to bump up the number of houses from 600 to about 1,000. In the Environment, Resources and Development Committee I moved to not accept that rezoning. However, on this occasion I was alone.

The reason that I sought to do that was not an attempt to prevent the land being redeveloped. As I have said, that debate was had and determined some eight or nine years ago. But what I was keen to do was to see how many of the 83 significant and regulated trees could be saved and could be incorporated into the new development. This is where we come up with what I think is quite a ridiculous aspect of the planning system; that is, a person or company can lodge an application to remove the trees without having to offer anything in their place. The reason I say that is because, as of about five minutes ago when I last checked the Development Assessment Commission website, there has been no application lodged to build any homes on the Glenside Hospital site, yet the fences are up, the chainsaws are out and the trees are coming down.

I think a far better approach in our planning laws would be to have a provision which says, if someone wants to apply to remove a significant or regulated tree that is unrelated to safety, then that application should be heard in conjunction with an application to build something in its place. In other words, do not allow people to just clear the site and then sometime in the future perhaps lodge an application to build apartments or something else on the site.

That is why I maintained that this application that was approved by the Development Assessment Commission was premature. When people say, 'That will never happen. Once they've knocked the trees down surely the apartments will come soon afterwards,' my response to that is: look at the Le Cornu site in North Adelaide. I do not know if there were any significant trees at the site, but whatever previous buildings were there were removed and it became a blight on the landscape for 20 years with nothing in its place.

I will certainly be bringing to this place some amendments to our planning laws which say that, if someone wants to chop down a significant or a regulated tree because it is a danger to the public, sure, let's deal with it, it is a danger to the public. If it is not a danger to the public, if it is just a convenience because the tree is in the way of the development, then do not allow that application to be approved unless it is in conjunction with an application to build apartments.

The residents who I represented in the Development Assessment Commission certainly were aware that they were never going to save all of these trees. They knew that this land had been earmarked for housing and that at some stage in the future housing was likely. But in the absence of any detailed lodged plans for the future of that site, it is impossible to say whether some of these trees might not have been saved.

I also point out that one of the obligations imposed on the developer was to check these trees for fauna, so we are talking about birds nests, possums and whatever. I am not aware whether any animals have been relocated, but certainly there is a vigilant community out there with their cameras: they are watching what is going on and they are going to hold the developer to every one of the conditions that was attached to their approval.

TWO WELLS MELODRAMA GROUP

The Hon. J.S.L. DAWKINS (15:40): I rise today to speak about the most recent Two Wells Melodrama Group production. The most amusing and entertaining world premiere of *A Sweet Tale*

took place on 12 May at Two Wells. While I missed the world premiere, I was privileged to see the performance the following night.

The evil Salty Sisters, brilliantly and amusingly portrayed by a mother and daughter, Anne and Eleisha Arbon, did their utmost to derail King Willy Winka from saving his factory and the people of Lollipop Land from global thawing. However, good prevailed in the end in the town and the audience rejoiced.

The Two Wells Melodrama Group was started by Les and Bet Williams, and first performed in the local institute in 1982. I know there is a very good list of all the performances on display in the town's community centre. The group moved to the then new Two Wells Community Centre in 1986, with the stage erected just inside the front glass doors, and the change room a shipping container outside the storeroom door. In subsequent years a shed was built that became the change rooms for these performances for a long period.

The building was extended in 1998 to include a new stage, a meeting room and an enlarged kitchen, which is the current layout of the facility. The group dreams of a larger backstage area, better changing rooms and a bigger kitchen. Meanwhile, it continues to present top-class, locally written and produced shows, which have been attended and enjoyed by so many people over 35 years.

In that period the shows have raised more than half a million dollars, all ploughed back into the local community, including helping pay for the community centre and making numerous improvements to that facility. Local organisations provide volunteers to help with catering and front-of-house duties, and in turn the Two Wells Melodrama Group shares proceeds from ticket sales with these groups.

This year, the following community groups provided many volunteers in the various roles that are required to put on an event, which includes a sumptuous three-course meal, along with tea and coffee, etc.—a very enjoyable night. Those groups were: the Adelaide Plains Equestrian Club; Lower North Gun Club; St Paul's Anglican Church; Two Wells and District Landcare Group; Two Wells Catholic Church; the CWA Two Wells Girls; Two Wells Golf Club; Two Wells Lutheran Church; the Two Wells Melodrama Group of course; Two Wells Red Cross; Two Wells Scout Group; Two Wells Uniting Church; and, also, the Two Wells Football & Netball Sporting Club.

I have many great memories of the productions of the melodrama group over many years. It is always presented in the last three weeks of May, and usually involves a number of Friday and Saturday performances, as well as a Sunday afternoon matinee. In fact, I remember in the mid 1990s being one of the lead characters in the Two Wells Melodrama production of that year, in which I played an amorous Anglican priest, which some people at Two Wells seem to remember quite well. It is a great example of a group of local community people who enjoy their theatrical productions and it raises a great deal of money and spirit for the local community.

MENTAL HEALTH

The Hon. K.L. VINCENT (15:45): Recovery from, and the management of, mental illness can mean different things to different people. For some, that may involve participation, including work roles, in spiritual or religious organisations. Unfortunately, a recent submission to the federal parliament's inquiry into the human right to freedom of belief seemed to seek to limit this. In this submission, FamilyVoice states:

> Priests and ministers exercise important positions of authority within a church. For very good reasons a religion may not wish to engage a person who has a mental illness and displays disturbed behaviour. Such behaviour would adversely affect a church service, which is sacred in nature. Providing counselling to parishioners is also a large part of the role of a religious leader. That person must be respected, otherwise they will not be sought for advice.

It goes on to make the following recommendation:

> The Disability Discrimination Act 1992 unjustly interferes with freedom of religion. A simple provision should be added for an exemption from the act for persons, natural or corporate, whose conscientious beliefs do not allow them to comply with the act, or with particular provisions of the act.

In recent days, FamilyVoice has come out to clarify that their submission does not seek to stop people from going to church, but rather so that churches do not have to employ people who exhibit

what is called 'disturbed behaviour' because of their mental illness. Not only does this perpetuate a potentially harmful stereotype about people with mental illness, it also strikes me as unnecessary.

If someone is not suitable for employment as a priest, including unsuitable behaviour, and it can be proven that no amount of adjustment or support in the workplace can make them suitable for that role, then the employer is free not to hire them on the basis that they do not have the necessary skills for that role. Likewise, if a parish member is disturbing a service they should be gently removed and supported on the basis of that behaviour. As long as they are skilled and appropriate, I would argue who better to give counselling than someone who themselves face or has faced darkness and hardship?

In the last few days I have received letters from Christians about this issue. I would like to share some excerpts from those letters with you. One constituent writes:

> I am a carer for someone who suffers from mental health problems. Not only is it sad that people with mental health and other related problems cannot be regarded as equal members of a congregation, but it is also appalling that their families and carers should also be alienated by virtue of their connection with those people.

Another person wrote:

> As an individual diagnosed with major depression and social anxiety, as well as a follower of Christ for half of my 43 years, I was floored by the lack of compassion, logic and obvious betrayal of what is expected behaviour and ethics of a disciple of Christ.

This is not about attacking the Christian faith. This is about this specific submission and getting FamilyVoice to understand the impact these recommendations could have on real people. I may not follow a particular religion myself but even I know, as do many others, that Jesus was seen—as many religious leaders are—as a friend and protector of the underprivileged. It seems on this issue that it is time for FamilyVoice to practise, not just to preach.

FEDERAL BUDGET

The Hon. G.E. GAGO (15:49): On 9 May, the federal government handed down its budget, a budget out of step with community expectations, a budget lacking in fairness and failing those members of the community most in need of support and a budget that failed in the key areas of health, education, affordable housing and support for the disadvantaged. According to Malcolm Fraser—Malcolm Turnbull (mind you, not much has changed), the budget is fair on every level, but this budget does nothing more than provide for the extremely wealthy and big business with tax cuts, whilst families struggling to make ends meet are faced with increased costs. Fairness, according to Malcolm Turnbull, is a $50 billion giveaway to big business at the expense of everyone earning more than $21,000 paying an increased Medicare levy.

The federal government's budget greatly disadvantages women in particular in the community. At the same time that $50 billion is given away to big business as a tax cut, the government is unable to find $400,000 to unfreeze funding to the national women's alliances. The five national women's alliances are networks of issue-based and sector-based women's groups, bringing together women's organisations to share information, identify issues that affect them and identify solutions, whilst engaging with the Australian government as part of a more informed and representative dialogue between women and the government.

But these measures are not new for this government. Indeed, since the Liberals came to power in 2013, Australia has slipped from 19th to 46th place in the Global Gender Gap Report. Some of the other ways in which this budget disadvantages women include housing affordability. Women face an increase in housing stress, and a shocking example of this can be seen in the 17.5 per cent increase in older women seeking help from homelessness services, which is twice the rate of growth in the general population. Failures to address the tax regime in the areas of capital gains tax and negative gearing again disadvantage women. Women only claim a third of negative gearing deductions.

In the area of health this budget also fails women. Medicare rebates will remain frozen for three more years and this will disproportionately impact women, who are twice as likely to delay seeing their GP because of the cost. Women from developing countries are not spared in this budget either: international development funding for family planning services in developing countries has

fallen from $46 million in 2013-14 (when Labor was last in government) to just $17 million under Malcolm Turnbull. This budget fails women in the area of education, as university students will pay more for their degrees earlier, whilst funding for universities is cut by 2.5 per cent. Only a third of the $78 million in federal funding to support Indigenous children and young people's participation in education is directed to programs targeting girls.

This budget also cuts funding from TAFE to the tune of $600 million, again disadvantaging those people most in need of support—women, migrants and young people denied opportunities in training and learning new skills. This budget fails the economy, it fails jobseekers and, in particular, it fails older female workers. Growth is down, employment is down and wages growth is down. Jobs are forecast to be down by 95,000. This is very worrying news, particularly for older female workers. This concern is further compounded by recent ABS reports which suggest that ageism is impacting older women in our society: women looking for additional hours because of rising living costs, retirement savings, or providing financial assistance to children, and not able to find the additional hours they need.

It can be argued that this underemployment is discrimination on the grounds of both age and gender, and it adds up to women retiring poorer with less resources in superannuation, savings and property assets than men of a similar age. The budget is also extremely wasteful, with measures that include $170 million for a same-sex marriage plebiscite, $162 million for Trans-Pacific Partnership negotiations and millions wasted on government advertising, which all add up to a government with poor judgement and no moral compass. This federal budget fails the test for everyone—well, unless, of course, you are a millionaire or a big business. It fails the fairness test, it fails the health test, the education test, the jobs test and it fails women.

MEMBER FOR ELDER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:54): Ten examples of how Annabel Digance has failed her community:

1. She supports the sale and closure of the Repat Hospital.

2. She supports families and businesses paying higher emergency services levy bills.

3. She opposes the Liberal Globe Link plan to take freight trains off the Belair line and freight trucks off Cross Road.

4. She failed to support public ICAC hearings for the Oakden investigation.

5. She ran a filthy, racist campaign at the 2014 state election, it has been reported.

6. She thought about leaving Elder and running in another electorate

Annabel Digance is part of the Weatherill Labor government team that has delivered:

7. The highest priced, least reliable electricity in the country.

8. The highest unemployment rate in the country for the last 30 months.

9. A health system in crisis.

10. They have failed to protect South Australia's most vulnerable, with consecutive Families SA child protection and Oakden disasters.

Annabel Digance says she is putting you first, but I think she is putting you last. The people of Elder deserve better representation. Annabel Digance is unscrupulous, untrustworthy and has failed to deliver for her community. How can we ever forget the filthy, racist campaign she ran against Carolyn Habib? The thinly veiled racist flavour fired was nothing short of disgusting. This act alone demonstrated that she was unfit to be a member of parliament. This act alone demonstrated that her community could not trust her: a person with no morals, no scruples and no sense of remorse.

At the last election, Annabel Digance stood in front of the Repat Hospital, advocating for it, handing out flyers, taking photos, using it in all of her promotional material. On election day, volunteers were saying, 'You can trust Annabel, she's a nurse.' The moment she was elected, she failed her community. She supports the sale and the closure of the Repat. Annabel Digance's

hypocrisy is immeasurable. She unashamedly stood up in parliament earlier this year and attempted to defend her Labor government's closure of the Repat. Annabel Digance is failing her community, refusing to stand up to her Labor colleagues and to fight to save the Repat.

As a local member of parliament, she is ignoring the will of the vast majority of her constituents. In what could yet be the biggest slap in the face for constituents, Annabel Digance tried to abandon her local community and thought about running in the new seat of Badcoe. Any member of parliament knows it is an honour and privilege to represent your local community in parliament—not Annabel Digance. She said, 'Elder is just a name,' and she confirmed that she was contemplating crossing the invisible border to contest Badcoe. Does this sound like a person who is passionate about their local community?

Annabel Digance's favourite pastime of failing her local community continues as she now opposes the state Liberals' Globe Link plan. This policy will directly benefit local community by taking freight trains off the Belair line and freight trucks off Cross Road. It will ease traffic congestion—

The PRESIDENT: The Hon. Mr Ridgway, I have just had some advice. What you are doing is having an injurious reflection on a member of another chamber of this parliament. Based on that, I would ask you to sit down.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: That is the advice I have just been given.

The Hon. J.S.L. Dawkins: He has got two minutes. He can continue on in another flavour.

The Hon. D.W. RIDGWAY: I can continue in another fashion and refer to them as the local member?

The PRESIDENT: Continue on another stream or another fashion, if you wish, but not the injurious reflection on a member of parliament.

The Hon. D.W. RIDGWAY: The government has failed to support the Liberal Globe Link plan, which will take freight trains off the Belair line and freight trucks off Cross Road. The Labor government continues to ignore the will of the people in the electorate of Elder. Many of the residents of Elder would be interested that the Weatherill Labor government continues to increase the emergency services bills. Every time a business owner in South Australia pays their emergency services levy bill they will—

The PRESIDENT: Sorry, 193 is the standing order, if you want to read that after this.

The Hon. S.G. Wade: This is just about the Labor government.

The PRESIDENT: Yes, I am just telling you.

The Hon. D.W. RIDGWAY: I understand that—

The Hon. J.S.L. Dawkins: We are taking up his time at the moment.

The Hon. D.W. RIDGWAY: The massive ESL hikes and huge electricity prices continue to be a massive burden for the households of the electorate of Elder and South Australia. With regard to the unemployment record that this government is responsible for, and all of the members in the parliament who have been elected as part of the Labor government, we have led the country for the last 30 consecutive months with the highest jobs unemployment rate in the nation. In the past 12 months to September 2016, some 6,500 of South Australia's best and brightest have moved interstate to find a job.

These statistics alone should send shivers down the spine of any parent and they know that the Labor government's failed policies mean that South Australians cannot even generate enough jobs to retain our youth. This government is a disgrace and they do not deserve to be supported at the next election.

Parliamentary Committees

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

The Hon. J.A. DARLEY (15:59): I move:

That the report of the select committee be noted.

On 29 July 2015, a select committee was established to inquire into compulsory acquisitions along the north-south corridor upgrade upon a motion that I moved. The impetus for this was a number of concerning practices that I had been made aware of by constituents whose properties had been, or were being, acquired by DPTI. The committee heard evidence from dispossessed owners, most of whom were not objecting to having their property acquired by the government but rather the manner in which it was done. It was very clear that communication, in plain language, needed to improve so that people were aware of their rights. People expected, and deserved, to be treated with respect and sensitivity, especially in cases where the acquired property had been in the family for decades.

Dispossessed owners often did not have an understanding of the legislative requirements or their rights. For example, many were unaware that moneys were paid into the court by DPTI once the notice of acquisition was published. They also had no knowledge that this money could be accessed and withdrawn by the dispossessed owner at any stage. Withdrawal of such moneys is meant to have no impact on the negotiation process. However, it was concerning to see from DPTI's own evidence that this was used against dispossessed owners in cases where negotiations were ongoing.

Owners were painted as difficult because they were happy to take the money from government but did not accept DPTI's offer. Withdrawing these funds is entirely the right of dispossessed owners. Accessing moneys did not abrogate their right to continue negotiations, and it is disappointing these practices occurred.

The committee also heard from lawyers who had acted on behalf of several owners. Their evidence was particularly enlightening because it demonstrated that it was not just 'whingeing' landowners who were upset that they did not get enough money. Rather, evidence provided from these professionals indicated that the manner in which DPTI operated during these transactions left a lot to be desired and highlighted areas that needed improvement.

Experiences of being left in limbo were recounted by people who had been approached by DPTI to be advised that their property would be acquired, only to hear nothing from DPTI for years. There is no market for properties to be acquired because there is only one purchaser: DPTI. Also, property values off South Road escalated due to the demand from dispossessed owners to relocate within their own suburb. Valuers from the department seemed to disregard this factor in assessing compensation.

I am a little disappointed that there were not more people who were willing to give evidence. Contrary to DPTI's view that this is as a result of most people being happy with their experience, I hold the belief that it is simply because people have suffered so greatly from their experience that it was too difficult for them to relive it. I have spoken to many people who have been far from happy with their compulsory acquisition experience but could not put themselves or their family through the process of preparing a submission and giving evidence. Similarly, I know of valuers and lawyers who have been reluctant to come forward because they are afraid of repercussions. Adelaide is a small place and people felt they could not afford to come out and speak badly about DPTI for fear of not being referred work in the future.

I do have to acknowledge that it does seem that since the inquiry began DPTI has changed its processes and there have been fewer complaints on this issue. This is commendable, but it also confirms my original suspicions that the problem did not lie predominantly with the acquisition of land act but rather with the culture of those who were charged to execute and administer the act. I note that there have been several major staffing changes in DPTI since May 2015 and am hopeful that improvements will continue to be made. It is a pity that it required a parliamentary inquiry for these changes to be made.

The committee has made a number of recommendations, and I will watch closely to see what the government's response will be. I would like to thank the Hon. Robert Brokenshire, the Hon. David Ridgway, the Hon. Terry Stephens and the Hon. Gerry Kandelaars for taking the time to be part of this committee. I also give thanks to the Hon. Gail Gago for taking over from the Hon. Gerry Kandelaars, due to his retirement from this place. Finally, the committee could not function without the hard work of the secretary, Mr Anthony Beasley, and the research officer, Dr Margaret Robinson.

The Hon. G.E. GAGO (16:05): I rise to speak in support of the report of the Select Committee on the Compulsory Acquisition of Properties for North-South Corridor Upgrade. As indicated by the Hon. John Darley, I replaced the Hon. Gerry Kandelaars on 28 February this year, due to his retirement. The timing of that meant I was not a member of the committee throughout the time that evidence was being presented to the committee, but I have relied on transcripts and written submissions to inform me.

I understand the committee heard evidence on 11 occasions and received some 15 written submissions since the plan for the north-south corridor was announced in 2007. The Department of Planning, Transport and Infrastructure (DPTI) has completed a number of large projects and is currently undertaking three major projects, which are the Torrens to Torrens project, the Darlington upgrade and the Northern Connector.

This report considers the role of DPTI in the acquisition of properties through policies and procedures. It looks at DPTI's ability to consult with the community and it's ability to minimise the impact on property owners through well-trained staff and their ability to exercise empathy and compassion and at all times to act with integrity.

As you can imagine, it is an extremely traumatic and stressful ordeal to be forced to have to sell your home or property. The committee considered evidence primarily relating to the Torrens to Torrens project and the Darlington upgrade. DPTI's current acquisition policies and procedures and their effectiveness were considered in comparison with past practices of the department and the Rehousing Committee. DPTI's policies and procedures are underpinned by the Land Acquisition Act 1969 and continue to be updated periodically.

In providing evidence, DPTI representatives referred to statistics demonstrating that 98.5 per cent of properties acquired to date had right of access achieved through negotiation. Further, in relation to compensation, some 99.97 per cent of property acquisitions were reached through negotiated settlements. These are indeed very impressive outcomes for the vast majority of acquisitions. Although some owners subject to compulsory acquisition of their properties made complaints, the nature of these complaints varied. Overall, DPTI's processes and communications appear to have been very effective.

The Chief Executive of DPTI, Mr Michael Deegan, explained in his evidence that across the north-south corridor the department dealt with 1,118 separate acquisition interests, yet only around eight or so property owners who were subjected to compulsory acquisition made representations to the committee in which they raised issues of concern. Mr Deegan was of the view that the majority of these grievances raised did not in fact relate to the acquisition process, but rather concerned themselves with one of two issues. The first is that parties formed the view that the act of compulsory acquisition was not a legitimate one. The second is that parties believed that a more generous compensation process should be in place.

Putting the parties' views aside, it is clear that there is a very low percentage of property owners who feel aggrieved by the practices and processes of the department, or at least do not feel aggrieved enough to have made a submission to our committee. Throughout the entire corridor only six right of entry notices were obtained through the courts, all of these occurring on the Torrens to Torrens project. However, this committee has provided the opportunity for owners subjected to compulsory acquisition to air their grievances and their complaints and to be heard by the parliament.

The committee scrutinised the policies and procedures of DPTI and considered them in relation to previous policies and practices and community expectations. It looked at the conduct and abilities of DPTI staff; they were analysed and held to account and, for the most part, have been validated. Although overall DPTI's performance appears to be sound, evidence presented to the committee demonstrated that there were occasions where their practices left a lot to be desired, that

their behaviour and inadequate processes, in some cases, caused confusion, stress and apprehension, and a great deal of angst that was, basically, unnecessary.

Clearly, there is room for improvement in their practices, particularly in areas like lack of clarity of information. There is also a number of other areas outlined in the report that clearly need improvement. DPTI reported to the committee that a number of recent changes to their procedures and practices have been put in place, and this has resulted in significant improvements. I note that in the Auditor-General's supplementary report which looks at DPTI and the acquisition it states:

> We noted that improvements have been made to the acquisition process over the life of the Torrens to Torrens Project. For example:
>
> - improved clarity of information and instruction provided to affected parties
> - the introduction of a review by the State Valuation Office to verify that independent valuations obtained by DPTI are in line with issued instructions and fit for purpose.

However, I believe that even with those changes further improvements could be made and introduced, and these are addressed in the 13 recommendations outlined in the report. Some of these are also noted by the Auditor-General in his supplementary report. Again, I quote:

> Consolidated policies and procedures for DPTI's Acquisition Services group should be completed and documented as a matter of priority. The policies and procedures should reflect the prescriptive nature of the Land Acquisition Act 1969 and the level of broad guidance necessary for staff to deal with varied circumstances in each acquisition.

The report goes on to say:

> Documented policies and procedures ensure that all Acquisition Services staff operate with the same knowledge of expectations and boundaries that have been decided by departmental Executive. Land acquisitions require sensitivity and equitable treatment of the people affected. This increases the importance of DPTI staff acting consistently and having clearly articulated rules, boundaries and guidance to operate within.

Sound advice and sound words, indeed. I support the recommendations as outlined in the report, and wish to thank the chair, the Hon. John Darley, and other committee members, as well, of course, as the committee support staff, the secretary and research officer.

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

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (16:13): I move:

That the fifth interim report of the select committee be noted.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

NATURAL RESOURCES COMMITTEE: LEVY PROPOSALS 2017-18

The Hon. J.M. GAZZOLA (16:14): I move:

That the reports of the committee be noted.

I have moved that the 120th, 121st and 122nd reports of the Natural Resources Committee be noted. One of the responsibilities of the Natural Resources Committee, as set out in the NRM Act 2004, is to consider and make recommendations on an NRM levy proposal by a natural resources management board where the levy increase exceeds the annual rise in the consumer price index for Adelaide, or where a regional NRM board is conducting a statutory review of its regional NRM plan. These reviews must occur at least once during each period of 10 years, following adoption of the plan.

This year, of the seven NRM regions raising levies, three regions were conducting regional plan reviews: the Eyre Peninsula NRM Board proposed a 3 per cent increase for both the land and water levies; the South Australian Arid Lands NRM Board proposed 1.2 per cent increases for both land and water levies; and the Kangaroo Island NRM Board proposed a 118 per cent increase for its regional levy. The Kangaroo Island region does not have a water levy.

The committee was satisfied that there were no issues with the Eyre Peninsula and Arid Lands levy proposals, which are similar to those proposed in each region's business plan as presented in the previous year. Special consideration was given to the Kangaroo Island NRM levy proposal as the 118 per cent increase was significantly higher than the others and much higher than the year's CPI reference rate of 0.7 per cent.

On this matter, however, the committee accepted the advice of the Kangaroo Island NRM Board Presiding Member Mr Richard Trethewey that this increase was absolutely necessary, primarily due to the need to maintain staffing in priority program areas. Mr Trethewey said:

> There has been quite some discussion off the island about our new NRM levy because we have made a bold move to increase the levy from what is currently $36 per rateable property in 2016-17 to a new figure of $79 per rateable property for 2017-18…It will raise the levy that we generate on the island from rateable properties from $176,000 to $385,000, so it virtually doubles that amount of money.
>
> We believe that this is absolutely necessary because we are currently totally understaffed in our weed and feral animal program. We have two people working there. We desperately need to increase that to three people and maintain the equipment, et cetera, that works with that, and we need to be able to put greater emphasis on our water management area. We need to recognise that we are able to leverage money from other various government departments and other areas by having the board intact and by doing this work. The amount of money that we were able to leverage was an extra $17.24 for every one of those dollars that we raised in the levy, so there is significant capacity.

Given that the Kangaroo Island NRM Board is authorised under the NRM Act to select a basis for rates, it might be advisable that in the future options other than a flat rate charge on all rateable land should be considered, as other options might prove fairer and more equitable to the community. For the time being, though, the committee accepted the argument that the actual increase per rateable property was reasonable, justifiable and, on its own, unlikely to cause the community undue hardship. After deliberation, the Natural Resources Committee resolved unanimously at its meetings on 19 May 2017 and 2 June 2017 that it did not object to the levy proposals for all regions under consideration, those being Eyre Peninsula, South Australian Arid Lands and Kangaroo Island.

As always, I would like to take this opportunity to thank the NRM boards, the volunteers and the DEWNR regional staff who do such excellent work, often under very challenging conditions. Every time the committee visits the regions we are, without exception, extremely impressed by the hard work and dedication shown by all the people that we meet who work with and for the NRM boards.

I commend the members of the committee: the Presiding Member the Hon. Steph Key MP, the Hon. Paul Caica MP, Mr John Gee MP, Mr Peter Treloar MP, the Hon. John Dawkins MLC and the Hon. Robert Brokenshire MLC for their contributions. All members have worked cooperatively on these deliberations and on this report. Finally, I thank the parliamentary staff for their assistance. I commend this report to the house.

The Hon. J.S.L. DAWKINS (16:20): It gives me great pleasure to follow on from the Hon. Mr Gazzola in his moving of the noting of these reports, and I am very pleased that he has, in recent times, joined our committee.

I endorse the remarks. I think the address the honourable member has made and the reports that we are noting exemplify the fact that the NRM board regions do vary extraordinarily, and the three that are referred to in this particular report could not be more different in size, in their population base and the other different facets, the great variations from Kangaroo Island to Eyre Peninsula to the Arid Lands.

The committee recently had the opportunity to spend time on the Fleurieu Peninsula and on Kangaroo Island, brief as it was. The time we spent with NRM board members and staff of DEWNR on the island showed us, I think, that that community does find ways in which things can work for it. As the very good chair, Mr Trethewey, said, and in the words quoted by the Hon. Mr Gazzola, they do need additional resources for their work against weeds and feral animals. They are to be congratulated for what they have achieved on a whole range of fronts on the island, and we wish them well with that work. With those words, I endorse the report to the council.

Motion carried.

Bills

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (PUBLIC MONEY) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:22): Obtained leave and introduced a bill for an act to amend the Nuclear Waste Storage Facility (Prohibition) Act 2000. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:23): I move:

That this bill be now read a second time.

As members know, in November last year the citizens' jury emphatically rejected the idea from the nuclear royal commission that South Australia could host an international nuclear waste dump. More than two-thirds of jurors said no, this was not a good idea for South Australia and should be abandoned.

Shortly afterwards, the opposition leader, Steven Marshall, came out saying that the Liberal Party would oppose the dump. In doing so, they lined up behind the Greens, who have consistently opposed this ridiculous project that had the potential to cause so much harm to our state, including financially and through reputational damage.

The government responded by dumping on the opposition, and the Premier called for a statewide referendum, even though he had previously opposed such a move. The Premier also conceded that a referendum had no chance of success. He would not be drawn on a date, but accepted that it would be at least a decade. Mr Weatherill was quoted in the media as saying:

I believe it's a matter the South Australian public should continue to discuss, and I am framing up a way for those discussions to continue.

We won't be pushing ahead with a referendum until there's bipartisan support. We will not pursue a change to our policy, but if the mood in the community shifts and bipartisanship is re-established, we will remain open to this question.

This was a situation of limbo that the government has left us in for the last six months. It has only been in the last few weeks that the Premier has expanded on where this issue is going. Following his answer to a question from a member of the public at a meeting in Victor Harbor earlier this month, he declared the dump dead.

Subsequent media interviews resulted in a spate of headlines, such as 'Weatherill rejects SA nuclear-waste dump plan once and for all' from The New Daily; 'Nuclear dump idea dead in SA' from news.com; and '"There's no foreseeable opportunity for this": Jay declares nuke dump "dead"' from InDaily. A headline from ABC news reads 'South Australia's nuclear dump proposal abandoned'. Do the headlines reflect what the Premier has actually said? What he said was:

This is a matter that requires inter-generational support over decades and decades, if you don't have both major parties behind this, it's never going to go anywhere, I've always said that.

Another quote from the Premier:

And the other day when I was asked about it I just simply repeated the same thing.

So my position hasn't changed and this was never advanced as a short or even a medium-term proposition for South Australia. It was a discussion I believed should occur and that's why we had a royal commission, and that's been a valuable source of evidence.

So, until very recently, the official government line was that this debate was not yet over. It might be parked for a while, but the government's official position was to bring it back onto the agenda at some future unknown time if circumstances change.

I would like to think that the dump is dead and buried, but what has escaped most commentators is that the door has been left wide open for the government to again spend millions of dollars of taxpayers' money reinvigorating the nuclear dump project. The door that has been left open

is a result of the changes that were made last year to the Nuclear Waste Storage Facility (Prohibition) Act 2000. As members will recall, that act contains section 13, which provides:

> Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.

That provision has stood in the act for many years, but last year it was changed, through an amendment made by parliament to add an exemption to that general provision. The insertion, which is now section 13(2), provides:

> Subsection (1) does not prohibit the appropriation, expenditure or advancement to a person of public money for the purpose of encouraging or financing community consultation or debate on the desirability or otherwise of constructing or operating a nuclear waste storage facility in this State.

What this means is that, without any further reference to parliament, the government of the day can bring this matter back and they can use our money to again spruik the case for a nuclear waste dump.

While subsection 13(2) remains, the government can bring back the debate over the dump. It would need to be in the guise of public consultation, but we know from experience that there is no requirement for consultation to be fair or balanced. The bottom line is that this legislation gives the government the ability to bring back the nuclear dump debate at any time.

So, what is the solution? It is actually quite simple. We need to reinstate the act to its pre-2016 state; that is, with a general prohibition on spending public money and with no wriggle room or escape clause that allows the government to spruik a dump whilst claiming that the money was only being used for consultation.

The amendments made last year were designed to ensure that the government spending program on the nuclear waste dump consultation program was lawful. The government wanted protection that its nuclear dump consultation and response agency, its market research, its citizens' jury and even the royal commission itself could not be regarded as infringing section 13. That was the protection that the government wanted and that was the protection that the parliament gave the government. There was some debate about whether it was really necessary, but the government insisted that it was. It needed the law changed to undertake its consultation program.

Now that the consultation program is over there is no need for the exemption to remain. The bill removes the exemption. The bill reinstates the act to its pre-2016 state. It removes the wriggle room for the government to bring this debate back using public money. On my calculation, the government has wasted over $13 million on this folly so far and I want South Australians to now be able to draw a line under this matter and to move on with projects and programs that deliver real benefits to the people of our state, not this ridiculous get-rich scheme that was a disaster in waiting from the outset.

Whilst I always reserve the right to be dismayed at how matters are resolved in this parliament, I fully expect that the bill will pass, because if it does not, those who voted against it will have some explaining to do. What part of the nuclear waste dump is not dead and buried and which part do they want to bring back? That will be the question that people will ask those who do not support the bill. The Labor government should support it because they want us to believe that the issue is dead and that they will not be bringing it back anytime soon, including in the next term of government, if they are lucky enough to win the next election.

Similarly, if the Liberals want people to believe that they too have ditched any idea that they might have had about supporting a nuclear waste dump, then they too will vote for this bill. If they do not, people will quite rightly wonder whether former Senator Sean Edwards, one of the most vocal backers of the dump, is in fact running the South Australian Liberal Party.

Some people might be happy to just trust the word of the old parties' political leaders that the dump is dead, but I do not. We know that there are prominent people in both the Liberal and Labor parties who want to keep this going, and you know who they are. We need to close the door on this chapter now. We need to get rid of the wriggle room and make sure that if any government of any persuasion wants to reactivate the idea of an international nuclear waste dump for South Australia,

then they need to come back to parliament to do so. That is the effect of the bill. It takes both the Liberal and Labor parties at their word and it invites them to put their votes where their mouths are. If they fail this test, then they are making sure that the nuclear waste dump will continue to be an election issue right up until March 2018.

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

GAMING MACHINES (PROHIBITION OF EFTPOS FACILITIES) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (16:32): Obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

Second Reading

The Hon. J.A. DARLEY (16:34): I move:

That this bill be now read a second time.

I am very pleased to introduce the bill into parliament. The bill, in part, replicates a bill I introduced into this parliament almost a year ago in July 2016. The 2016 bill had two elements to it: $1 bet limits on pokies, and to remove EFTPOS facilities from gaming venues. This current bill has removed the former and only deals with the latter, that is, to remove EFTPOS facilities from gaming venues. Recently, Associate Professor Michael O'Neil from the South Australian Centre for Economic Studies wrote to us all about this issue. I would like to read his letter onto the record:

To whom it may concern: in protecting the most vulnerable with respect to gambling I wrote the paper 'Stop: Wrong Way Go Back' with respect to access to EFTPOS introduced into gaming areas in South Australia. I made the point that South Australia is the only State/Territory to allow access to cash in a gaming area under the dubious premise that staff would have face to face contact with any person wanting to use EFTPOS inside a gaming area. No case (evidence-based) was advanced that staff in a gaming area in South Australia are more numerous or more qualified to intervene than in any other jurisdiction and hence there is no basis to justify the claims of government that this would occur. The Productivity Commission has in both their reports of 1999 and 2009-10 strongly recommended that access to cash should be prohibited inside gaming areas which is why, for example, ATMs are not allowed inside gaming areas in hotels, clubs and casinos.

As the first article demonstrates access to EFTPOS in a gaming area allows any person to bypass ATM limits and in fact in South Australia they can access both an ATM in the venue and now EFTPOS. This is poor public policy with respect to protecting the most vulnerable (and even University Professors) and individuals in personal life circumstances where they may be vulnerable (such as loss of a partner, loss of a family member, situations of vulnerability such as divorce, ill health, loneliness, unemployment/redundancy, etc.).

As my late father, a wonderful teacher of Latin would often cite, 'Primum no nocere', the Latin phrase meaning 'first, do no harm' is a core tenet or principle of public policy. The decision of the South Australian Parliament to allow access to cash inside a gaming area without any proof that this would not exacerbate harm trashes that principle. Gambling researchers Australia wide have consistently reported that staff are not properly trained to intervene and in many cases are not encouraged to intervene as the first article confirms. That Parliament places the onus of intervention onto staff in hotels and clubs, in many cases quite young staff relative to gaming patrons, is an abrogation of its responsibility. The onus is on Parliament to ensure that public policy decisions do not permit harm!

The second excerpt from Commonwealth Social Security Law with respect to recipients of social welfare payments who are involved in the Cashless Debit Card Trial specifically restricts payments so as not to be used for, inter alia, gambling. This requirement in law demonstrates both the concern of the Commonwealth with respect to vulnerable individuals (and families) and a recognition of the necessity of consumer protection with respect to gambling.

It seeks to protect the individual and families from the impact of problem gambling and/or excessive gambling. While there is community debate about this policy (e.g. some argue it is paternalistic, interventionist, denial of individual choice and debases individual responsibility) what the Social Security Law in practice is intended to do is 'to do no harm'. It is intended to place a restriction on the amount that is able to be gambled.

In contrast, the South Australian Parliament through the policy decision to allow greater opportunities to access to cash with which to gamble, effectively places no restriction on the individual and potentially contributes to the exploitation of the most vulnerable, That decision should be reviewed. The State has an obligation to protect the individual. It has an obligation to do no harm.

(signed) Assoc. Professor Michael O'Neil

Executive Director

SA Centre for Economic Studies

This bill is in direct response to this correspondence and only contains the elements Professor O'Neil raised: the issue of EFTPOS in gaming machine venues.

The ability for gaming venues to have EFTPOS facilities in their gaming areas was introduced in 2015 by the government. I opposed the measure then and now, backed by the additional information from Professor O'Neil, I am seeking to remove these provisions. Allowing EFTPOS in gaming venues increases the risk to vulnerable problem gamblers and goes against the Productivity Commission recommendations of limiting access to cash in gaming areas. I commend the bill to the chamber.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (SERIOUS OR SYSTEMIC MISCONDUCT OR MALADMINISTRATION) AMENDMENT BILL

Introduction and First Reading

The Hon. D.G.E. HOOD (16:40): Obtained leave and introduced a bill for an act to amend the Independent Commission Against Corruption Act 2012. Read a first time.

Second Reading

The Hon. D.G.E. HOOD (16:41): I move:

That this bill be now read a second time.

I rise to introduce this bill. The bill, of course, is to amend the Independent Commission Against Corruption Act 2012. This bill provides the Independent Commission Against Corruption with the powers of a commission as defined in the Royal Commissions Act 1917, allowing the commissioner to hold public hearings for matters relating to the investigation of serious or systemic misconduct or maladministration.

Over the past year, the commissioner has made some very clear statements, including statements to the media, a parliamentary committee and in his annual report indicating his preference to hold open hearings for matters relating to maladministration, where it is in the public interest to do so. The commissioner first stated a desire for public hearings in his report on the sale of the state-owned land at Gillman published on 14 October 2015. In his report, the commissioner states:

My experience in conducting this inquiry has caused me to consider whether I should recommend to parliament an additional measure with respect to such investigations. That is, whether I should have the power to conduct an inquiry into potential maladministration in public administration in public if such a public inquiry was in the public interest.

In my opinion—

he goes on—

the ICAC should be given that discretion. There are two reasons I think this should be considered.

First, when I investigate corruption I do not make findings. Whether or not a prosecution ensues is a matter for the Director of Public Prosecutions. Whether or not a person is convicted of a criminal offence is a matter for the court.

In contrast, unlike a corruption investigation, an investigation into maladministration in public administration will require me to make findings in respect of the conduct of a public officer or the practices, policies or procedures of a public authority.

He continues:

Secondly, there will be occasion where, as in this case, there is a significant public interest in the subject matter of the inquiry. In those circumstances, there is a strong argument in support of permitting public scrutiny of the evidence given, the submissions made and the procedure undertaken. In a corruption matter, such scrutiny would routinely occur when the matter is prosecuted in a court.

For these reasons I intend to write to the South Australian Parliament Crime and Public Integrity Policy Committee recommending that consideration be given to amending the ICAC Act to permit the holding of the hearings in respect of inquiries into potential maladministration in public administration, when it is considered that it is in the public interest to do so.

That is the end of the quote. It is quite a lengthy quote, but it outlines the commissioner's position very clearly. It is, indeed, a concise statement from the commissioner, summarising the need for public hearings and is especially relevant in the context of debating this bill. In a meeting I had with the commissioner last week, he confirmed his position had not changed and expressed in clear terms that this bill represents his preferred model. Hence, my decision to introduce this bill today.

Given recent developments, particularly those relating to the Oakden situation, it is a matter of urgency that the commissioner be able to conduct public hearings with respect to misconduct and maladministration. There is also significant public support, in my estimation, for a more open and transparent ICAC process, which this bill affords.

Importantly, and consistent with the views of the commissioner, investigations into matters of corruption under the act will not be public under this bill. I stress that. I would not support matters of corruption being made public and neither does the commissioner. Also, despite requesting access to cabinet documents, this bill does not confer upon the commissioner any such right. The bill simply focuses on open hearings for serious and systemic misconduct or maladministration, nothing further, nothing less.

In accordance with the bill's transitional provisions, current matters under examination by virtue of section 36A of the act will continue to be conducted in accordance with the powers of an inquiry agency, although the commissioner is entitled to withdraw from exercising those powers and begin exercising powers afforded to the commissioner under this bill.

This same bill was debated in the other place earlier this month. Although the bill was defeated in that place, the government failed to provide any persuasive reason for opposing open hearings, in my view. Speaking on behalf of the government, in opposition to the bill introduced by the member for Bragg, the Attorney-General, the member for Enfield, quoted the current act, which sets out that in exercising a power under section 36A the commissioner is bound to the provisions governing the exercise of the powers of an inquiry agency, which does not permit public hearings.

Although that is indeed what the act prescribes, and I have no disagreement with the Attorney in that case, a restatement of current legislation is not in itself a persuasive reason to justify opposition to a bill that seeks to amend the act in favour of public hearings. There is precedent for making improvements to the act based on the commissioner's recommendations. The Independent Commissioner Against Corruption (Miscellaneous) Amendment Bill 2016, assented to last year, was drafted in accordance with the recommendations of the commissioner, as well as recommendations from former Supreme Court Justice, the Hon. Kevin Duggan, in his review. Similarly, this bill is designed to improve the act and is also based on the commissioner's recommendations. I hope that it receives the support of this place.

It is important that the Legislative Council consider and debate this bill and that members are afforded the opportunity to put their views on this matter on the public record. The South Australian ICAC is often referred to as the most secretive in the nation and whilst, as I said, there can be some justification of that when it comes to matters of corruption, I see no justification, in most circumstances, when it comes to matters of maladministration or misconduct.

This bill will ensure greater transparency whilst protecting the integrity of the ICAC and those individuals who appear before it. I stress that in these particular matters it will be at the ICAC commissioner's discretion if these particular hearings are held in public or not. I think that is appropriate. There may be circumstances where an individual appears before a committee where the commissioner deems it appropriate that the matters are held in camera, and this bill does not restrict the commissioner's capacity to do so—he will have that power under this bill.

Again, I reiterate that it in no way allows the commission to hold hearings in public in matters of corruption, where I think it is appropriate that those matters are held in camera, because ultimately the DPP and then, of course, the courts will decide, when it gets to their stage and when they become involved. That is when it becomes public. The ICAC is really an investigatory body and nothing more prior to that.

I think people are familiar with this bill. Just for the sake of clarity, it is exactly the same as the Liberal bill that was presented in the House of Assembly. There was no reason to change it. As I said, I met the ICAC commissioner. He endorsed it in its current form and in fact argued that that

was his favoured model and convinced me that there was no reason to change the bill. I present that bill today. I indicate to the chamber that I will be looking to bring it to a vote in the next week of sitting; that is two weeks hence, on the next Wednesday of sitting. I ask members to be prepared for a vote on that day.

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

Parliamentary Committees

SELECT COMMITTEE ON STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

Adjourned debate on motion of Hon. J.M.A. Lensink.

That the report of the select committee be noted.

(Continued from 31 May 2017.)

The Hon. T.T. NGO (16:49): I rise to put on the record my views on the report of the Select Committee on Statutes Amendment (Decriminalisation of Sex Work) Bill (the report) that was tabled in the last sitting week by the presiding member, the Hon. Michelle Lensink. I do not support the committee's recommendation on the bill in its current form. During the select committee's inquiry into the full decriminalisation bill I raised a number of practical concerns.

I want to put on the record that I do not have a moral objection to allowing consenting adults to have sex in privacy with the exchange of money involved. I am, however, concerned that the bill will have unintended consequences that have not been given adequate weight by the select committee in its recommendations to support the bill in full. My core concerns in relation to the bill are:

1. There is a risk of an increase in public soliciting due to the removal of the specific offence.

2. It places the burden on our local councils to deal with planning for brothels without providing any guidance and powers to close noncompliant brothels.

3. There is evidence to suggest that the transnational sex slave trade has proliferated in jurisdictions where sex work has been decriminalised.

I will now deal with these briefly, in turn. The bill proposes to remove offences in the Summary Offences Act that specifically prohibit public soliciting. Proponents of the bill, including the Law Society, argue that general provisions of the Summary Offences Act that deal with public nuisance or disorder offences will cover public soliciting. Although these general provisions may technically cover public soliciting, I am concerned that removing the specific offence will make it less clear to the community that public soliciting is illegal.

As many honourable members are aware, I was a councillor for the Port Adelaide Enfield council for 18 years before I took on this role. I represented the areas at Hanson Road, and the biggest concern of the residents there was the public soliciting on Hanson Road. That has very often had the most media attention about the image of the area. So, I do have concerns about the current bill in terms of making things less clear about public soliciting. Perception, in this respect, is particularly important because the practical enforcement of such provisions can prove difficult.

It is foreseeable that a member of the community sees public solicitation, reports it to the police, and before the police attend the sex worker has moved on. I am also concerned that the bill places the responsibility for planning approval of brothels on local councils without providing any guidance as to what constitutes a brothel, location guidelines or necessary powers to enforce compliance.

The bill proposes to remove any reference to brothels (or bawdy houses) from legislation, and does not include evidentiary requirements to prove that a place is a brothel. The councils of Tea Tree Gully, Salisbury and Port Adelaide Enfield have expressed concern about how they will be able to enforce the closure of noncomplying brothels. This is also a key concern of mine, as without a

definition or evidentiary requirements brothels could pose as other businesses, for example, karaoke bars or massage parlours.

It also does not propose any guidelines for council planning policies in regard to regulating appropriate planning zones for brothels. My understanding is that local councils will be required to consider brothel applications just like any other business development application, without any specific zoning restrictions or guidelines. This is concerning, as many members of our community may not be comfortable with a brothel operating in specific areas, particularly near schools or places of worship.

A previous version of this bill proposed boundaries for how close a brothel could be located to schools and churches or places of worship. To meet community expectations, parliament should consider a regulatory model or basic restrictions which would confine brothels to industrial or mixed-use zones—or, if in residential zones, then they should be located at least, say, 200 metres away from a place of worship or a school or children's centre. Leaving this to local councils could result in a range of different rules regarding minimum distances between these places. However, I do understand that a different distance may be required within the Adelaide CBD.

The bill also does not provide adequate enforcement provisions for the closure of noncompliant brothels. In respect of this point, the select committee heard from the Law Society that this is a matter for planning legislation or regulation, a separate issue from the bill. I disagree with this, as if the bill passes without any guidance as to brothel planning applications or powers to enforce noncompliant brothels, it will be an issue for local councils. I was also disappointed that the Law Society, which usually sees fit to point out what it sees as the general potential impact of bills and suggests amendments, did not do so in its submission before the select committee.

My last core concern in relation to this bill is that there is evidence that the transnational sex slave trade has proliferated in jurisdictions where sex work has been decriminalised. I am concerned that the report and proponents of the bill have not given enough weight to this issue and its enforcement, particularly given that the bill also proposes to remove SAPOL's general power of entry into suspected brothels. I will touch on this again later.

Proponents of the bill correctly assert that sections 65A to 68 of the Criminal Law Consolidation Act explicitly prohibit sexual servitude, including of children; however, it needs to be noted that other states have similar laws, yet state and federal policing authorities, particularly in New South Wales and Victoria, which have decriminalised and legalised sex work respectively, are reporting growth in these abhorrent activities.

I also note that the Select Committee on the Regulation of Brothels in New South Wales pointed out that, between July 2012 and August 2015, the Australian Federal Police received 90 referrals Australia-wide for suspected sexual servitude matters: 68 were accepted for further investigation and, of these, 56 were in relation to New South Wales and Victoria.

When Chief Inspector Gray appeared before the select committee she advised that SAPOL has intelligence, particularly from interstate, that there are instances where women from overseas are offered a new life in Australia, sometimes a certain job or education, and when they get here it does not end up occurring. The women are told that to get the job or education promised they have to pay off their debts by working in certain places and providing certain services. However, sometimes it is a never-ending debt, meaning that although those women may have agreed to work in these places on the condition that they receive an education or different job when they have paid off their debt, they are being exploited.

When Assistant Commissioner Fellows gave evidence to the select committee she advised that roughly 180 brothels of varying sizes and sophistication operate in South Australia. In terms of serious and organised crime involvement, there is intelligence that says that, firstly, outlaw motorcycle gangs are connected or linked to probably between 5 per cent and 10 per cent of those operating brothels. Around 30 per cent of brothels known to SAPOL are what SAPOL would call Asian brothels, meaning brothels that have Asian workers or are operated by Asian owners.

Some of those brothels are of concern to SAPOL as intelligence suggests that there are women there either as illegal immigrants or on temporary visas or who have been brought into the state for short periods of time and who then leave again. It is then difficult to know who the women

are and what they are doing. Assistant Commissioner Fellows was clear that not all of these brothels operate in this manner but that it is an issue.

That brings me back to the bill's proposal to remove section 32 of the Summary Offences Act 1953 which contains the power for SAPOL to enter and remain in suspected brothels. I am concerned that forcing SAPOL to issue a warrant and execute entry on notice to a brothel owner may make the situation worse. In correspondence to the select committee, Mr Grant Stevens, the Commissioner of Police, indicated that SAPOL generally uses the power to enter and remain in a suspected brothel under section 32 of the Summary Offences Act but that a general search warrant is issued when the conditions of section 67 of the same act apply.

Further, the police commissioner indicated that a warrant under section 52 of the Controlled Substances Act 1984 is used when those conditions are met. I note that the select committee received this response the day after the report was tabled. However, when SAPOL gave evidence before the select committee it raised concerns about losing right of entry as well as pointing out that right of entry is available to SAPOL in the tattoo industry.

My key issue with the bill in its current form is the unintended consequences that it might have for the community and, therefore, I will not be supporting the bill in its current form and I intend to move some amendments based on my contribution today.

The Hon. T.A. FRANKS (17:04): I rise to indicate, unsurprisingly, my support for the report of the select committee, which looked into the Hon. Michelle Lensink's bill to decriminalise sex work in this state. I know it is a bill brought before this place by the Hon. Michelle Lensink of the Liberal Party that has been mirrored by Steph Key, the member for Ashford, in the other place. The bill comes to us not just with my support on behalf of the Greens today but with the support of the Sex Industry Network of this state, which represents those who work within this industry.

The committee also, through the committee processes, found the voice of many others who support the decriminalisation of sex work in this state: those who recognise that sex work has existed for probably time immemorial, in one form or another, and that those who are engaged in it should be treated with human rights and respect.

I will start with the pre-eminent international human rights organisation, Amnesty International. Amnesty International supports the decriminalisation of sex work. Indeed, it has had international council meetings, passing resolutions and quite an extensive report was released in the last year that supports the decriminalisation of sex workers, the preferred legal model to move ahead to protect particularly women's but also general sex workers' human rights.

They start at the point of supporting decriminalisation to prevent and redress human rights violations against sex workers and call on all states to review and potentially repeal laws that make sex workers vulnerable to human rights violations. Amnesty International has an overarching commitment to advancing gender equality and women's rights in doing so and is quite cognisant of the harm reduction principle. They are not alone in that view. We heard from the Executive Director of SafeWork SA at the time, Ms Marie Bolland. SafeWork SA provided evidence on how they believe, from that organisation, that it would be more than possible to see the decriminalisation of sex work undertaken in this state.

Their voices were echoed by the Working Women's Centre and SA Unions, as well as the Australian Services Union quite specifically, which all supported the decriminalisation of the sex industry so that those working in the industry would have the same entitlements as other workers. They called it, in some cases, an extraordinary double standard and noted that sex work is work and, as such, is not necessarily harmful to women.

Health groups, such as Clinic 275 and others operating within the AIDS and HIV areas, and Relationships Australia, pointed to the health benefits. Relationships Australia argued that the current legislation is archaic and not in line with community standards. I could not agree more. The consequences of this are that sex workers are left unprotected and their legitimate concerns are often not addressed.

By having a legal fiction, where we know that sex work happens and we treat sex workers as criminals and sex work as a crime, yet we have community standards that do not support that

view and a policing regime which, by its own admission, does not really police these activities, we as a state parliament are overseeing a system that puts sex workers in a vulnerable position that we need not put them in. If we treated them as a decriminalised industry, if we gave those people working in the industry legal protections under law, rightful workplace protections, we would also extend to them their full suite of legal protections.

A sex worker will often not go to the police if they are robbed. A sex worker will often not go to the police if they are raped. A sex worker knows, because they are already criminalised by the very nature of the activity that they undertake to make a living, that they are not often treated fairly by those who are here to protect all of us. So, sex workers are protected by decriminalising their industry not only when they are working but in their fuller lives.

The evidence presented by Scarlet Alliance certainly underscored this. The evidence presented by Scarlet Alliance pointed to examples where, if we move to a decriminalised system, as has been done in New South Wales and New Zealand, would the sky not fall in and will people not be having sex in public parks, as was presented in certain second reading speeches to the bill that led rise to this report. It is a system that is workable. It is a system that was the subject of a 2015 review in New South Wales and it has been found to be a system that is the preferred system, the decriminalisation system.

In New Zealand, it has been in operation for over 10 years. There we have not seen the sky fall in and we have not seen society collapse. In New South Wales, we have not seen the sky fall in and we have not seen society collapse. As I say, a review of that system did find some of the things that the Hon. Tung Ngo mentioned. There was a lack of resourcing for local governments in terms of implementation of the systems, but that lack of resourcing was simply a matter of providing the resource to address that issue, not starting again and repealing the decriminalisation laws.

This report is quite mindful and I do believe that we have suggested that a resourcing of some level be given to local councils under a decriminalisation system through the provisions under the new planning framework. Manuals, training, information, education and resourcing will address those particular council governance issues, as they would in any other industry. We have rules, policies and protocols that come out of this parliament that we operate with in this state all the time for many industries. If we can do it for every other industry, we should be able to do it for the sex work industry.

When we look at the debate and how it is unfolding, I do note and I am heartened that all of the members of the committee were reasonably supportive and worked productively overall. While investigating a decriminalisation model, as put forward in a bill, where clause by clause witnesses and members and members of both the South Australian community and the international community were able to make submissions, make suggestions, suggest amendments or give their support, the committee was inundated with a concerted lobby group calling for what they call the Nordic model.

The Nordic model is a model of recriminalisation. The Nordic model, as has been endorsed in the dissenting statement by the Hon. Andrew McLachlan and the Hon. Robert Brokenshire, is a model that says that, where sex work takes place, it is not the worker but indeed the client who is criminalised. That is not decriminalisation, that is recriminalisation. As a state, we have a high level of community acceptance that sex work happens and we have a current situation where it is not policed in a way that actually reflects those community attitudes: that this is something that happens and something that will continue to happen and has happened from time immemorial. Recriminalisation means taking clients and turning them into criminals.

The impact of that is twofold. First, we create a whole new category of criminals in this state. Proponents of the Nordic model claim that their approach is somehow feminist, that somehow it is a support of women that drives their motivations. I have to say that I have come from the women's movement, I have been a feminist for most of my adult life, I have worked for the oldest and largest women's membership movement in the world (the YWCA), I have been to the Commission on the Status of Women, and Beijing+15 conferences and I have yet to see FamilyVoice there as part of the feminist movement. I have yet to see FamilyVoice side with feminists, except on this issue of sex work.

I do not buy the argument that the Nordic model is a feminist model. I do listen to the Soroptimists, to YWCA, to Amnesty International and to the Business and Professional Women's Foundation when they support a decriminalisation model because they have actually worked with women, they have worked with sex workers and they do speak on behalf of women from a feminist perspective on a multitude of issues. On this issue, it is only there that I hear these proponents of the Nordic model somehow call themselves feminists, when, normally, I think it would be fair to say they would think feminism is a dirty word.

That is the point here. We are talking about an issue that people often see as dirty and unacceptable and so they use tactics to get their way to ensure that any law reform, and the very law reform that is supported by the Amnesty International report on this sector, is killed off. They talk about recriminalisation. They talk about this model that criminalises the client and somehow saves the poor female sex worker that they portray to be both drug addicted or abused as a child or in some way vulnerable and a victim.

I listen to Scarlet Alliance and I listen to the Sex Industry Network when they tell me that they do not want recriminalisation, they want decriminalisation. I also warn that if you set up a system, when FamilyVoice's own evidence is 'the client is king' in this industry, where the person that we are going to call the criminal, the client, will actually find themselves being protected by the sex worker, it will further put that sex worker at risk and continue to leave them vulnerable.

But you also deny the reality of the sex work world if you think that all women are sex workers and all clients are male. One of the most moving pieces of evidence was given by two women who presented to the committee, both of whom had disabilities. They came and spoke to us. One woman, who I will call Jane for the purposes of this story, is 45 years old. Jane was diagnosed with multiple sclerosis in 2001. She said that if she had known then just how much multiple sclerosis was about to destroy her, she would have travelled the world more and she would have had more sex.

Now a disabled woman, Jane has sought out a sex worker because she had developed a negativity towards her body. She was becoming very depressed and, as she stated, 'No-one wants to touch a disabled person let alone have sex with them.' Jane told us that she craved to be held, to be touched and inspired again. She felt her creativity to be connected to her confidence and her sensuality. If she could feel sensual again, she could feel whole again. That was the evidence she gave us. I commend her for coming and sharing her story because this is an area that people do not talk about in public and certainly not often in the parliament.

Imagine a Nordic model, a recriminalisation model, that treats Jane, a woman with MS, as a criminal. That is the model that you are supporting if you support the Nordic model—the model that will create a criminal out of a woman with MS who simply wants to be held. There are many reasons why people visit sex workers, yet the stigma attached to this industry due to criminalisation is negative. It creates shame, and it lends itself to seediness and seclusion. Decriminalisation will create a legal framework around sex work that could allow sex workers to not be so stigmatised and to have the full protection of the law.

In terms of that model, it also assumes that all clients are male and all sex workers are female. Sex workers are female, transgender and male. How does a model that is purported to support women and is presented to us as one that supports women, treat a sex worker who is a male? This is a simple question that I would like the proponents of the Nordic model, who say that they are there for feminist reasons and to protect women, to explain. How does that model treat Jane, who has MS and simply wants to be held? When Jane did that, she went online and she researched and she knew that she was breaking the law just to get a bit of human contact. Do we really think that Jane should be treated as a criminal in this state, either under a current criminalised model or a recriminalised model?

I will leave members with those few thoughts. I have no doubt that this will be an interesting debate when we get back to the bill in its entirety. I commend the work of the report. It is quite extensive, it heard from a range of views, it has put on the record advice from the Law Society, evidence from places like New Zealand and the experience of places like New South Wales, and I think the human rights approach of Amnesty International should be taken well under consideration.

When we put sex worker rights into a decriminalised model and give them the very workplace protections that we enjoy, I think that will be a very proud day for this parliament.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: BIODIVERSITY

Adjourned debate on motion of Hon. T.T. Ngo:

That the report of the committee on Biodiversity be noted.

(Continued from 10 May 2017.)

The Hon. M.C. PARNELL (17:22): I rise to support the motion that the report of the Environment, Resources and Development Committee on Biodiversity, be noted. I will say at the outset that this was a most interesting inquiry but it did take a long time. We took evidence from a number of people and we deliberated over a considerable period. I would like to acknowledge the contribution of the Hon. Michelle Lensink, who first suggested the inquiry to the committee, and I think it was a very timely piece of work.

It is probably fair to say that the result of the inquiry is not that we have come up with specific recommendations for detailed amendments to any or all of the multitude of legislation, and all of the different acts of parliament. That would have been a monumental task, but what the committee has done instead is try to develop a bit of a roadmap so that that work is done, because the one thing that everyone agreed on is that the range of laws dealing with nature conservation and biodiversity are not integrated, many are quite old, many of them do not work very well, and they are all in need of reform. The ultimate aim is to have a biodiversity act for South Australia but it is not something that we have recommended as a short-term task; it is something that will take three or more years to develop.

Probably one of the most important recommendations of the committee was that there be a biodiversity expert panel established to develop detailed recommendations for amendments to the various pieces of legislation. We wanted to make sure that that body included experts and people who are able to represent all of the major sectoral and stakeholder interests. We saw a role on that body for experts from academic institutions and from government and that that body, if established, if it has credibility, if it has good people on it, would drive the process forward. I think that is a worthwhile recommendation.

I do not want to go through all of the recommendations because this was a consensus report of the committee but I will highlight a couple of things. Whilst I did not feel that it was worth spoiling the consensus we had achieved by putting in a minority report, there were just a couple of issues that I think I would like this panel to deal with when it does go into the detail of law reform. One thing that I would like to see is legislation that provides citizens with a general right of standing to be able to enforce environmental laws, in particular before the Environment, Resources and Development Court in cases where significant harm to biodiversity is likely to result.

The reason why I think open standing provisions are important is because laws are only good and effective if the ability to enforce them is in the hands of the community, so I would like to see that open standing provision. It would not necessarily be used a lot, but at present it is quite easy for governments and agencies to break the law without there being any consequences because it is very difficult for anyone to be able to get a foot in the door to address the issue. I also think that in the long run we need an independent statutory biodiversity commission. That would be a body with both advisory and directional powers. It would be a high-level body that was answerable to Executive Council and to the parliament.

The main thing I wanted to do in my short contribution today was put on the record the response to this report from four of the key non-government environment groups in South Australia. As members would know, the nature of our work here is that we sit on committees, we write reports and then we note those reports in parliament. It is actually quite rare for there to be sufficient opportunity for stakeholders to have their response to those reports considered and incorporated into *Hansard.*

I have received a two-page letter from four conservation groups, being the Nature Conservation Society, the Environmental Defenders Office, the Conservation Council and the Wilderness Society, with their response to this committee's report and I would like to put that letter on the record. The groups start by saying:

We are writing in response to the report from the ERDC Biodiversity Inquiry which was tabled in Parliament in March 2017. As you are aware, the purpose of the Inquiry was to investigate the regulatory and policy framework to determine whether it appropriately supports terrestrial and marine ecological processes, biodiversity values and abates species extinction.

One of the key findings of the report was that South Australia's legislation requires a major overhaul if it is to provide greater protection for biodiversity. These reforms are necessary to assist in addressing ongoing declines in the condition and extent of native vegetation and biodiversity which have been reported in successive State of the Environment Reports over the past two decades. Fundamental changes need to be made to the way we conserve, protect and enhance what remains of our precious native vegetation and the biodiversity it contains if we are to maintain our economic, environmental, cultural and social wellbeing. A strong legislative framework will underpin these efforts.

Specifically there are currently more than twenty pieces of relevant legislation which results in a fragmented approach to biodiversity conservation. There is a need to modernise and integrate our legislation to facilitate a landscape approach to biodiversity conservation which is capable of responding to current threats such as rural land use and urban planning and emerging threats such as climate change. As noted in the report existing legislation fails to properly consider biodiversity protection and does not even cover all of South Australia's biota. Importantly, a number of taxonomic groups, such as native fish, invertebrates and fungi along with threatened ecological communities are currently excluded from the legislative framework.

From our perspective, although some existing South Australian environmental legislation (such as the Wilderness [Protection] Act and the Marine Parks Act) are some of the strongest in Australia, there are other pieces of legislation (such as the Native Vegetation Act and National Parks & Wildlife Act) that require major amendment to ensure they achieve better outcomes for biodiversity than they do at present. Of particular concern to the conservation sector is the ongoing clearance of native vegetation through various permitted activities and exemptions under the Native Vegetation Act and Regulations that continues to contribute significantly to biodiversity decline, land degradation and loss of ecosystem service across the State. In large parts of the agricultural areas more than 75 percent of the original native vegetation has been cleared since European settlement with less than 12 percent remaining in some regions such as the Fleurieu Peninsula. Much of what remains is highly fragmented and in poor condition. This will only be exacerbated with the impacts of climate change.

A further key concern is the failure of the planning system to adequately take into account biodiversity considerations. For example, recent information obtained from the City of Unley regarding approved clearance of significant and regulated trees has advised that in the five months, from 15 August 2016 to 15 January 2017, 20 approvals have been issued. This approximates to one tree per week and, given that there are only 500 or so trees on the register for this Council area and most of these occur on private land, all these important features of the landscape within Adelaide's surrounds could well disappear within 10 years. The City of Unley staff and Mayor claim that there is little they can do to prevent the loss of significant and regulated trees as their role is limited to following through on policies and legislation set by Government. This provides just one example of poor planning decisions that are failing to protect remnant native vegetation with more than 6,500 significant and regulated trees approved for removal across the State between 2011 and 2016 based on Native Vegetation Council Annual Reports.

The lack of systematic, state wide biodiversity monitoring on both public and privately managed land is also a significant issue. Without such information it is impossible to gain accurate measures of the status of the status of biodiversity indicators or reliable tracking of trends in response to ongoing management and landuse. Although the NRM Report Card framework currently being developed by DEWNR is a step in the right direction, much more is required if we are to truly value and protect the State's natural assets that underpin the economy, health and wellbeing of all South Australians.

An allied issue is resourcing for compliance with environmental legislation such as the National Parks & Wildlife Act, Native Vegetation Act and Natural Resource Management Act. This is an area of ongoing underfunding, a situation that is unlikely to improve with ongoing budget and staff reductions across DEWNR. Despite legislative controls to prevent adverse impacts on biodiversity, many threatened species and ecological communities continue to decline due to human activity. Current penalties need to be substantially increased and a wider range of compliance tools implemented across both the public and private sectors to prevent adverse impacts on threatened species, populations, ecological communities and their critical habitat. Any amendments to improve these Acts in terms of biodiversity conservation outcomes will be pointless without adequate resources to administer them.

Finally a most important matter is that existing legislation needs amendment to ensure it is not at odds with other government policies such as the State Strategic Plan, State NRM Plan, Conserving Nature 2012-2020, Healthy Parks Healthy People, Climate Change Adaptation Framework and Regional NRM Plans, which all extoll the benefits of nature and native vegetation as a 'public good' providing benefits to society and the State's economy.

We are seeking the support of all members of Parliament to implement the Report's recommendations as a matter of the highest priority. We urge further serious consideration of these issues for the benefit of all South Australians and their environment.

The letter is signed by Nicki de Preu, Conservation Ecologist with the Nature Conservation Society of South Australia; Melissa Ballantyne, who is the Coordinator and Principal Solicitor of the Environmental Defenders Office (SA) Inc.; Craig Wilkins, who is the Chief Executive of the Conservation Council of South Australia; and Peter Owen, who is the Director of the Wilderness Society, South Australia. I thank the council for its indulgence in me reading that letter but, as I say, it is quite rare for stakeholders to have the opportunity of having their response to a parliamentary committee incorporated into the record of parliament.

The final thing I will say is that one of the recommendations—a quick fix measure, if you like—I would propose taking up as a matter of urgency is the idea that we have a state planning policy for biodiversity incorporated into the new Planning, Development and Infrastructure Act. That is a really easy fix. It is not going to be difficult. The State Planning Commission has been established. They are looking for work to do. We have already given them the job of creating a climate change state policy. There is an adaptive reuse of buildings policy they are going to be working on. A number of amendments were made in the Legislative Council and I think this is another one.

Let us get them working on a biodiversity policy so that all of the rezoning exercises and all the rewriting of planning laws that are going to be undertaken over the next few years takes into account biodiversity protection. Without that framework we are likely to end up with business as usual, where the development system is part of the problem rather than part of the solution. I commend the committee's report to the chamber.

Motion carried.

Bills

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

Committee Stage

In committee.

(Continued from 20 June 2017.)

Clause 1.

The Hon. P. MALINAUSKAS: I thought I might start by bringing back to the chamber some information, particularly around the issues the Hon. Mr Lucas was asking about yesterday. I understand that a more comprehensive explanation of a range of issues was emailed to members during the course of the day, but I think it will be important to read, for the purpose of *Hansard* at the very least, some of the responses to the Hon. Mr Lucas's questions.

Total Crown claims costs are approximately $120 million per annum—for example, pre and post 1 July 2017 claims. The estimated $26 million premium is included in this amount; that is, the Crown will pay no more than the estimated $120 million for all claims in the 2017-18 year—that is the current and new claims. On this basis it is a cost neutral model. The premium of $26 million is an estimated cost of new claims for the 2017-18 financial year and includes income support and medical costs associated with those claims. This amount of $26 million would have been paid by the Crown in any event. Public sector injury management staff continue to be required to manage all current claims, and there are approximately 3,500 of them.

In addition, public sector staff will also need to perform the functions of the Return to Work Coordinator, as prescribed under the Return to Work Act, to support return to work of new claims in the 2017-18 financial year. The reforms will be financially neutral to both ReturnToWorkSA and government agencies in the first instance. All claims build up over time. ReturnToWorkSA, based on actuarial advice, will charge government agencies based on the estimated costs it will incur.

The factor that will ultimately dictate financial outcomes for government agencies is the incidence of workplace injury, the effectiveness of claims management, and the achievement of return-to-work outcomes. As outlined above, this is expected to improve over time due to the reforms,

and any financial benefit would be available for the government to redirect towards core public services.

The Hon. R.I. LUCAS: There is a whole series of questions that I put to the minister, and the minister has rightly pointed out that there are answers that have been provided by way of email but, of course, they are not part of the *Hansard* debate. I will leave it to other members, the Hon. Tammy Franks and the Hon. John Darley, in relation to their own questions and whether they wish the same, but I certainly want to see the answers—or I am happy to read onto the record the answers I have been provided by the government.

Essentially, I am in the minister's hands, but there are many pages of answers that have been provided, and I think those who are following this debate—and certainly the minister's advisers would be aware that there are a number of individual stakeholders who are following this particular debate—would want to see the government's response to the various questions that have been put as part of the *Hansard* record. So, I am in the minister's hands. Is he going to read the rest of the answers that have been provided as part of the official government response on these issues into the *Hansard* record?

The Hon. P. MALINAUSKAS: I am more than happy to read them out; in fact, that was my original intention—it was suggested to me. I received advice that we might deal with the first component around that cost issue, since that dominated the line of questioning yesterday, and then we would move on to some of the other issues. However, I am more than happy to read them all out in one hit and go back and address the questions as they arise.

Continuing on from the remarks I previously made, it is important to note that it is difficult to compare the Crown or any other self-insured scheme against the registered scheme in terms of claim costs. ReturnToWorkSA completely accounts for all claims costs including agency costs, the WHS fee, the SAET costs, the costs associated with running the insurer and regulations. ReturnToWorkSA monitors all costs so that it is completely transparent and accounted for and audited. This is so that premiums are able to be accurately calculated.

Crown workers compensation costs are based upon what is recorded in SIMS and may not include internal rehabilitation costs, costs for the SIMS databases, the self-insured levy costs, costs of staff in claims management roles or other internal staffing costs that support claims management. This means that a simple comparison against the Crown's costs and the registered scheme is open to misinterpretation. The model under the bill would enable a whole-of-government approach to reporting and close monitoring of claims costs and liabilities. This would contribute to better informed injury prevention and risk management strategies.

Regarding evidence and rationale to support the changes: 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 the strategies that ReturnToWorkSA has employed, taking into account 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 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's highly developed IT systems and data analytics will be of significant benefit to the Crown, not only in identifying and managing risk but obtaining a collective and accurate view of Crown claim costs and return-to-work outcomes and performance. This level of data capability is currently unavailable to the Crown.

In terms of the benefits to injured workers: as stated in the second reading speech, the government is focused on ensuring that injured workers are supported with high level services to optimise their recovery and return to work. Currently within Crown there are 12 separate operating units undertaking injury management functions for their agencies. With 12 different areas working independently, there are different ways in which claims are managed.

These differing arrangements across Crown also mean that best practice cannot be easily acted on or implemented across the Crown. It is also difficult to get a clear line of sight of public sector-wide return-to-work rates injury vocations, and that can aid in prevention, risk management and benchmarking to ensure public sector employees are receiving the very best service.

Specifically, benefits to injured workers under the proposed ReturnToWorkSA service model includes access to telephone reporting, which means quicker claim determination and deployment of return-to-work services. Telephone reporting is particularly beneficial to workers in remote and regional areas and volunteers who are covered under the act. The mobile claims management model is a feature of the return-to-work scheme, which will provide face-to-face personalised support to facilitate return to work for injured workers. Mobile case managers are employed to make decisions on the spot, which assists in the timely provision of return-to-work services.

Access to established and effective reskilling and retraining programs is a dedicated reconnect service that is aimed at helping those injured workers whose income support entitlements are ending. This service connects workers with community-based, government and other services to support them through this transition. The bill will also strengthen support for workers who are unable to return to their pre-injury role in finding something suitable for them in another government agency.

Currently, it can be difficult for agencies to have line of sight over other employment opportunities for workers across government. Again, as outlined in the speech tabled in the bill, there is variability across the public sector. This is particularly notable for workers with a serious injury claim. ReturnToWorkSA has a well-established area that supports workers with most serious injuries—for example, workers with a traumatic brain injury or limb amputation whose lives would be significantly impacted by the injury. These staff deal exclusively with significant injury claims, giving them the expertise and ability to support those injured workers.

Currently, all Crown agencies have small numbers of this type of claim and there is no overarching structured approach on how these workers are supported. Due to these small numbers, agencies have not developed the same level of specialist expertise in supporting workers with significant injuries as they have at ReturnToWorkSA. The government feels that having ReturnToWorkSA manage these claims will bolster the support provided to these injured workers.

Regarding the questions of Mr Lucas yesterday about the number of staff impacted: as mentioned above in response to the question of the Hon. Tammy Franks, the Commissioner for Public Sector Employment issued a communication in May to all agency chief executives stating that over the next 12 months there will be no reduction in the Crown injury management workforce as a result of the transition of work injury claims management to ReturnToWorkSA. Regarding costs, these concerns were addressed earlier. Total Crown claims cost approximately $120 million per annum. The estimated $26 million premium is included in that amount.

Regarding the Hon. Mr Lucas' question about ramping up and ramping down with regard to costs and potential future premium costs: as claims build up over time, ReturnToWorkSA, based on actuarial advice, will charge government agencies based on the estimated costs it will incur. The fact that that will dictate financial outcomes for government agencies, as stated earlier, is the incidence of workplace injury, the effect it has on claims management and the achievement of return-to-work outcomes. As outlined above and mentioned previously (so I will say it again), this is expected to improve over time due to the reforms and any financial benefit would be available for the government to redirect towards core public services.

Regarding questions from the Hon. Tammy Franks on the increased costs for education, particularly in the area of special needs: government agencies, including Education, are already fully budgeted 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.

The Hon. T.A. Franks: You did that one yesterday.

The Hon. P. MALINAUSKAS: Yes. Did I address the AEU concerns that principals will spend more time in the tribunal?

The Hon. T.A. Franks: You did that one yesterday. But then I had the new letter from the AEU and their concerns, because previously it was just my verbal discussion.

The Hon. P. MALINAUSKAS: In response to the questions from the AEU, through Tammy Franks, regarding the privatisation of claims management: it is not privatisation. ReturnToWorkSA is a government agency and will be managing the claims that agents implement through the ReturnToWorkSA model. Regarding the loss of experienced DECD claims management staff: there will be no reduction in injury management staff for the first 12 months due to the transition.

The imposition of a return-to-work premium on DECD schools and preschools: the department has confirmed that there will be no imposition of a return-to-work premium on schools and preschools. The financial arrangements remain as they are currently. Regarding possible impositions of financial penalties on schools and preschools: there will be no financial penalties on schools and preschools. There will be no impact on schools and preschools regarding costs. DECD will continue to manage their costs centrally.

Regarding administrative accountability for leaders: leaders will continue to support their work injured staff in the same way they currently are assisted. The changes do not impact on how work injury people are managed. Increased administrative workload for leaders: there will be no change to how injured workers are supported whilst on modified duties. The loss of intervention support: early intervention will continue to be provided, as it is currently, through the DECD injury management unit.

There is no rationale for increases in legal disputation as a result of the proposed transition. The injury management unit, within the department, will continue to have a central role in the management of claims and will liaise with claims management agents.

Regarding the administrative costs and comparison of Crown versus ReturnToWorkSA performance: the administrative costs and better return-to-work rates are currently not measured by government. This is part of the problem and cannot be compared. There is no transparency in the government arrangements. I think that answers the bulk of the questions from the Hon. Tammy Franks.

The Hon. T.A. FRANKS: The cost of the Bentley-Latham report? And if you are going to release the report? I know you are going to say no, but the cost?

The Hon. P. MALINAUSKAS: I am advised that the cost of the report is approximately $111,000.

The Hon. R.I. LUCAS: I thank the minister. There have been about 23 pages of answers and tabled letters provided to members, and the minister has gone through a good chunk of that. There is one that I want to read onto the record.

The Hon. P. MALINAUSKAS: I was trying not to repeat myself.

The Hon. R.I. LUCAS: I understand. I am making no criticism. Given the complexity of this, because there were questions asked at two different stages and by various members which traversed the same area, I seek leave to table a copy of the 23-page document that was provided to me and to other members on behalf of the government which provides answers to questions raised by members in this chamber and also provides copies of correspondence that was requested by various members.

Leave granted.

The Hon. R.I. LUCAS: Whilst all of that will not be part of the *Hansard* record, it will be tabled and available for those who might want to pursue it. There is one particular question and answer that I want to read onto the public record, and that was the question I put:

What individual premiums will be charged post 1 July from ReturnToWorkSA to each individual department and agency?

The answer from the government is as follows:

Agencies currently incur the costs of worker's compensation claims directly (e.g. income maintenance and the reimbursement of medical expenses etc).

For claims with an injury date prior to 1 July 2017, this will continue to be the case under the proposed new framework. This expenditure will reduce over time as these claims are closed out.

Should the legislation before Parliament pass, RTWSA would start managing and incurring costs for new claims from July 2017, 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.

I interpose here, Mr Chairman, because this was similar to the wording that the minister quoted yesterday. It says here that the premiums that will be charged will be small initially and build up over time. We are told that the premium in the first year is going to be $26 million. I put this question yesterday, and I will repeat it after I have read the rest of this answer onto the record. It appears what the government is saying is that the initial premium is $26 million and this sentence here is saying that that is small and it will build up over time as the number of claims build up each year. The premium will start at $26 million a year from ReturnToWorkSA and will then build to a much more significant number as ReturnToWorkSA takes over more and more claims, obviously as the old claims are worked out. I go back to the provided answer:

Government agencies already fully budget for future costs associated with worker's 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 worker's compensation (which will phase down), to a payment to RTWSA (which will phase up).

A key point is that the arrangements for Government agencies will operate separately from the current Registered Scheme. There will be no effect on the premium for the current Registered Scheme for private employers as a result of the proposed reforms.

RTWSA will recover the costs of the government's worker's 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 worker's compensation claims to RTWSA and achieve a neutral financial outcome for both RTWSA 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 RTWSA would result in lower costs, which would be available for the Government to redirect towards core public services.

As claims build up over time, RTWSA, 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 cost of new claims next year, plus administration costs for RTWSA. As self-insurers, government agencies already pay RTWSA a self-insurer levy, which in total adds to approximately $5 million each year. This is estimated to be sufficient to cover the initial administration cost to be incurred by RTWSA in 2017-18 in managing the government's claims.

The 'premium' is broken up based on expected costs for each individual agency. RTWSA will invoice agencies twice yearly in equal instalments.

There is also a separate question that I asked about why SA Water was being exempted, because they had done a separate calculation that it was going to cost too much, and the prepared answer is:

The Minister for Industrial Relations has confirmed that SA Water will not be inconvenienced by this proposed change. RTWSA has assisted SA Water understand their work injury insurance options and is helping them progress with their preferred option of private self-insurance.

I note there that the government's response states that 'SA Water will not be inconvenienced by this proposed change.' That is because they have done the calculation, said that it is going to cost too much, and they have asked to be exempted, and the government has agreed to them being exempted, so the reason they will not be inconvenienced by the change is that they have been exempted from the change. They are going to continue to be self-insurers because, as they gave evidence to Budget and Finance, if they were to go down this path, there would be a significant increase in their cost of managing workers compensation claims within SA Water.

There are a couple of other questions in relation to questions that SISA had put, and I had put on the public record, and I want to read those answers too. Regarding self-insured versus ReturnToWorkSA costs, that answer has been given in a response to an earlier question. Then it continues:

(b) Experience rated costs

An experience rated cost does not apply for Crown agencies in this proposed model. The proposed Crown premium is based on the claims experience of the Crown.

Each agency will be levied a separate premium, based on estimated individual experience of that agency in the coming year and informed by particular claims history. There will not be cross-subsidisation between agencies.

I interpose there that that will be an important issue for agencies in terms of managing their costs. As the Bentley-Latham report has indicated, there are some agencies, some of which are responsible to minister Malinauskas in this chamber, in particular, Correctional Services and I think SAPOL as well, where the cost of workers compensation for, one would imagine obvious reasons, is significantly higher. This particular answer from the government indicates that the minister's agencies will be penalised through the premium charge as a result of their claims experience and history.

There are similar issues in relation to health, again for obvious reasons, and also in education, again for obvious reasons, in relation to the safety and welfare of staff. For example, in health, staff are sometimes exposed to violent patients; and in the education area, staff are sometimes exposed to the violent behaviour of students, together with the complexity of the work that they undertake. It is clear that there is not going to be any cross-subsidy within the Crown; it will be something based on the claims experience. I think ministers who are responsible for those individual agencies are going to need to bear that in mind should they still be responsible for those agencies post March next year.

The next question that SISA put is, 'Is ReturnToWorkSA well equipped to manage Crown claims?' and the answer is:

The Minister is confident in the abilities of ReturnToWorkSA in providing effective, personalised, face to face return to work services for injured workers and agencies under this model.

In terms of preparing for the transition, ReturnToWorkSA has dedicated Account Managers working with agencies closely on establishing service level agreements and assisting agencies in introducing complementary internal processes and procedures pending passage of the Bill.

(d) Understanding the many Acts; for example Police, Health, Education, Public Service, Courts that all set conditions that influence entitlements outside the RTW Act.

RTWSA deals with all types of employers (that is 50,000) and their inherent industrial complexities.

Entitlements above the threshold of the Return to Work Act will continue to be managed by relevant agencies.

As members would appreciate, ReturnToWorkSA's role as it stands is administering the entitlements under the legislated Return to Work scheme, not the particular enterprise arrangements operating in differing agencies.

Again, I interpose: that will be important for agencies like SAPOL and some of the emergency services agencies where the enterprise agreements, as a result of negotiations over recent years, have resulted in benefits over and above the benefits within ReturnToWorkSA. So, what ReturnToWorkSA is saying is, 'We'll just handle the legislated benefits to workers. You will need to continue to have staff that will manage anything that is over and above the legislated benefits from the Return To Work Act.'

(e) Keeping track of the wide range of EBAs, most of which affect entitlements in different ways; for example, who will pay ex gratia entitlements beyond the RTW Act caps that are being added to the Police EBA, and how, and when?

The answer is:

Entitlements above the threshold of the Return to Work Act will continue to be managed by relevant agencies.

By 'manage' that means the cost of that for the ex gratia entitlements would need to be paid for by the agencies.

(f) Managing the many very complex claims—police, emergency services, corrections, secondary teaching and the like. We note in passing RTWSA took back from the claims agents all of the

serious and complex claims some years ago. One has to ask what that says about the capabilities of the current claims management model overseen by the Corporation.

The answer from the government is:

Yes, it is true that ReturnToWorkSA has a specialised area to deal with the most serious injuries. The government appreciates that each agency has particular circumstances and complexities.

ReturnToWorkSA is well progressed working with agencies to develop service level arrangements to ensure the services provided by ReturnToWorkSA meet their needs and complements their systems. The Government and ReturnToWorkSA acknowledges that each agency's circumstances are unique.

Each arrangement is being tailored to the particular agency, with support from a dedicated ReturnToWorkSA Account Manager.

(g) Assuming there is a separate Crown premium pool (which would have to be necessary to isolate both pools from even greater cross-subsidies), the cross-subsidies between agencies will be vast unless there is a super-sensitive experience rating component (which, taken to an extreme, would be tantamount to self-insurance by any other name).

The answer is:

As the Minister outlined in the other place, there will be no cross-subsidisation between the Crown and private registered employers paying premium. It is not contemplated in this model that cross-subsidisation between the two cohorts of premium payers would occur—in accounting terms, these arrangements will be separate.

As claims build up over time, RTWSA, based on actuarial advice, would base the premium each year on the payment it projects it would incur in managing government agency claims, plus administration costs.

Each agency will be levied in a separate premium, based on the estimated individual experience of that agency in the coming year and informed by particular claims history. There will not be cross-subsidies between agencies.

RTWSA will hold financial responsibility for the worker's compensation liability, and the premium framework is a matter between RTWSA and government agencies.

(h) The experience-rated cost to many agencies will inevitably be much greater than current SI [self-insurance costs] for any agency with complex time-lost claims. Furthermore, those agencies with relatively fewer time-lost claims will be cross-subsidising those that have more (assuming that the experience rating is less than 100% of their claim costs). To this extent, the higher-risk agencies will have de-sensitised premiums and arguably a lesser drive to improve health and safety performance than if they were covering 100% of their own costs.

The government answer:

As already outlined, each agency will be levied a separate premium, based on estimated individual experience of that agency in the coming year and informed by particular claims history. There will not be cross-subsidisation between agencies.

(i) In most cases, for agencies with higher levels of complex time-lost claims, the experience is due to the high-risk nature of the roles of the carry out. To a large extent, these agencies will be a very limited in their ability to rein in these risks, which will perpetuate these significant experience premium costs and cross-subsidies, which are, after all, paid by the taxpayer.

The government answer:

Agencies—like they do now—will have the opportunity to influence their claims cost through risk management, prevention strategies and activities, and also improved return to work outcomes.

As already outlined, there will not be cross subsidisation between agencies. It is expected that over time the common expert administration and management of claims as well as the experience and advice to agencies from RTWSA would result in lower costs, which would be available for the Government to redirect towards core public services.

Finally:

(j) Why are the serious/catastrophic claims not managed by Agents?

The government answer:

Given the small number and unique nature of these types of claims, it makes sense for these to be managed in one specialist area. Typically around 8 people each year suffer a severe and traumatic work injury in South Australia's registered scheme.

ReturnToWorkSA understands that workers who have severe traumatic work injuries require a high level of personalised support and case management. Together with their families, they need ongoing support from the time of injury to achieve sustainable quality of life outcomes commensurate with their abilities. To provide a greater level of care to people with severe and traumatic injuries, ReturnToWorkSA established a specialised unit made up of a small team of insurance claim consultants and disability support consultants. The team provides assistance under the EnABLE program which is designed to support and empower people with a severe traumatic injury.

Individually tailored care and support service that enables participants to achieve their personal goals, have greater control over their lives, build positive aspirations, maximise their independence and participate more fully in the community. ReturnToWorkSA believes that focusing on recovery, and achieving a positive quality of life are important elements in providing lifetime care to workers with a severe traumatic injury.

I wanted to read in particular the answers to the questions that the Self Insurers had put because they are indeed an active stakeholder following this particular debate. They had put a series of questions and the government did provide those answers and they are now part of the formal *Hansard* record. I am not sure what the government's intention is, if we are proceeding this evening.

My first question in relation to the prepared responses is: what are the costs to individual agencies? The government says total Crown claims costs are approximately $120 million per year, that is both the pre July and the post July claims. The estimated $26 million premium is an estimated cost to the new claims for the 2017-18 financial year.

My question to the minister is: given that the new claims costs are estimated to be $26 million for 2017-18 and the total Crown claims costs are approximately $120 million for both pre and post, is it fair for the committee members to assume that the government's estimated costs for the Crown for 2016-17 were $94 million; that is, the $120 million minus the $26 million estimate for the additional costs in 2017-18?

The Hon. P. MALINAUSKAS: The answer to the Hon. Mr Lucas's question, I am advised, is no. The total cost for the 2015-16 year was still approximately $120 million-odd.

The Hon. R.I. LUCAS: For 2016-17 or 2015-16?

The Hon. P. MALINAUSKAS: Sorry, 2016-17.

The Hon. R.I. LUCAS: So, the minister is saying, based on advice obviously, that the total Crown claims cost for 2016-17 is $120 million. The government then says that the $26 million is an estimated cost of new claims for the 2017-18 financial year. There is $26 million of new claims in 2017-18, yet the total costs in 2017-18 are going to be $120 million and the total costs in 2016-17 are going to be $120 million.

I assume the minister is therefore arguing that $26 million exactly of total claims costs disappear. If the total number is staying the same at $120 million and there is $26 million of new costs as a result of new claims after 1 July, I am assuming the only way that can be correct is that the government is saying to us that exactly $26 million of old claims costs pre 1 July is going to disappear; it is going to be perfectly complementary.

The Hon. P. MALINAUSKAS: My advice is that the $120 million is relatively consistent between the two financial years in question. The $26 million represents the payment to ReturnToWorkSA by the government and the remaining $94 million-odd reflects, I am advised, the claims cost associated with the previous claims in the previous financial year.

The Hon. R.I. LUCAS: I think that is actually different to the answer the minister was advised earlier. That makes more sense to me, because the answer to the question is that the premium of $26 million is an estimated cost of new claims for the 2017-18 financial year. My question was: therefore, was $94 million the total cost of claims in 2016-17? The minister said, 'No, it was $120 million.' Now the minister is saying it is $94 million. The $94 million makes more sense to me rather than the first answer, which was that it was $120 million.

The Hon. P. MALINAUSKAS: There may have been confusion in understanding the question the first time round. My advice now is that that second piece might better reflect the question you are asking.

The Hon. R.I. LUCAS: The government, in its prepared response, says the $26 million premium is an estimated cost of new claims for the 2017-18 financial year and includes income

support and medical costs. Is it just coincidental in the Bentley-Latham report, which I quoted from yesterday, that Bentley-Latham estimated that the total management expenses within the Crown at the moment was just under $26 million ($25.5 million dollars)?

I must admit that I assumed that the government had struck the $26 million figure on the basis of Bentley-Latham's report, which states that the total cost of managing claims within the Crown at the moment was just under $26 million and therefore that was the premium rate that was being struck in the first year.

But this answer is saying that is not the case: it is actually nothing to do with what the estimate of the total management expense in the government departments was in the first year; it is actually an actuarial estimate of what the total claims cost, both for income support and medical costs, will be for all new claims after 1 July. My question is: is it just happenstance that these numbers are almost exactly the same?

The Hon. P. MALINAUSKAS: Yes.

The Hon. R.I. LUCAS: We are just going to have to agree to disagree in relation what the essential premise is of the questions that I have put. I will restate the different view, and that is that the Bentley-Latham report highlighted that there are, as I said, up to 200 individuals (140 full-time equivalents) who are still going to be employed and therefore the costs of all of those people will still have to be incurred by the government through the budget and agencies.

In addition to that, the agencies will now have to pay $26 million in premiums to ReturnToWorkSA, and the government is saying, in its prepared response, that it is revenue-neutral to the government and ReturnToWorkSA. The illogicality of that should be evident to anyone who looks at it; it makes no sense at all. I understand the advice the government has received, and I am assuming that Treasury and ReturnToWorkSA have signed off on that advice, is that when we see the budget and when we get the individual agencies before Budget and Finance over the next nine months, each agency is going to say, 'Hey, we spent $10 million last year on workers compensation, and even with the premium it is going to be $10 million and we have been given no more money this year.'

That is the logical extension, at least for 2017-18, of the government's response. As I said, to me and to other observers who have looked at this, it just does not make any sense at all in terms of how you can keep all the existing staff and virtually all the existing costs—with the exception of the $5 million self-insurance fee you pay to ReturnToWorkSA—and you then have to add that $26 million in premiums to be paid to ReturnToWorkSA, and it is all revenue-neutral to both ReturnToWorkSA and to the individual agencies.

I am more interested in the impact on individual agencies and the budget impact. ReturnToWorkSA has to separately account for and manage its accounts, but it is off budget for all intents and purposes. The individual agencies—like the minister's agencies, SAPOL and others—are part of the general government sector and will be part of the calculation of the net operating balance. To myself and others, this just seems to be a recipe for increased costs for doing the same functions with no evident benefit from it.

As I said, the government's position, as per its responses, is that it does not agree with the position I am putting. I guess only time will tell. That is one of the key reasons we will not be supporting the third reading, because we are unconvinced by the answers Treasury and ReturnToWorkSA and government advisers have provided to this house, both in terms of the cost but also in terms what the claimed benefits might be.

My final point was in relation to the cost issue and the second answer the minister gave today. When I raised the question yesterday and said that Bentley-Latham highlighted the fact that the management costs of the current arrangements were actually lower than the management costs of ReturnToWorkSA, under the heading of Claims Cost Comparison, the government sought to respond to that. In part, they highlighted what ReturnToWorkSA included in their costs, and I accept some of those issues.

They then went on to say that the Crown's workers compensation costs are based on what is recorded in SIMS (the claims management database) and may not include internal rehab costs,

costs for the SIMS databases, the self-insured levy costs, costs of staff in claims management roles, and other internal staffing costs that support claims management.

So, the government is trying to imply from that that the actual cost of the claims management within the Crown, or within the current arrangements, is not accurate because it excludes these things. Well, I refer members to what I said yesterday when I quoted from the pages of the Bentley-Latham report. I cannot remember the page numbers, but in that it was quite clear that Bentley-Latham had included estimates of costs for the SIMS database, which was $595,000. They had included the costs for staff in claims management roles and other internal staffing costs, which was somewhere between $18 million and $25 million, depending on whether you included their section of $2.5 million for operating overheads, which appeared to refer to the cost of employing staff.

So, the prepared response from ReturnToWorkSA, which tries to rebut Bentley-Latham, which says, 'Hey, the current arrangements are cheap in terms of management,' is misleading and inaccurate, because the individual references they have made there are included in the estimates that Bentley-Latham put in that table, which comes to the $25.5 million estimate of the total cost of managing workers compensation under the current arrangements.

So, these things are included there, whereas the inference from the prepared response the minister has put on the record would lead a reader or listener to believe that they have not been accurate in terms of their claims in terms of the cost. Bentley-Latham did do that, they did include those particular costs in their calculation and it is there for the minister and his government advisers to look at.

If they want to rebut the accuracy of that then so be it, but it is misleading to say that maybe they did not include these particular estimates, when the government advisers and ReturnToWorkSA certainly know that Bentley-Latham did put specific estimates on those figures in their total estimate of the cost of management, currently at about $25.5 million.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:26): I move:

That this bill be now read a third time.

The Hon. R.I. LUCAS (18:26): I rise to speak briefly to the third reading. As I outlined at the second reading stage, we were prepared to support the second reading but we indicated that we were going to vote against the third reading and call a divide at the third reading. In summary, as I said at the second reading stage, we are unconvinced about the argument from the government as to the value and the need for this particular proposition. We think there will be increased costs. We are not convinced that there will be improved services for injured workers.

The evidence that the Hon. Tammy Franks put on the public record from the Australian Education Union in relation to the concerns that it has in relation to the way claims will be managed within education are reflected broadly in the responses that the PSA has put, and there is certainly significant concern in opposition from many involved in government departments and agencies about the government's proposition.

In concluding, as I said, this does not presuppose that if at some stage in the future a government—if we happen to be in opposition or if we happen to be in government—can be convinced that there was evidence that this would lead to reduced costs in terms of the management of workers compensation and to increased benefits to injured workers, then we would be prepared to have a fresh look at it. However, at this stage, there is not that evidence to justify support for the legislation. So, as we indicated at the second reading stage, we will vote against the third reading.

The Hon. K.L. VINCENT (18:28): Very briefly for the record, members will recall that when this bill was introduced I put a number of questions on the record on behalf of the Dignity Party, particularly regarding some concerns that particular organisations had, specifically the Royal Society for the Blind, Silver Chain Nursing and Minda Incorporated. As we have been able to work with the government to ensure that those organisations will not be adversely affected by the passage of this legislation and as our other questions have been satisfactorily answered, we are happy to support the passage of the bill.

The Hon. J.A. DARLEY (18:29): I am similarly not convinced by the information provided by the government and will not be supporting the third reading of the bill.

The council divided on the third reading:

Ayes 7
Noes..... 8
Majority..... 1

AYES

Brokenshire, R.L.	Gazzola, J.M.	Hood, D.G.E.
Hunter, I.K.	Maher, K.J.	Malinauskas, P. (teller)
Vincent, K.L.		

NOES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Lucas, R.I. (teller)	McLachlan, A.L.	Parnell, M.C.
Ridgway, D.W.	Stephens, T.J.	

PAIRS

Gago, G.E.	Wade, S.G.	Hanson, J.E.
Lensink, J.M.A.	Ngo, T.T.	Lee, J.S.

Third reading thus negatived.

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

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (18:35): 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 Land Agents (Registration of Property Managers and Other Matters) Amendment Bill 2017 (the Bill) amends the *Land Agents Act 1994* (the Act) to provide for registration of property managers and increased consumer protection provisions, colloquially referred to as the Property Management Reforms (the Reforms).

Presently, a person must be registered as a land agent to carry on business of selling, purchasing or otherwise dealing with land or business. An employee of a land agent acting for or on their behalf in relation to the acquisition or disposal of land or business must be registered as a sales representative. This includes commercial property management, but does not extend to residential property management.

The Bill defines the term property manager and requires employees of land agents acting for or on their behalf for this purpose to be registered. This will introduce a class of registration, similar to the sales representative registration, which reflects the different scope of work with targeted requisite qualifications. This recognises the distinct functions of property managers in the real estate sector.

The Reforms respond to issues experienced by Consumer and Business Services (CBS) in the regulation of the real estate industry. CBS receives around 180 calls per month from tenants, property managers and landlords that involve either inadequate service or alleged inappropriate or poor behaviour from a property manager.

Complaints are wide-ranging in nature and frequently include tenants reporting faults such as broken hot water systems but no repairs being done, property owners being billed for work that was never completed and theft or misappropriation of trust monies. For example, allegations of stolen and /or misapplied trust money of $25,000 (a 2015 investigation) and over $70,000 (a 2014 investigation). In both cases, the alleged offenders were residential property managers and CBS could only pursue a prosecution case against their employer, not the individual.

There are three key elements to the Reforms; increasing consumer protection provisions, reducing the regulatory burden on commercial property managers and empowering the Commissioner for Consumer Affairs (the Commissioner) to address misconduct.

The Bill seeks to increase protections for tenants and landlords by ensuring that property managers have satisfied minimum probity requirements and possess the knowledge and skills required to perform property management duties. This includes defining property manager and mirroring existing requirements relating to sales representatives and land agents, such as the entitlement to be registered, cause for disciplinary action and training and supervision.

The Bill reduces the regulatory burden on commercial property managers (currently required to be registered as a land agent or sales representative) by introducing a registration limited to property management with targeted requisite qualifications. Commercial property managers will save time and money, as the requisite qualifications are anticipated to be cheaper, require less time out of the office for training and have a lower periodic fee.

The Bill empowers the Commissioner to take compliance and enforcement action in a timely manner to better protect the community. This includes a new offence relating to fiduciary default, revised penalties that will have a greater deterrent factor, and the suspension or variation of a registration in urgent circumstances.

Presently, a registered land agent is liable under the Act for offences committed by their employees relating to trust account money. However, the land agent may rely on the general defence that the offence was not the result of any failure on their part to take reasonable care. In these circumstances, the land agent may report the conduct, or the Commissioner may refer their investigation to South Australia Police to consider prosecution under the *Criminal Law Consolidation Act 1935*. Therefore, it is proposed that existing offences relating to trust account money be extended to all persons who receive, deposit, withdraw or otherwise deal with trust money. This will empower the Commissioner to take action against the appropriate individual, whether or not they are registered under the Act (i.e. trust account administrator, accountant, auditor or lawyer).

Further, existing trust account offences in the Act are narrow and primarily relate to the deposit or withdrawal of trust money to or from an Approved Deposit-Taking Institution (ADI). It is proposed to introduce a new offence that more appropriately reflects the dishonest nature of serious misconduct involving the defalcation, misappropriation or misapplication of trust money. For example, ongoing conduct that includes abusing a position of trust, falsifying records to prevent detection, causing financial detriment to property owners and significantly undermining the credibility of the real estate industry. The new offence proposes higher penalties commensurate with the dishonest nature of the misconduct and risk to the community. The proposed penalties are measured in contrast to the maximum penalties of a South Australian Police prosecution for the same misconduct.

Similar to recent amendments to the *Building Work Contractors Act 1995*, *Plumbers, Gas Fitters and Electricians Act 1995* and *Second-hand Vehicles Dealers Act 1995,* it is proposed to empower the Commissioner to suspend or vary a registration in urgent circumstances. These provisions will only apply where there are grounds for disciplinary action, the alleged offender is likely to continue to engage in the misconduct, and there is danger that a person or persons may suffer significant loss or damage. This aims to minimise consumer detriment and protect the community while the Commissioner considers or progresses a prosecution case.

Lastly, the Bill proposes that individual property managers and sales representatives operating unregistered are liable to the same penalty as their employer and the Commissioner is empowered to commence prosecution proceedings within five years of an alleged offence.

Subject to the passage of the Bill through the Parliament, it is proposed to consult with the real estate sector on the implementation of the Reforms, including the length of the transitional period and requisite qualifications for the property manager registration. Similar to sales representatives, it is anticipated that a property manager registration may be granted by the Commissioner, subject to conditions relating to training and supervision. This will ensure that the Reforms do not create any unnecessary barrier to employment.

The Reforms and measures contained in the Bill have received broad support from the real estate and community housing sectors, including industry and tenant advocacy groups. The Reforms aim to increase protections for tenants, landlords and the broader community engaging the real estate sector.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Land Agents Act 1994*

4—Amendment of long title

This clause amends the long title of the Act to include a reference to property managers.

5—Amendment of section 3—Interpretation

This amendment inserts a definition of property manager and registered property manager and makes consequential amendments to the definition of sales representative. A *property manager* is defined to be a person who, for or on behalf of an agent—

(a) grants leases, tenancy agreements or licence agreements in relation to land (whether or not that land is to be used for residential purposes or for the purposes of a business); or

(b) induces or attempts to induce, or makes representations or negotiates with a view to inducing, a person to enter into such leases or agreements; or

(c) ensures compliance with the terms and conditions of such leases or agreements; or

(d) performs a function of a kind prescribed by regulation.

The regulations may also exclude functions from the ambit of the definition.

A *registered property manager* includes a person who is registered as a property manager, or a person registered as a sales representative and also additionally registered as a property manager.

6—Amendment of section 6A—Sales representatives to be registered

This clause increases the maximum penalty for breaching section 6A(1) (requirement for a person who acts as a sales representative to be a registered agent or a registered sales representative) from $5,000 to $20,000.

7—Insertion of section 6AB

This clause inserts proposed new section 6AB.

6AB—Property managers to be registered

This clause provides that a person must not act as a property manager for an agent unless the person is a registered agent, is a registered sales representative who is additionally registered as a property manager, or is registered as a property manager. It is also an offence under this clause for an agent to engage a person to perform the functions of a property manager unless the person is registered as an agent, registered as a sales representative and additionally registered as a property manager, or is registered as a property manager under the Act.

8—Amendment of section 8B—Entitlement to be registered as sales representative subject to conditions relating to training and supervision

This clause increases the maximum penalty for breaching section 8B(3) (agent failing to properly supervise a sales representative whose registration is subject to conditions relating to training and supervision) from $5,000 to $10,000.

9—Insertion of sections 8BA and 8BB

This clause inserts 2 proposed new sections couched in similar terms to the provisions relating to the registration of sales representatives.

8BA—Entitlement to be registered as property manager

This clause sets out what is required for a person to be entitled to be registered as a property manager. The person must have the qualifications required by the regulations or, if the regulations allow, the qualifications considered appropriate by the Commissioner (for example, equivalent qualifications from interstate). The person must also not have been convicted of an indictable offence of dishonesty or been convicted of a summary offence of dishonesty in the preceding 10 years, must not be suspended or disqualified from practising or carrying on an occupation, trade or business under a law of this State, the Commonwealth, or another State or a Territory, and must be a fit and proper person.

8BB—Entitlement to be registered as property manager subject to conditions relating to training and supervision

Proposed section 8BB provides that if a person does not have the qualifications required by section 8BA, but otherwise satisfies the requirements of that section, the person may nevertheless be registered subject to conditions that the person undertake training (unless the person has previously failed to comply with such a condition). There is also a requirement that the person be supervised as specified in the regulations, with failure by an agent to properly supervise the person being an offence attracting a maximum penalty of $10,000. Subsection (5) enables the Commissioner to cancel the registration of a person registered under the section.

10—Substitution of section 11B

Section 11B is replaced.

11B—Registration card to be carried or displayed

Current section 11B requires a natural person registered under the Act to carry the person's registration card and to produce it on request by authorised officers or persons with whom they have dealings. The new section has the effect of extending these requirements to registered property managers.

11—Insertion of Part 2AA

This clause inserts Part 2AA and section 11BA into the Act.

Part 2AA—Suspension or variation of registration in urgent circumstances

11BA—Commissioner may suspend or impose conditions on registration in urgent circumstances

This section gives the Commissioner a new power, in urgent circumstances, to suspend a registration or to impose conditions on a registration where there are reasonable grounds to believe that a registered person's conduct constitutes grounds for disciplinary action and a danger of significant harm, loss or damage to another person. The section also grants appeal rights to the District Court. This section is similar to sections included in recent times in other occupational licensing Acts such as the *Building Work Contractors Act 1995*, the *Plumbers, Gas Fitters and Electricians Act 1995* and the *Second-hand Vehicle Dealers Act 1995*.

12—Amendment of section 11C—Commissioner may cancel, suspend or impose conditions on registration

This amendment extends the application of this section to property managers.

13—Amendment of section 12—Interpretation of Part 3

This amendment makes a minor change to the definition of *trust account*, required for a better fit with the amendments to section 13 of the Act.

14—Amendment of section 13—Receiving and dealing with trust money

The amendments to section 13 extend the reach of this section to include property managers, other persons who receive trust money in relation to an agent, and persons who are entitled to deposit money into, withdraw trust money from, or deal with trust money in, an agent's trust account. There are specific obligations on such persons when receiving and dealing with trust money, and also an additional subsection that makes it an offence for agents, sales representatives or any of those additionally specified persons to cause a defalcation, misappropriation or misapplication of trust money.

15—Amendment of section 14—Withdrawal of money from trust account

This section is cast in the passive voice to enable consistency with the amendments in the previous clause.

16—Amendment of section 29—Indemnity fund

These amendments extend the application of section 29 to property managers.

17—Amendment of section 42—Interpretation of Part 4

This clause inserts a definition of *property manager* to reflect the fact property managers must now be registered under the Act.

18—Amendment of section 43—Cause for disciplinary action against agents, sales representatives or property managers

This clause amends section 43 with the effect of applying the disciplinary provisions to registered property managers as well as registered sales representatives and registered agents.

The amendments also match the amendments made by clauses 6, 7 and 9 of the Bill with the effect that property managers must be fit and proper persons in order to be registered, not just after registration. (There will still

be cause for disciplinary action under section 43 if events have occurred after registration such that the person is not a fit and proper person to be registered.)

19—Amendment of section 47—Disciplinary action

This clause amends the definition of *prescribed offence* to include a reference to the proposed new offence against section 13(3) set out in clause 14 of the Bill.

20—Amendment of section 49—Delegations

This clause amends section 49 to extend the ability of the Commissioner to make a delegation to a person under an agreement between the Commissioner and an organisation representing the interests of property managers (as well as sales representatives and agents).

21—Amendment of section 50—Agreement with professional organisation

Section 50(1) of the Act provides that the Commissioner may, with the approval of the Minister, make an agreement with an organisation representing the interests of agents or sales representatives, for the organisation to undertake a specified role in the administration or enforcement of the Act. This amendment extends the operation of this section to organisations that represent the interests of property managers.

22—Amendment of section 61—Prosecutions

This clause amends section 61 to extend the time within which a prosecution for an offence under the Act must be commenced from 2 years to 5 years from the date the offence is alleged to have been committed (other than for an expiable offence). Currently, section 61 requires the Minister's authorisation for a prosecution to be commenced after 2 years, but within 5 years.

23—Amendment of section 62—Evidence

This amendment extends the operation of section 62 to property managers, with the effect that the Commissioner may issue a certificate that a person was or was not registered as a property manager on a specified date as constituting proof, in the absence of proof to the contrary of that fact.

24—Amendment of section 65—Regulations

This clause provides that the regulations may make provisions of a savings and transitional nature as a consequence of this measure. Such a regulation may take effect from the commencement of this amendment (and if that is a date earlier than the publication of the regulation, only if the provision does not operate to the disadvantage of a person by decreasing the person's rights or imposing liabilities on the person).

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

INDUSTRY ADVOCATE BILL

Introduction and First Reading

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

At 18:37 the council adjourned until Thursday 22 June 2017 at 11:00.

Answers to Questions

COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT

11 The Hon. J.M.A. LENSINK (12 April 2017). Can the Minister for Communities and Social Inclusion provide assurance that the email link to apply for a DCSI clearance (noreply@salesforce.com) will not phish any personal information from those applying and also ensure this information will not be sold to a third party by Sales Force?

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 Communities and Social Inclusion has provided the following advice:

The salesforce email address that the member refers to is stand-alone, once off and not monitored. It is not an 'email link to apply for a DCSI clearance'.

Salesforce is unable to view or access the data held within the Screening Assessment Management System, which is managed by the Department for Communities and Social Inclusion in accordance with the government's Information Security Management Framework and privacy and confidentiality requirements.