

LEGISLATIVE COUNCIL

Tuesday, 8 August 2017

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:20 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and the 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) (14:21): I move:

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

The Hon. A.L. McLACHLAN (14:21): I am seeking to move an amendment to that motion by adding the words:

but that a message be sent to the House of Assembly informing the house that the Legislative Council, being in possession of the Public Interest Disclosure Bill and having granted the House of Assembly a conference thereon, the managers for the Legislative Council shall assemble and receive the managers for the House of Assembly in the King William Room at 9am on Wednesday 9 August 2017.

My reasons for moving the motion should be obvious to every member of the council. I have indicated previously, as has the Hon. Mr Parnell, a fellow member on the deadlock conference, that there has been considerable delay in finding a time for this conference and so, in consultation with my colleagues, we have decided to set a time down tomorrow morning where we can meet and see where we can get with this bill and if we can find a meeting of minds with the members of the House of Assembly.

The Hon. M.C. PARNELL (14:22): I support the amendment to the motion. As members would recall, the deadlock conference did convene. We sat in a room and twiddled our thumbs for half an hour waiting for the Attorney-General to arrive. He did not, so the conference was effectively abandoned. There was no phone call, no message, no email and no apology, so I am delighted that the Legislative Council, which is in possession of the bill, is taking some control here. We will meet tomorrow morning, and I very much hope that the Attorney-General turns up in good faith to conduct the deadlock conference.

The Hon. D.G.E. HOOD (14:23): I indicate that the Australian Conservatives will also support the amendment. This has been dragging on too long and needs to be resolved.

The Hon. J.A. DARLEY (14:23): I indicate that I will be supporting the amendment.

The Hon. K.L. VINCENT (14:23): Just for absolute clarity, the Dignity Party also supports the motion.

Amendment carried; motion as amended carried.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter) on behalf of the Minister for Employment (Hon. K.J. Maher)—

South Australian Local Government Grants Commission—Report, 2015-16

*Parliamentary Committees***SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM**

The Hon. J.M.A. LENSINK (14:24): I lay upon the table the report of the select committee, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. G.E. GAGO (14:25): I lay upon the table the report of the committee on the inquiry into Regional Health Services.

Report received and ordered to be published.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. J.E. HANSON (14:25): I lay upon the table the report of the committee on its inquiry into TAFE SA.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. J.S.L. DAWKINS (14:25): I bring up the report of the committee on the Fleurieu and Kangaroo Island Regional Fact Finding Visit, 7 and 8 June 2017.

Report received.

*Ministerial Statement***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) (14:26): I seek leave to make a ministerial statement on the subject of a correction to the Murray-Darling Basin water recovery claims.

Leave granted.

The Hon. I.K. HUNTER: On Wednesday 2 August 2017 and Thursday 3 August 2017, Mr Tim Whetstone, member for Chaffey, made several incorrect assertions in the other place. On Wednesday 2 August, Mr Whetstone claimed that Premier Jay Weatherill, member for Cheltenham, pledged a 4,000-gigalitre basin plan. The Murray-Darling Basin Plan was agreed to by basin governments in 2012-13 ensuring the delivery of the environmental equivalent of returning 3,200 gigalitres to the basin. This plan was a result of extensive negotiation, with some experts claiming the basin needed up to 4,000 gigalitres and others claiming it needed less. The final number of 3,200 gigalitres was negotiated by the Australian government and the basin states to balance the needs of irrigators, graziers, communities and the environment across the basin system. There was never a promise of a 4,000-gigalitre plan.

He goes on. Mr Whetstone continued to put his foot in his mouth with incorrect claims about South Australia's water recovery as part of the basin plan. On Wednesday he said, 'Not one drop of efficiency gains has come from the state government. Not one drop has come from SA Water.' On Thursday he brought it up again by saying, 'SA Water has made no contribution.' Mr Whetstone either does not know or is misleading in his assertions, with 9.2 gigalitres of water entitlement formerly held by SA Water having been transferred to the state and to the commonwealth for basin plan water recovery purposes.

Then there is the suggestion that the South Australian government has not found one efficiency gain to contribute one drop of water to the Murray-Darling Basin. Has Mr Whetstone not heard of the \$240 million South Australian River Murray Sustainability program, also known as SARMS? This is, of course, the program the state had developed and delivered in concert with industry, which will contribute up to 40 gigalitres to the state's water recovery target. But why should

Mr Whetstone stop there with incorrect statements? He went on. On Thursday 3 August 2017 he said, 'There are no efficiency gains or environmental outcomes below Lock 1,' at Blanchetown.

In reality, the South Australian government has delivered significant projects to build the resilience of our industries as well as our environmental assets below Lock 1 since the Millennium Drought. Upgrades and infrastructure investment continues at managed wetlands between Blanchetown and Wellington.

In this river reach, the Riverine Recovery Project has invested in works and measures to manage eight wetlands, contributing a total of 96 megalitres of water that has been transferred as savings to the commonwealth. The next phase of the RRP proposes to undertake work on a further six wetlands below Lock 1, with water savings from their management estimated at 593 megalitres.

There has also been water recovery for basin plan purposes from entitlement holders below Lock 1 as part of SARMS and other programs. However, the most egregious error from Mr Whetstone came on Thursday 3 August, when he said that South Australia will contribute 38 gegalitres to the 450 gegalitres of environmental water required under the plan.

Mr Whetstone clearly does not understand the Murray-Darling Basin Plan. With respect to the 450 gegalitres, it is important to correct the record and reaffirm that nothing in the Water Act or in the basin plan or in the relevant intergovernmental agreements requires or mandates a particular level of water recovery from particular states or regions. This water is not apportioned to any state or any industry. You would think that the member representing the people of the Riverland would know that.

Participation in the 450-gegalitre efficiency measures program is voluntary and represents an opportunity for individual irrigators to improve their businesses, just as South Australian irrigators have historically done and used improvements in irrigation efficiency to drive productivity growth across the sector.

While it remains open to individual irrigators in South Australia to participate, we expect the 450-gegalitre efficiency measures program to be most attractive for least efficient irrigation practices across the basin which, as we know, tend to be outside of South Australia. South Australia can be very proud of its efforts towards implementing the Murray-Darling Basin Plan, and it is important to correct the record and address the assertions made by the member for Chaffey in the other place last week, which are egregiously wrong.

SA PATHOLOGY

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): I table a copy of a ministerial statement regarding the SA Pathology efficiency improvement program made in another place by my colleague the Minister for Health.

COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT SCREENING UNIT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): I table a copy of a ministerial statement regarding the monitoring of employment and volunteer screening made in another place by my colleague the Minister for Communities and Social Inclusion.

Question Time

WASTE RECYCLING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about recycling.

Leave granted.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Recycling, a bit like what is happening on your—the number one ticket holder, Lisa Vlahos, who will be recycled into here. Minister, last night's *Four Corners* program revealed how contractors are undermining Australia's waste industry through—

Members interjecting:

The Hon. D.W. RIDGWAY: Maybe the Hon. Mr Malinauskas will be recycled to the seat Croydon. Anyway, I'm getting distracted, Mr President. Last night's *Four Corners* program revealed how contractors are undermining Australia's waste industry through shifting rubbish interstate to avoid paying landfill levies. The program exposed an organised network of waste transporting and freighting companies sending waste by road and rail to Queensland to avoid the New South Wales landfill levy. The program also revealed how thousands of tonnes of glass have been stockpiled and landfilled instead of being recycled. My question to the minister is: how much stockpiling of recyclable material occurs 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) (14:33): I would like to thank the honourable member for his most important question; it is an unusual break in custom and practice in this place for the Hon. Mr Ridgway. But what was aired on the ABC's *Four Corners* program was indeed disturbing and worrying. I am very pleased that the honourable member was informed enough by the program to actually want to come and ask a question of us. The allegations, of course, relate to the situation in the Eastern States.

Our state has for a long time in these areas of waste recycling and management of waste been very different. Our industry is different and our culture, obviously, is completely different, having been the state to have container deposit legislation in place for the last 40 years. Recycling is very important to our South Australian community, as also is reuse. This culture in our state hasn't happened overnight. It has been achieved by government action, industry action, community leadership and particularly through KESAB and other not-for-profit organisations.

I am advised that the Queensland Premier has sought a very urgent meeting with her New South Wales counterpart about some of the allegations that were raised. They go really to the heart of this question of regulation, and it's a warning about the headlong pursuits of, particularly, conservative parties here and overseas about deregulation. It is very clear that some of the most confronting allegations arise, I believe, because of the failed policies of the former Campbell Newman Queensland government, where he actually removed the waste levy in Queensland. He actually took away that regulation of the waste industries in Queensland, removed the waste levy, and, as a result, created the incentive to shift waste across the border with New South Wales and into Queensland.

Of course, when you take your hands off the wheel like that, when you have this blind faith that the industry will do the right thing, and deregulate all of the important regulations that keep our community safe, this is where you end up. He created this perverse situation where Queensland has become the dumping ground of New South Wales rubbish. What the *Four Corners* program also showed is the failure of the commonwealth government in terms of leadership in this sector.

The Hon. J.M.A. Lensink: What? What's it got to do with them?

The Hon. I.K. HUNTER: It has an awful lot to do with them, the Hon. Michelle Lensink. If you think about waste being transported across borders, of course there are commonwealth implications. Wise up. Don't continue to be the party of conservative deregulation—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —that removes building regulations, that allows multistorey buildings to go up in flames, because you think it's good for business. That is what you are: you are the party of deregulation, and that's where we end up with bad outcomes. It's not good enough. It's not good enough for this state to have to put up with a commonwealth that doesn't want to show any leadership whatsoever on issues that cross state borders and state boundaries. We should be creating—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: The Hon. David Ridgway should be applauding the state government in South Australia for putting in place the right incentives for waste to be reused and recycled, as, indeed, the New South Wales government did when we increased our waste levies. I am advised, in relation to some of the direct questions about glass stockpiling and recycling—

The Hon. D.W. Ridgway: One question: how much has been stockpiled?

The Hon. I.K. HUNTER: I can keep going, Mr President. This is the party of deregulation, after all. They need this lesson. Understand where their headlong thrust into the regulation ultimately leads: it leads to a debacle. We have seen that from former conservative governments around this country and around the world.

I am advised that during 2015-16, about 80 per cent of glass recovered in South Australia was reprocessed in our state. It is acknowledged that interstate the value on recovered glass is quite low; however, a significant part of glass recovery in South Australia arises, of course, from our glass bottles being returned as part of our container deposit scheme.

Interstate, where they don't have our container deposit legislation, most of their glass is ground up and crushed through the normal kerbside process and it is a lower value product. On our front, our glass, which is largely recycled through container deposit legislation, is not part of that waste stream, it's not contaminated by other waste, it is of high quality, and, I am advised, is highly prized by reprocessors and glass bottle manufacturers as a source for recycled glass content. As a result, I am advised, the price for recovered glass in South Australia is around about \$90 per tonne. I am told this is significantly higher than the average resource value for recovered material elsewhere of around \$52 per tonne.

In contrast to several eastern states, South Australia has local glass reprocessing options available, precisely because of the government leadership over many decades in our reusable, renewable, recycling culture that we have been developing with our private stakeholders and community not-for-profits. They include Amcor in the Barossa, and OIN in Beverley. I note that some interest has been flagged in the media just this month about opening up another waste management authority in the north of our city, which will also be able to handle recycled glass.

With its own local markets for recycled glass, industry has indicated that prospects for recycled glass in South Australia are very strong and the circumstances highlight the value of promoting local circular economy opportunities in this state. Where jurisdictions have differing disposal costs for waste, it can encourage, of course, the movement of waste across state borders. I mentioned that in my opening remarks. I did say that in 2012 Queensland removed its levy on waste disposed to landfill, opening up a free-for-all.

Meanwhile, the levy rate in New South Wales has continued to increase and is currently \$135.70 per tonne in Sydney. This has created a significant adverse incentive for waste facilities in New South Wales to transport waste to Queensland. I am advised there is currently no indication that general waste is being transported from South Australia to Queensland or to other states for the purpose of levy avoidance. That makes sense, of course, when you factor in the costs of transport from South Australia to those eastern states.

Specific waste types are transported interstate. We have had questions, I think, in this place from the Hon. Mark Parnell in the past about cross-border transport, but that is for specific waste where different state jurisdictions have different processing facilities that enable them to reprocess that particular sort of waste. So, we take, for example, waste from interstate where we have licensed recyclers who can dispose of that waste in a safe manner and are licensed to do so. Similarly, we send waste interstate that we cannot process locally but when there may be a super collector, say in New South Wales or Victoria, that brings together those waste streams and can safely dispose of it; for instance, in very high temperature incineration facilities.

We will have, I hope and believe, very soon a specialist facility here in Port Pirie, of course, at Nyrstar. They received over 1,200 tonnes of leaded glass from interstate, I am advised, for processing during 2015-16, and as they upgrade they will be able to lift that processing level and, I am told, will be able to take all of that sort of glass waste, that is, LED screens and cathode ray screens from computers and TVs, for the whole country. Again, transport will be an issue in terms of

the cost to get it down from some of the more remote areas of the country, remote from South Australia, that is.

Sound waste transport and treatment is one of the reasons this government has announced that South Australia's waste levy will be increased in stages, from the current \$87 per tonne to \$103 per tonne by 2019-20. That is because it creates a resource with value. When you have a resource with value, you get better recycling outcomes. Contrast that to Queensland, where they took away the waste levy, and you have the free-for-all that was portrayed for all to see on *Four Corners* last night.

WASTE RECYCLING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): Supplementary question: I asked the minister how much stockpiling of recyclable material occurs in South Australia. He did not address that question and avoided it. I can only assume he is wanting to say there is no recyclable material that is stockpiled in South Australia, or could he actually address the specific details of that question, which is: how much stockpiling of recyclable material occurs 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) (14:42): I did not avoid the question. The honourable member clearly was not listening. He will go back and see that I said, 'I am advised that during 2015-16 80 per cent of glass recovered in South Australia was reprocessed within our state.' Eighty per cent, Mr President.

An honourable member interjecting:

The Hon. I.K. HUNTER: Yes, indeed, it is talking about glass.

Members interjecting:

The Hon. I.K. HUNTER: Exactly. That means that 80 per cent of glass recovered in South Australia was reprocessed within our state, so that leaves a margin of about 20 per cent that is either being processed elsewhere—and we know that the federal government will not stop issuing export permits, particularly for cathode ray tubes and computer screens, to Korea and other places, so some proportion of that extra will be going into overseas export. I have written to the federal environment minister several times now asking him to stop issuing export permits so that that glass can be kept within Australia, and hopefully treated at Nyrstar.

As I said, the prospects are they can take the whole of glass recycling of those sorts of glass products from the whole country when they are up and running at full capacity. There will also be glass that is being taken over state boundaries into Victoria for industrial purposes. I do not have those specific details, but what I did tell the chamber and the Hon. Mr Ridgway is that 80 per cent of glass recovered in South Australia was reprocessed within our state.

WASTE RECYCLING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:43): On a supplementary question: glass is not the only recyclable product. The question I asked was: how much stockpiling of recyclable material occurs in South Australia? Members would be well aware that there is a whole range of recyclable products in South Australia, so how much is being stockpiled 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) (14:44): I do not have the detail of every recycled product.

Members interjecting:

The Hon. I.K. HUNTER: Well, why would you expect I would, for goodness sake? I do not have the details of every recycled product, every product that is—

The Hon. J.S.L. Dawkins: You stood up for eight minutes and gave us waffle.

The Hon. I.K. HUNTER: I gave you incredibly cogent information, Hon. Mr Dawkins, about how your conservative Liberal governments rip away at regulation whenever they get into government—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —and provide the opportunity for bad practices interstate, and that is what will happen if you are ever back in government again.

The PRESIDENT: The Hon. Mr Dawkins, one person's waffle is another person's valuable information. I think you should bear that in mind.

WASTE RECYCLING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): One man's trash is another man's treasure—that is recycling, Mr President. My supplementary question is: what impact does the minister think the closure of the plastics granulation plant in South Australia as a result of high electricity prices will have on recyclable products stockpiling 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) (14:45): Again, the honourable Leader of the Opposition comes to this place with incorrect statements. He obviously did not listen to the answer the Hon. Kyam Maher gave him when the question was asked in this place a couple of days ago. I have said several times that this is an organisation that has received government grants. The Hon. Kyam Maher went through some of those. They are an organisation that lost its supplier, and, as I may have said in this place or in other places, about 70 per cent of its product came from interstate, industry and other providers. They do not, as far as I am aware at least, have a major component of their business that relates to kerbside recycle or indeed recycling very much of South Australian plastic.

Members interjecting:

The PRESIDENT: Order! The minister will answer the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: You rant and you rave and you know nothing about what you are speaking about. I will give the honourable member some more details. Plastic Granulating Services faced a number of business pressures that ultimately contributed to its decision to go into liquidation. I am informed that these included the withdrawal by a major interstate supplier of plastic feedstock for processing at the PGS facility. In addition, PGS has been impacted by the federal government's decision to drive Holden's out of town. For example, the closure of Exide Batteries in 2014 impacted the company's revenue, and PGS is also a direct supplier, I am advised, to Holden's.

These pressures have culminated in the company being placed into voluntary liquidation. I am advised that this occurred in mid-June of this year. At my request, the presiding member and chief executive of Green Industries SA met with PGS on 27 June to ascertain what further assistance GISA may be able to offer during this difficult time. I am advised that, because the company had already been placed into liquidation, there was a limit to what could be done. However, notwithstanding that, GISA's officers canvassed a number of options, all of which were noted, I am advised, by the liquidator.

It is indeed unfortunate that a business of this nature has gone into liquidation, but we need to wait to see what the outcome is. It could well be that the business is taken over by someone else who can operate the business and re-employ those people who were there. This is, after all, a billion dollar industry that employs about 5,000 South Australians. Let's not forget that commercial and industrial plastics of the kind processed by PGS have a value.

We are also driving incentives for re-use and recycling through our reforms of the waste levy and we will be driving those reforms to a higher level with a bill that I gave notice of earlier today, which will be discussed in this place over the coming weeks. Our changes have seen South Australia achieve the best recycling rate in the country—over 81.5 per cent in the latest returns—and I have to say that, whilst it is extremely disturbing that a plastic recycling company based here has gone into liquidation, they have been under pressure because of their supply and because some of their

customers have been chased out of town by the federal Liberal government, which has flow-on impacts on South Australian industries, and the Liberals seem not to care a jot.

FIRING RANGE SAFETY

The Hon. J.M.A. LENSINK (14:48): My question is to the Minister for Police. Regarding the Coroner's findings in relation to the death of Mr Brenton McConnal in June, will the minister rule out a judicial inquiry being undertaken to challenge the Coroner's report?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:48): I thank the honourable member for her important question. The Coroner handed down his findings in the inquest of the death of Mr Brenton McConnal at the Marksman firing range on 28 June this year. One of the first requests I made on becoming the Minister for Police was that the issue of tethering be included in the Firearms Regulations, a process that had commenced.

With respect to the Coroner's comments on the delays in amending the Firearms Act and the regulations to enshrine tethering, as members of this council would appreciate, an enormous amount of work has been undertaken to reform the state's firearms legislation and regulatory scheme.

I have mentioned before in this place that the Hon. Tony Piccolo, the member for Light, deserves an enormous amount of credit for commencing that process which, asked recently, is concluding. That new regime came into effect on 1 July this year and places a regulatory requirement that tethering be installed at commercial firing ranges. This appears at regulation 75, which in summary requires that an approved range must have tethering devices of a type and in a manner approved by the registrar installed and also that any unlicensed persons may only use or shoot a firearm at the approved commercial range when the firearm is tethered in a manner approved by the registrar.

The police commissioner has received the Coroner's findings, and SAPOL is reviewing that document and considering it. I would note that the Coroner does not make any specific recommendations regarding the incident. Recently, the police commissioner was on the radio and stated that 'the Coroner's findings and recommendations in past inquests have been significant in terms of improving practices within policing and other government agencies', and it is my expectation that it will be no different in this particular instance and that, in this situation, SAPOL would consider any learnings that can be taken out of the incident.

Coronial inquests regularly inform police practices and behaviours. This particular inquest, of course, looked into a tragic incident. I am satisfied that, as a result of the legislative and regulatory changes that have been brought in post that incident, the likelihood of the same thing occurring today is substantially less, and that of course is a good thing, notwithstanding the tragedy that took place some time ago.

FIRING RANGE SAFETY

The Hon. J.M.A. LENSINK (14:51): Supplementary question: can the minister confirm that the regulations which have made changes to tethering were taking place in any case, and is he taking any specific action in relation to comments the Coroner made that he as a minister was misled in relation to tethering at Marksman?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): As I have stated, I think the most important thing that has come out of the coronial inquiry in and around this particular incident and the death of Mr McConnal is to make sure that where there are things that can be improved upon so as to prevent a similar tragedy replicating itself that that be done. In my view, that is exactly what has taken place with the amendments to the firearms legislation and regulations that will now see tethering provided for at commercial firing ranges in the state of South Australia. I think that is a substantial step forward.

It is regrettable that tethering wasn't already in place at the time of that particular incident, but I think as we look to the future we now do have a regulatory and legislative regime in place that

hopefully will prevent such a tragedy occurring again in the future. I think that, of course, is the most important thing to be taken out of this tragic incident.

FIRING RANGE SAFETY

The Hon. J.M.A. LENSINK (14:53): Supplementary: will there be any disciplinary action taken against the particular officers who were found to be obstructive of Marksman installing tethering when they wanted to, and how much has been spent on legal action against Marksman to date?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): I don't have any figures at hand in terms of the dollars being spent on legal action, but I am happy to take that on notice. In respect of the Hon. Ms Lensink's question around disciplinary arrangements, of course questions around the disciplining of police officers is a question and a matter entirely for the police commissioner. There is a suite of options available to the police commissioner when he contemplates the way officers should be disciplined as a result of particular incidents.

I am satisfied, and continue to receive briefs on this particular issue, that SAPOL is doing everything that we would reasonably expect them to be doing to ensure that this particular coronial inquiry, along with every other one, in turn informs an improvement to their practices, where appropriate.

POLICE, SEXUAL HARASSMENT

The Hon. S.G. WADE (14:54): I seek leave to make a brief explanation before asking the Minister for Police questions relating to sexual harassment in the South Australian police force.

Leave granted.

The Hon. S.G. WADE: *The Advertiser* of Monday 31 July reported that at least 10 new reports of sexual harassment or predatory behaviour in the South Australian police force have been made since the release of the Equal Opportunity Commissioner's report in December of last year, which exposed sexual harassment, sexual discrimination and predatory behaviour in the force. The Equal Opportunity Commissioner's report showed that SA police employees have no confidence in the internal reporting process, fearing they would be further victimised should they come forward. My questions to the minister are:

1. How many of the harassment reports related to incidents of harassment since the tabling of the Equal Opportunity Commissioner's report?
2. Is the minister concerned that these incidents have occurred in spite of the intense focus on the issue in the force?
3. Will the minister discuss with the police commissioner whether the implementation of the Equal Opportunity Commissioner's recommendations needs to be expedited, in light of the recent reports?
4. What steps is the South Australian police force taking to increase the confidence of its employees in the internal reporting process?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I thank the honourable member for his important questions. In regard to the first one, let me straight up take that particular question on notice and seek the relevant statistics the Hon. Mr Wade is asking for. In respect of the remaining part of his question, I think it would be important for me to take the opportunity to provide some context around the work that SAPOL is undertaking in this important area.

In April last year, I think to the enormous credit of the police commissioner, SAPOL proactively asked the Equal Opportunity Commission to conduct a review of South Australian police to get a clearer picture of the extent of sexual harassment and discrimination on the basis of sex and predatory behaviour that was occurring within the police force. I commend the actions of SAPOL to proactively undertake this exercise so as to seek an external resource or external inquirer to look into SAPOL in terms of how they conduct themselves. That doesn't occur without a degree of courage and I think it was an act of transparency that is worthy of commendation.

The Equal Opportunity Commission undertook six months of work, with the participation of nearly 2,000 current and also former SAPOL staff and volunteers. The report was released in December of last year, with 38 recommendations aimed at strengthening SAPOL's workplace culture and promoting gender diversity. Since that time, the recommendations are being addressed in the context of their priority.

Importantly, the commissioner has established an internal project team to manage the implementation of those recommendations. That exercise is being led by none other than Assistant Commissioner Bryan Fahy. The first round of engagement included the following strategies: there was the release of a video blog to all staff, along with the release of a critical communication strategy to staff within SAPOL and a quick guide for staff as well. There were targeted emails to managers to highlight the importance of contributing to cultural reform and an email to staff promoting the initiatives that have been completed as part of the Equal Opportunity Commission's review. Forums were conducted personally by the commissioner and also the deputy commissioner.

As at the end of April this year, I am advised that approximately 95 per cent of all SAPOL staff had direct engagement with the Equal Opportunity Commission review, its implications and also application. Throughout the project SAPOL will continue its emphasis on engagement through employee engagement sessions, developing pulse check surveys and conducting focus groups to evaluate awareness and identify changes in behaviours.

There are three immediate actions that I think are worthy of note as a result of the Equal Opportunity Commission's report, and I think the status of those are worthy of presentation here today. Firstly, there was a published statement endorsed by all members of the executive that acknowledges that sexual harassment and sexual discrimination is unacceptable and apologises for the significant distress caused to victims and bystanders that has occurred.

There has been a recommendation to establish a restorative engagement project, and SAPOL has commissioned and funded the Equal Opportunity Commission to run and manage that process. I am very pleased to report that I recently was able to meet with the Equal Opportunity Commissioner to discuss its progress.

SAPOL is in regular communication with the Equal Opportunity Commission on this matter and staff have been selected to manage that process, and it is indeed already operating, and also to establish a new, externally provided safe space. That action has been completed, and Converge International is providing this service for SAPOL. Many aspects of other recommendations are also already underway and I am happy to provide more detail on those if members are interested.

I think the key thing to reiterate is that this is an exercise that has not come easily for SAPOL. It has shone light on information that I think has shocked many South Australians but I think the key here, of course, is that that light is having a cleansing effect on the organisation to ensure that it improves its culture, particularly in the context of its female officers. I think that SAPOL, not just in this particular area but in other areas like its fifty-fifty gender recruitment target, is seeing a growing number of women not just working within SAPOL but, indeed, interested in applying for a job in the first place which would otherwise not have been the case. We have seen a substantial growth in the number of female applicants for positions within SAPOL.

This is a good thing, but the Equal Opportunity Commission's report is an important undertaking to ensure that, as women are becoming increasingly attracted to work within SAPOL, if they are lucky enough to be employed by them they are able to do so with the confidence that SAPOL is committed to being an employer of outstanding repute when it comes to issues of sexual discrimination and sexual harassment.

I believe that the organisation, on the back of the Equal Opportunity Commission's report, is putting appropriate measures in place to ensure that is the case. I think that will bode well for community safety generally because we know from experience, both overseas and locally, that having a police force that is representative of the population it seeks to protect is a good thing for policing and community safety.

POLICE, SEXUAL HARASSMENT

The Hon. S.G. WADE (15:02): In the minister's meeting with the Equal Opportunity Commissioner, did the commissioner raise any concerns in relation to the implementation of her report?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I am sure the honourable member will appreciate that discussions that happen in a confidential context in various places should be kept that way. That being said, I am happy to share with the Hon. Mr Wade that the sentiment and the reflections that have been conveyed to me by a number of sources, including the Equal Opportunity Commissioner, are by and large overwhelmingly positive in respect of the way that police are engaging with this exercise.

However, as the Equal Opportunity Commission has acknowledged—certainly to me and I think it is well known in the community generally—cultural change takes time. One of the efforts that is sought to be achieved here is a substantial shift in cultural attitudes and that takes time. However, the feedback that I have received thus far—and I continue to seek updates on this particular effort—is that the process is working well but will be underway for some time.

RECREATIONAL FISHING

The Hon. G.E. GAGO (15:03): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister explain how the government is enabling more people to enjoy recreational fishing 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) (15:03): I thank the honourable member for her most important question. Last week, I had the opportunity to join the Hon. Paul Caica, the member for Colton—who is, I am advised, a two-time gold medal winning angler—at the Marine Discovery Centre at Star of the Sea School in Henley Beach. I had no idea I was standing next to such a high-flying sportsperson. This event was to let them know that their Recreational Fishing Grants program application had been successful but also to announce the other successful 21 applicants who shared in the allocation of \$500,000 in this final round of grants.

Fishing is a favourite pastime for many South Australians. I am advised that nearly 277,000 South Australians identify themselves as recreational fishers. These grants help to improve recreational fishing access and opportunities for them and for visitors. Fishing provides opportunities for people to unwind and to get outdoors to connect with the state's natural environment and world-class marine parks, as well as generating tourism opportunities for regional South Australia.

State government has committed \$3.25 million over three financial years from 2014-15 to increase opportunities for recreational fishing in our state, including \$2.25 million for a recreational fishing grants program, \$600,000 for an artificial reef trial and \$400,000 over two years to provide fishing access at up to five offline reservoirs across the state. The state government's Recreational Fishing Grants Program has directly benefited recreational fishing in and around our state's 19 fantastic marine parks. The program has allocated funding across 107 projects to support recreational fishing, including family fishing and education days for a wide variety of community members, including children, the Indigenous community and people with disabilities.

Funding has also supported the construction of infrastructure to improve fishing access across the state, including fish cleaning stations, jetty shelters and improved surfaces for breakwaters and groynes so that people with impairments can get out and access those areas, rather than stumbling across big blocks of stones. In the third and final grant round in 2017, 55 applications worth close to \$2.2 million were submitted, I am advised. It's great to see such incredible enthusiasm from statewide fishing clubs, community groups and councils to benefit recreational fishing right across the state, particularly in regional South Australia.

The 22 successful applications include five projects that have in-principle support. These are projects that are pending relevant government agency approvals. Successful projects this year range from restocking the Murray River with 75,000 Murray cod fingerlings and creating Murray cod specific habitat to infrastructure projects like reinstating Coles Point staircase to the beach (which was

destroyed in last September's storms) to support for the City of Onkaparinga's Aboriginal cultural fishing program and their plan to establish a 50 plus women's fishing group.

Recreational fishers have welcomed this injection of funds into supporting their much loved activity. RecFish SA's executive officer, Mr Danny Simpson, said on ABC that:

...the entire program since inception has been just a wonderful program for recreational fishers and all the projects that have been supported over three years just mean so much more for the quality of recreational fishing in South Australia. So we're happy all round.

Not only have we improved infrastructure and education and facilitated hundreds of new tall fishing tales—the Hon. John Gazzola is not here; he is probably working on some of those tall tales as we speak—but we have also made recreational fishers around our state happy all around. We can all celebrate that.

FLINDERS MEDICAL CENTRE

The Hon. K.L. VINCENT (15:07): I seek leave to make an explanation before asking questions of the minister representing the Minister for Health regarding the Flinders Medical Centre, including the eating disorders unit.

Leave granted.

The Hon. K.L. VINCENT: I have been contacted by a constituent regarding the treatment of their family in late June of this year at the Flinders Medical Centre (FMC). This person was forcibly removed from their home by the ambulance service due to ongoing anorexia and detained under the Mental Health Act. The ambulance was to take her to the eating disorders unit at FMC. However, on arrival at FMC, they discovered that the six-bed eating disorders unit was at capacity, so my constituent was then placed in critical care and later admitted to a general ward with two elderly men and one elderly woman.

While in critical care, my constituent was in a bed close to the exit door used by staff to take breaks, I am told, meaning that there was constant freezing air coming in and out of the room. There were also pigeons coming in and out of the same door. Once on the general ward, the bathroom became blocked when one of the other patients had diarrhoea. My constituent complained to nursing staff and was told to clean the toilet herself.

One of the elderly men on the constituent's ward spotted a mouse and was told by the on-duty staff, I am told, that rats and mice are commonplace in the ward. My constituent's family member also noticed that the floors were dirty in this ward. While an inpatient at the FMC, my constituent, who had been detained and forced to go to hospital against her will because of her anorexia, lost two kilograms. On one occasion, I am told, staff forgot to provide her with food, and it was thanks to a diligent nurse that she received some food.

My constituent is now in trauma counselling after her experience at FMC and is having to manage her trauma caused by this hospital stay in addition to being very unwell due to her medical condition. It appears there is no suitable treatment plan for people with eating disorders in this state. My questions to the minister are:

1. What are SA Health hygiene standards for major teaching hospitals, and has the Flinders Medical Centre recently been reaccredited to those standards?
2. Does the minister deem it acceptable for vermin and birds to enter clinical spaces at the Flinders Medical Centre?
3. If someone is being forcibly detained under the Mental Health Act due to their health status and there is no bed available in the eating disorders unit, why would they not be admitted to the mental health unit of FMC, or transferred to their local hospital mental health unit?
4. How often is the eating disorders unit at FMC at capacity, and is there a waiting list for this unit?
5. What strategy does the minister and SA Health have for supporting and treating South Australians with an eating disorder or a weight disorder, and why are there only six beds for treating weight and eating disorders in this state at the FMC?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:10): I thank the honourable member for her very important question. Of course, the list of allegations made to her by her constituent are very concerning indeed in relation to a patient's stay at the FMC, so I undertake to take that question and her explanatory information to the minister in the other place and seek a response on her behalf.

ELECTRONIC CRIME

The Hon. R.I. LUCAS (15:11): I seek leave to make an explanation prior to directing a question to the Minister for Police on the subject of civilianisation.

Leave granted.

The Hon. R.I. LUCAS: In 2015, a former commissioner gave evidence to the Budget and Finance Committee and said:

I can see in the near future additional resources having to move into these forensics areas to examine computers, etc., and I don't think they necessarily have to be police officers. Technicians.

Last year in February, the current commissioner, Commissioner Stevens, was asked, 'Would you broadly agree with the previous commissioner's position?' and his evidence was, 'Yes, I would. Absolutely, yes.' He further went on to indicate:

There's no current review in relation to our cyber-policing environment. It is one of those reviews that I have flagged that needs to be undertaken to ensure that we are getting the best value out of the resources we put into that particular environment and that we have the right skill sets to undertake that function appropriately.

That was in February of last year. My question to the minister is:

1. Has the commissioner undertaken that review into the civilianisation of the cybersecurity policing environment?
2. If he has, what were the results of that particular review, and what potential budget savings did the commissioner identify from such a move, if he chose to go down that particular path?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:12): I thank the honourable member for his question. There are a few elements to Hon. Mr Lucas's question that are worth noting and reporting back on. The first thing is that SAPOL, I think, has made it clear on the public record previously that it is difficult to recruit sworn members to specialist technical areas. One such example of that is the electronic crime section. Another example may well be the prosecution section.

As a result, SAPOL continues to look at ways they can adjust their recruitment of personnel in both sworn and non-sworn roles to try to ensure they have the capacity to be able to carry out these functions. SAPOL, as has been reported on previously in this chamber on a number of occasions, enjoys substantially growing resources, including much more coming from this government in a personnel context with the government's commitment to recruiting a lot more police officers, which provides the police commissioner additional flexibility in terms of where he recruits those people from and how they get allocated in a resource context. That is a good thing for community safety.

I am happy to take the components of Mr Lucas's question on notice to see if I can ascertain some more specific information. Again, I am happy to reiterate that this is an ongoing challenge. As was discussed at length during the estimates process recently, the commissioner made remarks on the record that speak to the substantial growth in the volume of work that is coming through to the e-crime section within SAPOL and the challenge that it presents, but I am more than happy to seek additional information with regard to the specifics of the Hon. Mr Lucas's question and get back to him as soon as possible.

PRISONER REOFFENDING

The Hon. J.E. HANSON (15:14): My question is to the Minister for Correctional Services. Can the minister update the council on the government's target to reduce reoffending?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:15): I thank the Hon. Mr Hanson for his question on an important subject. I know the Hon. Mr Hanson is always interested in high-quality public policy, and I think the government's effort to re-augment or recalibrate its focus with respect to correctional services towards reoffending is something that fits squarely in that category.

It has been widely reported that in South Australia the prison population continues to grow. I was recently at a ministerial conference in Sydney amongst other correctional services ministers, and this is an experience that is not unique to South Australia, with most other jurisdictions around the country currently going through a set of situations that is resulting in substantially higher prison populations, with rates of growth continuing to increase in some states in particular.

That was something that became obvious to me relatively quickly upon becoming Minister for Correctional Services, along with the fact that 75 per cent of our current prison population, or thereabouts, has been in prison at least once before. That comes on the back of a reoffending rate that sits at approximately 46 per cent. I have spoken previously in the chamber about the substantial cost that reoffending has for our community in a number of different ways, not least of which is that reoffending means our community is less safe than it would otherwise be if that rate was lower. Reoffending also means additional people coming back into the gaol system, presenting a very substantial cost to the South Australian taxpayer, with locking people up having a cost that is in the order of \$100,000 per annum.

For these reasons, we are seeking to make the reoffending rate a key performance indicator for the performance of the criminal justice system generally, and particularly the Department for Correctional Services. On the back of that, the state government, last year, set a bold target to reduce the rate of reoffending by 10 per cent by the year 2020. Following a substantial exercise to review the system, we are now driving a shift in policy.

As I have been visiting staff across the sector, it has been pleasing to see that the setting of the target has provided staff within the Department for Correctional Services with a goal to aim for. I have been thoroughly impressed by the manner in which this mission has been adopted by those who will ultimately be at the coalface and endeavouring to meet it.

On 13 July, I was able to release our comprehensive plan, which outlines how we intend to reach the target. The Reducing Reoffending action plan is available online at the Department for Correctional Services website and provides a blueprint for how we are going to achieve a reduction in recidivism in South Australia.

Our strategy has been informed by best practice around the world, and that was looked at by the Reducing Reoffending strategy panel, which was chaired by Warren Mundine and had a number of other experts on the panel. They put forward 36 recommendations fitting within six themes. If the target is realised, South Australia will indeed become a national leader with respect to reoffending rates. The 10% by 2020 initiative sits in stark contrast to that of our political opponents, whose policy to date has focused on scaremongering.

During estimates, the Liberal spokesman assured me that he had read every word of our plan and teased this out with us with respect to some ideas that have been contemplated within the Liberal Party party room. In the state budget, the Department for Correctional Services received an additional \$40 million of funding that will be invested in reducing the rate of reoffending by 10 per cent by the year 2020, which underpins a whole of system change in offender management.

The action plan seeks to achieve a number of different outcomes through a few different key programs. The first one is the \$18.9 million investment in the new foundations program, which focuses on accommodation and support services for those who are released from prison who lack suitable housing and are at risk of being released from prison into homelessness and then in turn reoffending. The program will support offenders who are eligible for a form of release yet remain in custody due to a lack of suitable accommodation.

Another \$9.2 million has been allocated to a program called Work Ready, Release Ready, which is an education and vocational training program for those in prison, with supports to enable offenders to secure employment upon release through a job network provider. On top of that,

\$12.5 million has been allocated to increase the capacity of rehabilitation programs, including family violence, sex offending and drug and alcohol programs.

In addition to funded programs, the government will support the development of an Aboriginal framework for correctional services and also the investigation of a community transition and learning centre to rehabilitate Aboriginal offenders from remote communities. The reality is, the majority of people within our prison system will be released. What is important is that when they do get released, we give them every prospect of having success on the outside at making a positive contribution to the community, rather than a negative one through reoffending. If we are able to achieve this, of course, we will have a safer community, but we will also have saved the South Australian taxpayer a lot of money in the process.

This is a fundamental policy shift and will be life changing for would-be victims of crime that may be prevented from becoming so as a result of offenders turning their lives around. It also is a policy that speaks to a social justice mission that I hope all of us feel, providing an opportunity for those who want to make a positive contribution to the community to serve and to see that opportunity being realised and turning their lives around making a positive contribution.

The Hon. S.G. Wade: Rack 'em, pack 'em and stack 'em.

The Hon. P. MALINAUSKAS: Well, the rack 'em, pack 'em and stack 'em policy that the Hon. Mr Wade refers to—

The Hon. S.G. Wade: It only lasted 14 years.

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —I think is very much dead and buried in light of this government's commitment to reduce reoffending, which I think is a good thing and stands in stark contrast to the valueless Liberal Party that we have in South Australia.

VICTIMS OF CRIME FUND

The Hon. D.G.E. HOOD (15:22): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question in relation to the Victims of Crime Fund.

Leave granted.

The Hon. D.G.E. HOOD: Members will recall that I asked a question along these lines last week. Today's topic is the same, but the question is different. The balance of the Victims of Crime Fund is forecast to balloon to some \$366 million by June 2020. Although the Victims of Crime (Compensation) Amendment Bill introduced last year raised the maximum amount of compensation claimable from \$50,000 to \$100,000, a large majority of victims are only a few thousand dollars better off under the new scheme.

As noted by the victims' rights commissioner, a victim who is entitled to \$12,000 under the previous scheme, for example, now receives between \$15,000 and \$18,000, not \$24,000, as most expected. Almost 1,500 of the 2,074 victims of crime payments since July 2015 have totalled less than \$10,000. My questions to the Attorney are:

1. Why has the doubling of the maximum Victims of Crime Fund payout failed to make any meaningful difference to the majority of victims applying for compensation?
2. How many ex gratia payments from the Victims of Crime Fund have been made by the Attorney-General to claimants in the past financial year?
3. How much in total?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): I thank the honourable member for his important question on an important subject. Naturally, being a question that is the responsibility of the Attorney-General, who, of course, sits in the other place, I am more than happy to take that question on notice and seek a response back from him as quickly as possible.

VICTOR HARBOR COAST WATER QUALITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:24): My question is to the Minister for Sustainability, Environment and Conservation. Has the minister been made aware of any water quality issues off the coast of Victor Harbor after this weekend's storms that have caused the death of maybe all of Oceanic Victor's tuna in the cage that has been moored up next to Granite Island?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:24): No.

VICTOR HARBOR COAST WATER QUALITY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:24): Will the minister commit to speaking to his department and bring back an answer in the next couple of days, if he is not aware, if in fact this has occurred and we have seen significant tuna losses? Obviously, that is a concern to the owners of that facility, but if it has killed tuna, imagine the thousands, if not millions, of other fish that have died as a result of this water quality issue.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:24): I will certainly make inquiries, but without having any information before me, and indeed the honourable member would probably have no information before him either, about what the water quality issue was, caused by a storm event, very much the likelihood is it was a natural event and would occur from time to time and have this impact on the environment down there and also the species that inhabit it. Again, I do not have the information before me. As I indicated in my first answer, I will make some inquiries of my agency.

MARINE PARKS

The Hon. T.T. NGO (15:25): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister provide information about the ongoing success of South Australia's marine park network?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:25): What a fantastic question. I thank the honourable member for his very important and prescient question. Our government's creation of our marine parks network is one of the most important conservation programs ever undertaken in this state. It is also one of the most influential in terms of public support and also the impact on people interstate and overseas, with virtually no impact on the commonwealth, of course, which is stripping away currently all of the protections that our marine parks have at a commonwealth level.

I am advised that a public perception survey carried out in 2016 indicates that almost 90 per cent of South Australians support marine parks. It is very surprising, therefore, when you see honourable members, particularly the honourable member for Dunstan, the Leader of the Opposition, Mr Steven Marshall, and his colleagues showing off about their party's record of attempting to scale back our marine parks and boasting about it, a position that is not only anti-jobs and anti-tourism and anti-science but also runs counter to the opinion of the vast majority of South Australians, who recognise the value of our marine park network to our economy, to the environment and to job creation, particularly in regional South Australia.

Far from the prophecies of doom and gloom that we have heard from the likes of the Hon. Michelle Lensink in this place, I have to say that scientists, local businesses, tourism ventures and the South Australian community are getting right behind our marine park network. They understand that it is not only important for preserving biodiversity into the future but it is also in our economic interest to do it. I would encourage the member for Dunstan and the Hon. Michelle Lensink to consider the booming shark viewing industry out at Port Lincoln, generating \$13 million annually, currently employing around 80 people—

The Hon. J.M.A. Lensink: How is that environmentally friendly? Throwing carcasses in the water.

The Hon. I.K. HUNTER: The Hon. Michelle Lensink is interjecting across the chamber. They have no clue, Mr President. It is currently employing around 80 people and ready to build bigger boats and create more jobs, all underpinned by a marine park network.

Members interjecting:

The Hon. I.K. HUNTER: I have watched the honourable member for Mawson get into a shark diving cage, but it is not something I was attracted to.

Members interjecting:

The Hon. I.K. HUNTER: It is a touchy subject for them, because we know they have been out there, trolling out in the community, telling porky pies about the impact of marine parks, and it is just the reverse, to the point now where we know the South Australian community loves their marine parks for all the benefits they bring our state. The Liberals are still out there singing their same old tune, saying they are going to damage our industry, damage our communities, and no-one has seen any evidence of these Liberal claims. In fact, we have the commonwealth Liberal government, again conservative parties—

Members interjecting:

The PRESIDENT: This is not a debate. It is a question the honourable minister is trying to answer, so allow the minister to finish his answer.

The Hon. I.K. HUNTER: The conservative Liberal Party in this state and the conservative Liberal Party at the commonwealth government level have absolutely no interest in protecting our marine parks. In fact, you can see in their actions at the commonwealth level, where they are stripping back protections on our marine parks. This is exactly what the Liberal Party is about: destroying our environment, destroying our environmental protections, and for what? For a position that no-one in South Australia practically supports. There are similar stories, which I will return to shortly, about Whyalla's giant cuttlefish accumulation, an iconic and unique attraction protected by our marine park network that attracts national and international media coverage, guaranteeing continued growth of a local tourism industry.

Suffice to say, I would not be proudly reminding this place and South Australians of the many times my party has attempted to undermine marine parks in this state, as the Hon. Michelle Lensink seems to be doing or indeed as the honourable member for Dunstan is doing, proudly going out and saying, 'We are about to rip apart the protections that have been put in place for South Australian marine parks.' With the federal government, as I have said, recently announcing an intention to legislate an unprecedented reduction in sanctuary zones, which some are calling the largest roll back of conservation in history, I am proud that the South Australian government has stood up to the opposition's attempt to erode protections in our state.

The government has undertaken a number of initiatives to make our marine parks program a success. They include, as we have heard recently, supporting recreational fishers and their local communities; supporting education and tourism; implementing our comprehensive monitoring, evaluation and reporting program to assess the ongoing effectiveness of our work; and implementing compliance programs to make sure people understand what they can do in our marine parks and how they can enjoy them to the best potential.

As I said earlier, fishing is a very favourite pastime for many South Australians. As I also outlined earlier, \$3.25 million over three financial years has been invested in increased opportunities for recreational fishing in our state. Our grant program has directly benefited recreational fishing right around the state's regional areas, particularly around our 19 marine parks. The program supported the construction of infrastructure, as we heard earlier, and improved fishing access.

I briefly touched on the artificial reef earlier. We have allocated \$600,000 for an artificial reef trial to enhance South Australia's recreational fisheries' habitat and increase recreational fishing and tourism opportunities. I am advised that native shellfish reefs have been lost across more than 1,500 kilometres of South Australian coastline, which formed an expansive habitat for fish. The state government consulted very widely with the community before deciding on the location between

Stansbury and Ardrossan near Rogues Point on Yorke Peninsula, with hundreds of people attending public forums and submitting their feedback online.

I am pleased the Australian government announced that the National Stronger Regions Fund will be investing a further \$990,000 towards the construction of this shellfish reef. Funding was awarded to the Nature Conservancy in partnership with the state government and Yorke Peninsula council, in addition to funding from these organisations. With its combined funding of approximately \$3 million, this project will be the largest of its kind in the Southern Hemisphere, I am advised.

Yorke Peninsula, of course, attracts about a million visitors each year. About half of these are visiting the region specifically to take part in recreational fishing. This shellfish reef project is a win for the local Yorke Peninsula community and for South Australia, of course, more broadly, as the reef will contribute to improved recreational fishing, tourism and employment opportunities, underpinned by a healthier marine environment.

GROUNDWATER CONTAMINATION

The Hon. M.C. PARNELL (15:32): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about groundwater contamination.

Leave granted.

The Hon. M.C. PARNELL: The minister will be well aware of an article in *The Advertiser*—from overnight, in fact—entitled, 'Groundwater contamination in seven [sites] prompts EPA to consider banning extraction of bore water'. This is not a new issue. The commentary in the media does refer to the fact that, over the last five or more years, residents of the inner south-western suburbs have known about potential contamination. However, the EPA is now looking at consolidating some of the known trouble spots and considering whether a permanent ban on extraction of bore water in those locations is appropriate. I welcome those moves. One thing that struck me in some of the media commentary this morning on the radio was that the relevant EPA officer said:

...we know that most people in the area don't use groundwater. It would be only as low as maybe 3% of households might have a bore. The challenge is we don't know where they all are.

My questions of the minister are:

1. Having faced these problems in these areas for so many years, how is it that we still do not know exactly who does or does not have a groundwater bore?
2. Will the government now undertake a thorough audit of the 5,000 or perhaps 7,000 or so homes in the affected area to determine exactly who does or doesn't have a backyard groundwater bore?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:34): Pushing the boundaries, Hon. Mark Parnell, by three seconds, I think. I thank the honourable member for his most important question. He is right: the EPA has been doing work with local communities about access to groundwater over a number of years now. The EPA is now consulting, as the honourable member outlined in his preamble, with the local community as to whether we should have a permanent ban on taking groundwater either across Adelaide or in those areas of Adelaide that we know have been impacted potentially by TCE and other contaminants from past and historic industrial practice.

We do have a record of licensed bores because, as you would expect, bores need to be licensed but, as you would also expect, there would be a number of illegally drilled bores over the last 50 years or so, some of them still active, some of them not. Many of them would have collapsed; because of the nature of illegal drilling, they would not have been done to specification and would have been second class at best.

We have undertaken some analyses of certain areas, particularly those where we had concerns about TCE contamination, for example. Also understandably, the honourable member might reckon that a lot of people won't fess up. So, we can knock on their door and ask them, as we

have done in some places, I think, but some of them are less than willing to come forward with that information because they may have to pay a licence fee or, indeed, remediate a dangerous situation.

There is probably no way that we would know with any high degree of accuracy where all the bores are, but we think we probably know where most of them are. I understand the agency has also looked at some aerial photography identifying some wet, greenish areas, but that is only predictive, it is not conclusive.

I think the answer will have to be that the EPA is working on it. They have a fairly high level of confidence that they know where most of the bores are. There is always a propensity that someone will escape our attention for those reasons I have outlined but, again, that is where the education comes in: consulting with the community and educating them about what the danger may well be, that they may face if they actually take water and use it inappropriately, and relying on their good sense not to do so.

Bills

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 2 August 2017.)

Clauses 2 to 5 passed.

Clause 6.

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

Amendment No 1 [Darley-1]—

Page 3, lines 5 and 6 [clause 6, inserted subsection (2)]—Delete 'any requirement prescribed by the regulations.' and substitute:

—

- (a) the location rules adopted by the council under section 225A; and
- (b) any requirement prescribed by the regulations.

I will speak to all three of my amendments now as they are all related. As mentioned previously, one of the biggest concerns I had about this bill was the effect it would have on existing bricks and mortar businesses.

The member for Kaurua has been very accommodating in addressing my concerns, especially with regard to inserting a review provision. However, I believe this provision is so important that it should not be in the regulations but, rather, in the bill. Under the amendments, councils will be required to set location rules that outline where mobile food vendors would be allowed to trade. Restrictions such as distance from existing bricks and mortar businesses will be prescribed by regulation. If a food business is aggrieved by the location rules, they can ask the Small Business Commissioner to review them.

The Small Business Commissioner can accept the location rules as they are or can recommend that council change them. If the council does not change them then they will be required to provide reasons why. If the original applicant is not satisfied with this outcome they can ask the Small Business Commissioner to direct the council to change their location rules. If the Small Business Commissioner does this and the council does not comply then there is a penalty of \$5,000. I have consulted with the Small Business Commissioner about this provision, who has indicated that he is happy to facilitate these issues. With that, I move the amendment standing in my name.

The Hon. I.K. HUNTER: I will speak to each of the amendments separately, as they are moved. The Hon. Mr Darley's first amendment to clause 6 will be supported by the government. In the drafting of the bill and associated draft regulations, the government took the advice of parliamentary counsel as to the most appropriate structure course and formatting. The Hon. John

Darley has discussed with parliamentary counsel the insertion of certain aspects of the regulations he deems of primary importance within the bill itself.

We have surveyed the amendments to the bill and are happy to support them. Primarily, I am advised, the Hon. John Darley wanted the Small Business Commissioner disputes process to sit within the bill, as opposed to regulations. This means that other aspects of the regulations need to be lifted into the bill for technical structural reasons, and I will come to those as we come to each clause.

The Hon. D.W. RIDGWAY: I thank the chamber for allowing this to sit on the *Notice Paper* for three or four more days. The government was keen to debate it last week but the Hon. Mr Darley said that he was quite relaxed for the opposition to have a chance to look at the amendments. We have looked at them and it probably comes as no surprise that we will not be supporting them. We have a process that members in this chamber are well aware of and it was somewhat disappointing, last week, that the initial response from the government was, 'Well, we don't care about the process, we want to debate this today.'

It is interesting, we have adopted the approach that we think the system we have today works well and there is no need to try to regulate these mobile food vendors. The government thinks we should regulate them, that we should have a one-size-fits-all approach. I am intrigued by the Hon. Mr Darley's amendments. Obviously, his first amendment brings the location rules adopted by council under section 225A and later on he inserts new section (I think it is his third amendment) 225A, which describes the location rules and brings in the Small Business Commissioner.

It just seems, with all due respect to the Hon. Mr Darley, a lot of extra bureaucracy for some mobile food vendors that local government (councils) can licence and regulate on their own, as they do now. With those few words, I indicate that we will not be supporting the first amendment. I will speak to the second amendment when we get to it.

The Hon. M.C. PARNELL: I am relatively new to this bill, given that my colleague the Hon. Tammy Franks has done most of the heavy lifting on it so far. I have a question, and whether the mover can answer it or maybe the minister has some advice close by. It strikes me that if under this new regime the local council decides to set location rules that effectively enable anywhere in the council area to be appropriate for mobile food vendors then the way these amendments would work is that, ultimately, if a bricks and mortar business complains, it would go to the Small Business Commissioner and the Small Business Commissioner might suggest to the council that they narrow their locations.

If the council chooses not to do that then the Small Business Commissioner can effectively step in and order them to do it. The bottom line is that the Small Business Commissioner is put in the position of setting the rules as to where these food trucks can go, against the wishes of the local council. I just want to understand whether I have understood how that regime works: effectively, the Small Business Commissioner determines that areas A, B and C are appropriate, D, E and F are inappropriate and, ultimately, it does not matter what the council thinks, at the end of the day the Small Business Commissioner will prevail. Have I understood that correctly?

The Hon. J.A. DARLEY: I advise that the Hon. Mark Parnell's interpretation of the issue is correct.

The Hon. I.K. HUNTER: My advice is that if we look at the regulations under the bill, and we are looking at subregulation (2)(1b), and 3 and 4, these are the sorts of issues that would be considered by the Small Business Commissioner. For example, we are looking at locations for council areas in which mobile food vending businesses may operate. They need to look at which mobile food vending businesses are permitted to operate by the use of maps. They need to look at mobile food vending businesses; fixed food businesses during operating hours; fixed food businesses, taking into account the location and the number; the operating hours of fixed food businesses in council areas—and there are a number of other things.

So, it is not quite the open picnic the Hon. Mark Parnell might have alluded to. There are a number of things the Small Business Commissioner must determine and give some recognition to. The first point of call, of course, is the council. Again, it is not the Small Business Commissioner setting it, it is the council. If a complaint is raised about it then the Small Business Commissioner can

determine that he may advise council on a more appropriate setting, but he or she must take into consideration all these things that are in the regulations. If they do not, I suspect it would be open to a significant challenge.

The Hon. M.C. PARNELL: I have one more question for clarification. I know the Hon. Dennis Hood has a contribution. Again, so that I am clear in my mind and so that I understood what the minister said earlier on, ultimately the live question before us is whether the government's regime for the Small Business Commissioner's involvement is appropriately confined to regulations or whether it needs to be uplifted into the bill itself. However, ultimately, the intent of what the government is proposing and what the Hon. John Darley is proposing is that they are in furious agreement: it is really just whether it is in the regulations or in the act.

Secondly, the minister said that the government would be supporting amendment No. 1. Did he also allude to the fact that he would be supporting all of the remainder, as it is a package? I am interested in any guidance he can give us.

The Hon. I.K. HUNTER: Yes, the honourable member is right in how he formulates our position. We were wanting to put them into the regulations but the Hon. Mr Darley feels it is safer to put them into the act itself, and we concur. I did not give a position on the other two amendments but I can—and we will be supporting them all.

The Hon. D.G.E. HOOD: I indicate, as members are no doubt aware, that the Australian Conservatives will not be supporting the bill in any case but that said, should the bill pass—and I believe it may—then I believe this amendment is probably a slight improvement to what is a flawed bill, in our view. For that reason, we will be supporting the amendment.

Amendment carried.

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

Amendment No 2 [Darley–1]—

Page 3, after line 13—Insert:

- (4) Subsection (2)(a) does not apply in relation to a permit for the purposes of a mobile food vending business primarily engaged in the sale of ice cream.

The Hon. I.K. HUNTER: As I indicated to the Hon. Mr Parnell, the government will be supporting this amendment for much the same reasons as we have already outlined, and this could be called the 'Save Mr Whippy' amendment, I suppose. This is a provision that previously sat with the regulations. While the location rules are well suited to most food trucks, ice-cream trucks in particular—a very important food group, ice-cream—in their everyday business operations are moving around and often starting and stopping in dozens of different locations. It has never been the government's intention to put any ban on Mr Whippy vans, hence the need for this particular provision. I am advised that parliamentary counsel has advised that if the Small Business Commissioner's disputes process and the location rules are to move into the bill then this provision needs to move also.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the amendment, the provision for Mr Whippy. As the minister said, it is interesting because Mr Whippy does not sell just ice-cream. I know you can get other types of fast food from Mr Whippy. However, in relation to the—

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Cans of Coke, soft drink, chips, Twisties. Mr Whippy does not come to my street. Maybe I am too mean and miserable, but he does not come to my street. I do not recall him ever—

An honourable member: He doesn't know what he's missing out on!

The Hon. D.W. RIDGWAY: He does not know or he would come to our street. I always like to eat Golden North ice-cream and support South Australian manufacturers. However, I have a question to the mover because it may be supported. How does this impact on the mobile morning

tea-type operators who go from building site to building site? They pull up, people have a cup of coffee and then they shoot through. How does that impact on those sorts of people?

The Hon. J.A. DARLEY: My understanding is that it does not impact on them at all.

The Hon. M.C. PARNELL: I am interested to hear the debate. As members have pointed out, the words are 'a mobile food vending business primarily engaged in the sale of ice-cream'. I take the point that there are multisales. I think I have seen vendors with hotdogs as well as ice-creams. I do not want to demean the fine Mr Whippy industry, but my recollection, as a lecturer in public health law 15 years ago, is that soft serve ice-cream was one of the least sanitary food products in terms of the various contaminants that were in there. So, it is not a product that I am fond of buying, although when my children were small they did enjoy it.

However, I accept what the minister is saying, namely, that these vendors are slightly different. It is not a barista in a caravan camped outside a bricks and mortar cafe; it is more likely something cruising the streets to the tune of *Greensleeves*. I think that is more what the minister has in mind, so we are happy to support this amendment.

Amendment carried; clause as amended passed.

New clause 6A.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [Employment–1]—

Page 3, after line 13—Insert:

6A—Insertion of section 224A

After section 224 insert:

224A—Breach of condition of authorisation or permit

A person must not breach or fail to comply with a condition of a permit for the purposes of a mobile food vending business under section 222.

Maximum penalty: \$2,500.

Expiation fee: \$210.

This amendment has come about as a result of our discussions with the Hon. John Darley in a roundtable meeting with the Local Government Association, I am advised, and a variety of council officers from across the state to discuss the legislation and draft regulations. The LGA and councils present at this round table advise that, under the current structure of the Local Government Act, in the event of a vendor breaching their permit conditions the council would face the choice of either not penalising the breach or cancelling the permit altogether.

Council suggested that an interim measure of a penalty provision should be included within the regulations to deal with minor breaches. This amendment takes on board the feedback and provides councils the ability to issue an expiation notice for breaches of mobile food vending permits that, in the opinion of the officers, do not warrant a total cancellation of the permit. The government has chosen to set the expiation level at \$210, with a maximum penalty of \$2,500. I am advised by the Local Government Association that this is in line with penalty levels for similar offences under the act.

New clause inserted.

Clause 7 passed.

New clause 8.

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

Amendment No 3 [Darley–1]—

Page 3, after line 29—Insert:

8—Insertion of section 225A

After section 225 insert:

225A—Location rules—general

- (1) For the purposes of section 224(2)(a), a council must prepare and adopt rules (*location rules*) that set out locations within the council area in which mobile food vending businesses may operate.
- (2) A council's location rules must comply with the following requirements:
 - (a) requirements prescribed by the regulations;
 - (b) requirements (if any) specified by the Minister by notice in the Gazette.
- (3) A requirement specified by the Minister under subsection (2)(b) may relate to location rules of councils generally or those of a particular council or councils.
- (4) A council—
 - (a) may from time to time amend its location rules; and
 - (b) must amend its location rules in order to ensure that the rules comply with—
 - (i) any requirement specified by the Minister under subsection (2)(b); or
 - (ii) any direction given by the Small Business Commissioner under subsection (7).
- (5) If the Small Business Commissioner recommends under section 225B(5) that a council amend its location rules—
 - (a) the council must give consideration to amending its location rules in accordance with the recommendation; and
 - (b) if the council resolves not to amend its location rules in accordance with the recommendation—the council must provide written reasons for the resolution to the Small Business Commissioner and the applicant under section 225B.
- (6) If the applicant under section 225B is dissatisfied with the written reasons provided by a council in relation to a recommendation under section 225B(5) that the council amend its location rules, the applicant may request the Small Business Commissioner to consider directing the council to amend its location rules in accordance with the recommendation.
- (7) The Small Business Commissioner may, on a request under subsection (6) and if satisfied that it is appropriate to do so taking into account the written reasons of the council, direct the council to amend its location rules in accordance with the recommendation referred to in subsection (6).
- (8) If a council is given a direction by the Small Business Commissioner under subsection (7), the council must not fail to comply with the direction.

Maximum penalty: \$5,000.

225B—Location rules—disputes

- (1) If the operator of a food business in a council area is directly adversely affected by the location rules of the council under section 225A, the operator may apply to the Small Business Commissioner for a review of the location rules by the Small Business Commissioner (who is conferred with the function of conducting such a review).
- (2) An application under subsection (1) must—
 - (a) be made in a manner and form determined by the Small Business Commissioner; and
 - (b) include any information required by the Small Business Commissioner.
- (3) The Small Business Commissioner may—
 - (a) conduct a review under this section in such manner as the Commissioner determines to be appropriate; and
 - (b) specify procedures and requirements that are to apply in connection with a review under this section.

- (4) The Small Business Commissioner may, in conducting a review under this section, exercise any power of the Commissioner that applies under the *Small Business Commissioner Act 2011* in relation to the performance of the Commissioner's functions under that Act.
- (5) After conducting a review under this section, the Small Business Commissioner may, if the Commissioner considers it appropriate to do so, recommend to the relevant council that the council amend its location rules.
- (6) In this regulation—
food business means a business the primary purpose of which is the retail sale of food or beverages.

The Hon. I.K. HUNTER: The government supports this amendment for the same reasons it supported amendment Nos 1 and 2. This amendment relocates the location rules and the Small Business Commissioner's disputes process from the draft regulations into the bill. So, the location rules where food trucks are able to trade will be determined at a local council level, as I said earlier. The provisions that are proposed to be moved into the bill as a result of this amendment will be accompanied by additional requirements covered in the draft regulations, including the requirements placed on councils and mobile food vendors relating to the conditions of the food truck permit, including:

- maximum annual and monthly fees;
- requirements that food trucks do not unduly interfere with other vehicles and thoroughfares; and
- an awareness of disability parking spaces, amongst other requirements.

This outlines that mobile food vendors must comply with the requirements set out under the Food Act, the Public Health Act and a number of other state government acts. That should make the Hon. Mark Parnell a little happier. A list of things that council must take into account when adopting or amending its location rules include:

- ensuring a reasonable distance between mobile and fixed businesses;
- the potential impact a mobile food vendor may have on its surrounding environment; and
- a penalty process for councils where a mobile food vendor fails to comply with the conditions of their permit.

The Small Business Commissioner's process for handling disputes was one that came up in negotiations with the Hon. John Darley. It is a process that the Small Business Commissioner is supportive of, I am advised. It enables a clear process for the handling of disputes where a local business is dissatisfied with the council's location rules.

These amendments also introduce a penalty provision into the Small Business Commissioner's process for handling disputes about a council's location rules. The penalty, as set out, is a maximum of \$5,000 where a council fails to comply with a direction. The government thinks this amendment is also a reasonable one and is happy to support it.

New clause inserted.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:55): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 8
 Noes 7

Majority 1

AYES

Darley, J.A.
Hunter, I.K. (teller)
Parnell, M.C.

Gago, G.E.
Malinauskas, P.
Vincent, K.L.

Hanson, J.E.
Ngo, T.T.

NOES

Dawkins, J.S.L.
Lucas, R.I.
Stephens, T.J.

Hood, D.G.E.
McLachlan, A.L.

Lensink, J.M.A.
Ridgway, D.W. (teller)

PAIRS

Brokenshire, R.L.
Wade, S.G.

Franks, T.A.
Maher, K.J.

Gazzola, J.M.
Lee, J.S.

Third reading thus carried; bill passed.

BAIL (MISCELLANEOUS) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The Hon. A.L. McLACHLAN (16:00): I rise to speak to the Bail (Miscellaneous) Amendment Bill 2017 and indicate that I speak on behalf of the Liberal opposition. The Liberal Party will be supporting the second reading of the bill. My speech is relatively brief, but I will have more to say in reference to the amendments at clause 1 of the committee stage.

The bill itself introduces a limited number of amendments to the Bail Act. Pursuant to section 10 of the act, there is a general presumption in favour of bail. This presumption means that bail should be granted unless there are good reasons for it being refused. This presumption is tied to the principle that an accused person is considered innocent until proven guilty. Despite this, section 10A of the Bail Act lists certain cases in which the presumption in favour of bail is reversed. In such cases, the applicant must convince the bail authority that special circumstances exist that justify their release on bail.

The list of prescribed applicants for whom there is this presumption against bail includes people charged with offences such as manslaughter, causing death or harm or endangering life or creating a risk of serious harm when caused by the applicant's use of a motor vehicle; serious and organised crime suspects, including those accused of failing to comply with a control order or public safety order; threats or reprisals relating to persons involved in criminal investigations or judicial proceedings; persons taken into custody in relation to the Intervention Orders (Prevention of Abuse) Act, if the alleged offending involved physical violence or a threat of the same; and persons taken into custody over serious firearm offences.

The bill before the chamber adds to this list at section 10A of the act applicants charged with an aggravated offence involving physical violence or threats of the same, if the aggravating feature is that they contravene an intervention order of the court and the offending was within the range of conduct that the order was trying to prevent.

The government advised that in these circumstances an accused will often be charged with the violent offence but the breach will be dealt with as an aggravating feature of the violent offending rather than progressing as a separate charge. This amendment aims to provide certainty that the presumption against bail will certainly apply to that offending even if it is not charged as a separate

offence. The government also stated that this approach ensures that the complainant is only subjected to giving evidence in one proceeding.

The Liberal Party is supportive of such measures that are aimed at improving efficiency within our justice system and, importantly, those that aim to provide an additional level of protection to victims of such offending. The bill also removes the option of prescribed persons seeking a bail review by telephone and excludes Saturday as a working day for the purposes of the act. The government stated that such applicants would instead be brought before the court on the following working day. Given that courts have not convened on Saturdays for some time, this amendment seems sensible and appropriate. As I indicated earlier, I will speak on the amendments at clause 1. I commend the bill to the chamber.

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

LOCAL GOVERNMENT (BOUNDARY ADJUSTMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The PRESIDENT: I would like to draw the attention of the council to an anomaly that has occurred in that the question for the second reading of this bill was not put and the council incorrectly resolved itself into committee of the whole, prior to the bill being read a second time. Therefore, it is necessary for the council to conclude the debate on the second reading and for the question to be put before the council resolves itself to a committee of the whole.

The Hon. J.M.A. LENSINK (16:04): I rise to make some remarks in relation to this bill, which is supported by the Liberal Party. This bill has become necessary to replace the previous system under the Boundary Adjustment Facilitation Panel, which was abolished as part of the omnibus legislation to review a range of boards and committees under various government agencies and departments, and the panel's functions having been transferred to the Minister for Local Government. So, a new process needed to be found. It was the task of the Office of Local Government, together with the Local Government Association (LGASA), to review this process.

I understand that South Australia is the only state that does not currently allow a minister to initiate boundary adjustment proposals and is instead reliant on ratepayers and councils themselves to put forward suggestions. I am advised that over more recent years minimal changes have occurred and I can recollect that it has been the subject of some questions in this place. I think it was two councils on Eyre Peninsula where there might have been a hostile takeover attempted by one council on the other. I think it was quite an unsatisfactory process at that stage, even though it probably did not affect a huge number of electors. Because a number of those regional councils have quite a small rating base, it would have made quite a significant difference to the particular council that was going to potentially lose some of its area.

There is a process for public-initiated submissions, which requires a minimum of 20 eligible electors to be submitted to the council, which the council is then at liberty to support or not. That proposal is then lodged with the minister. I understand that this particular bill process is in line with a range of processes interstate and is supported by the LGA board and has been the subject of discussion from the State/Local Government Forum. There is a particular pathway for what is called 'minor proposals', which correct historical anomalies, and then a broader initiation process, which can be initiated by electors at two or more councils or a single council, or, indeed, minister, or, indeed, resolution of either house of parliament.

There are amendments to the Local Government Grants Commission to assess the proposals themselves and then make recommendations to the minister; the capacity for independent analysis of the particular proposal, whether it be amalgamations or merely boundary changes; cost recovery initiatives; and some principles, which the LGA has requested to support regional collaboration to improve efficiencies, which is something that is obviously going to be welcomed by many people who are concerned about the efficiency or otherwise of local councils.

The bill also allows the commission to appoint investigators to inquire into particular proposals, including whether there are financial implications, what level of community support exists, and a range of other matters. With those brief comments, I commend the bill to the council.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:09): I appropriately and correctly now conclude the debate. I thank the opposition for their indication of support and look forward to a speedy passage.

Bill read a second time.

Committee Stage

In committee.

Bill taken through committee without amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY PROCEDURE (SERVICE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:11): I would like to thank all members for their contribution on this important legislation, and I look forward to discussing the bill in depth during the committee stage.

Bill read a second time.

ELECTORAL (LEGISLATIVE COUNCIL VOTING AND OTHER MEASURES) AMENDMENT BILL

Final Stages

The House of Assembly agreed to amendments Nos 1 to 5, 7, 9 to 13, 15 and 18 to 22 made by the Legislative Council without any amendment; disagreed to amendments Nos 6, 8, 14, 16 and 17; and made alternative amendments as indicated in the following schedule in lieu thereof:

Legislative Council's Amendment

No. 6. Clause 11, page 5, line 12 [clause 11, inserted paragraph (b)]—After 'preference' insert:

and consecutive numbers in other group voting squares so as to indicate the order of preference for not less than 6 groups of candidates in total (or, if there are 6 or fewer group voting squares on the ballot paper, so as to indicate the order of preference for all remaining groups of candidates)

House of Assembly's Alternative Amendment

No. 6. Clause 11, page 5, line 12 [clause 11, inserted paragraph (b)]—After 'preference' insert:

and, if the voter so desires, by placing the number '2' and consecutive numbers in the group voting squares that relate to other groups of candidates in the order of the voter's preference for them (but not so as to be required to indicate a preference for all groups of candidates)

Legislative Council's Amendment

No. 8. Clause 12, page 5, lines 16 to 28 [clause 12, inserted subsections (2) and (3)]—Delete inserted subsections (2) and (3) and substitute:

- (2) If 1 or more numbers, that are not disregarded under section 94(4d), are placed in group voting squares on a ballot paper in relation to groups of candidates (each group being a *preferred group*), the ballot paper is taken to have been marked as if—
- (a) each candidate in a preferred group was given a different number starting from 1; and
 - (b) candidates in a preferred group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and
 - (c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and
 - (d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.

House of Assembly's Alternative Amendment

No. 8. Clause 12, page 5, lines 16 to 28 [clause 12, inserted subsections (2) and (3)]—Delete inserted subsections (2) and (3) and substitute:

- (2) If 1 or more numbers, that are not disregarded under section 94(4b), are placed in group voting squares on a ballot paper in relation to groups of candidates (each group being a *preferred group*), the ballot paper is taken to have been marked as if—
- (a) each candidate in a preferred group was given a different number starting from 1; and
 - (b) candidates in a preferred group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and
 - (c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and
 - (d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.

Legislative Council's Amendment

No. 14. Clause 13, page 6, lines 28 and 29 [clause 13(1), inserted paragraph (b)(ii)(B)]—Delete subparagraph (B) and substitute:

- (B) the order of the voter's preference for groups of candidates in accordance with section 76(1)(b); or

House of Assembly's Alternative Amendment

No. 14. Clause 13, page 6, lines 25 to 29 [clause 13(1), inserted paragraph (b)(ii)]—Delete all words in line 25 and subparagraphs (A) and (B) and substitute:

indicate, in the manner required by this Act, the order of the voter's preference for candidates in the election; or

Legislative Council's Amendments

No. 16. Clause 13, page 6, line 34 [clause 13(4)]—After 'delete subsection (4a)' insert:

and substitute:

- (4a) A ballot paper for a Legislative Council election where there are more than 6 candidates is not informal under subsection (1)(b)(ii)(A) if the voter has placed consecutive numbers (starting from the number '1') in the squares printed opposite the names of at least 6 candidates in total.
- (4b) For the purposes of this Act, the following numbers placed in a square printed opposite the name of a candidate on a ballot paper for a Legislative Council election are to be disregarded:
 - (a) numbers that are repeated and any higher numbers;
 - (b) if a number is missed—any numbers that are higher than the missing number.

No. 17. Clause 13, page 6, after line 34—Insert:

- (5) Section 94—before subsection (5) insert:
 - (4c) A ballot paper for a Legislative Council election is not informal under subsection (1)(b)(ii)(B) if the voter has placed the number '1' in a group voting square, or has placed the number '1' and one or more higher numbers in group voting squares, on the ballot paper.
 - (4d) For the purposes of this Act, the following numbers placed in a group voting square on a ballot paper for a Legislative Council election are to be disregarded:
 - (a) numbers that are repeated and any higher numbers;
 - (b) if a number is missed—any numbers that are higher than the missing number.

House of Assembly's Alternative Amendment

Nos. 16 and 17. Clause 13, page 6, line 34 [clause 13(4)]—After 'delete subsection (4a)' insert:

and substitute:

- (4a) A ballot paper for a Legislative Council election where there are more than 6 candidates is not informal under subsection (1)(b)(ii) if the voter has placed consecutive numbers (starting from the number '1') in the squares printed opposite the names of at least 6 candidates in total.
- (4b) For the purposes of this Act, the following numbers placed in a square printed opposite the name of a candidate, or placed in a group voting square, on a ballot paper for a Legislative Council election are to be disregarded:
 - (a) numbers that are repeated and any higher numbers;
 - (b) if a number is missed—any numbers that are higher than the missing number.

The Hon. I.K. HUNTER: As indicated, I thank members for their contributions to this bill. As indicated by the Attorney-General in the other place, the government has brought back to this chamber a relatively simple proposition. Accepting the message from the House of Assembly and the amendments the house has proposed will result in the voting system for above the line put forward, as I understand it, by the Hon. Mark Parnell MLC, namely, one plus. For below the line, the house has proposed a Senate model of 12 plus.

If the government's position from the House of Assembly is not accepted, the houses will be at an impasse. I am advised that it is critical that this matter be resolved before the winter break to enable the Electoral Commissioner to implement reforms. I urge all honourable members to adopt the positive position advocated by the government, as it represents a reasonable compromise and achieves the objectives we aim to see—the removal of preference harvesting and ticket voting. Accordingly, I move:

That the council do not insist on its amendment No. 6 but agrees to the alternative amendment made by the House of Assembly.

The Hon. R.I. LUCAS: Unsurprisingly, I oppose it and I support the Legislative Council position. We had this debate just a couple of weeks ago. A majority of members in this chamber listened to the government's arguments for the proposition the government is putting again here today and rejected the package of amendments the government now seeks to endorse. This is not a further compromise at all. This is just a restating of the position that was defeated a couple of weeks ago in this chamber.

I do not intend to repeat all the arguments, other than to refer the avid readers of *Hansard* to the contributions that were made during that debate and the reasons that were given. The primary reason for the difference of view in relation to how we should vote above the line was consistency. It is a complicated system in terms of voting for upper houses in Australia, and South Australia has had a long tradition of consistency between the Senate and the Legislative Council.

The Senate has made recent changes and the amendments that a majority in this chamber supported just a couple of weeks ago were to support changes to the Legislative Council system above the line, which would make them consistent. There were many other reasons given during

that debate but I will not restate them. I support the Legislative Council's position and I would hope that members who only a couple of weeks ago supported the Legislative Council's position will continue to maintain the position in relation to the package of amendments.

I should make one other point. I am aware of the position that the government and the Attorney-General have adopted. The government, the opposition and minor party and Independent members in both houses have supported upper house reform in terms of removing vote harvesting or voting tickets. That is consistent in relation to all these provisions. When we debated this bill a couple of years ago, we introduced much higher thresholds for registration of minor parties, etc., which were again intent on trying to ensure that we did not have tablecloth-size ballot papers for upper house elections in South Australia. Again, they continue to be supported.

The Liberal Party has expressed the view that we should support this system and we maintain that view, but we also do not accept the contention that I understand the government is putting that, 'If you don't agree to this, you terrible people in the Legislative Council, we will take our bat and ball and go home, and we won't even introduce the reform of the removal of voting tickets.' That is just so implausible that I think it is unbelievable to almost anybody who observes the political process. As I said, we will be maintaining our position and we urge members in the chamber to vote as they did just a couple of weeks ago.

The Hon. M.C. PARNELL: I am pleased that the House of Assembly has sent this one back to us. Whilst I accept a lot of what the Hon. Rob Lucas says in relation to the primary evil to be overcome with the group voting tickets, the backroom preference deals, I still think it is beholden on us to pass the best legislation we possibly can. I think a form of optional preferential voting, where you are not forced to vote for people you do not want, is a more democratic system, so I will be supporting the government position.

I will just make the point that the Hon. Rob Lucas suggested the government had not moved a whole lot. If we cast our mind back, the original proposition that was put forward was the—I can never pronounce it properly—

The Hon. S.G. Wade: Sainte-Laguë

The Hon. M.C. PARNELL: Sainte-Laguë. I kept thinking of 'saint Lego', the patron saint of plastic blocks. The other model that was put forward was the 'just vote 1'—one means one means one—and you have no preferences at all. I think the Attorney has had to let go of that one. I think there has been some movement. In terms of below the line voting, whilst it might be less important in the overall scheme of things, given that only 5 per cent or fewer people vote below the line, I think the reform there is a compromise. So, we will be supporting the government's position.

The Greens' position is to not insist on the Legislative Council amendments, and I would perhaps ask the Chairman, when he is finally putting this to a vote, to assist us with the double negative that is involved so that we do not accidentally vote the wrong way. I will leave it to the Chairman to manage that. I think this is a sensible result. Whilst the nature of voting is that there are winners and losers, at the end of the day we are all winners because we are getting a better, fairer and more democratic voting system.

The Hon. D.G.E. HOOD: The Australian Conservatives will not be changing our previous position of just a few weeks ago. We will be insisting on the Legislative Council amendments that were sent to the other place. The primary reason for that—we had quite an extensive debate, and I will not go into all of the reasons—is that I have a strong view that, as we have seen in South Australia for very many years now, our upper house voting system has essentially mirrored that of the Senate and we are now, in this amendment today, walking away from that quite substantially.

As members are fully aware, the Senate has very recently passed a new system of voting in the Senate whereby voters are required to number six boxes above the line. Yes, there are savings provisions should they not do that and, of course, we support that model for a savings provision should people not do that in South Australia, as the previous amendment, if you like, the amendment that has been rejected right now by the House of Assembly, would have allowed.

Our primary reason for rejecting the suggested amendments from the House of Assembly is that we are now moving away substantially from mirroring the Senate in what is being proposed, and

that is that voters will be able to put one or more numbers in the boxes; that is, they may just put 1, 2, 3, etc., which is a substantial departure from the Senate model. I think that will lead to some confusion. If we are honest, we know that people are largely disengaged from the political process, and all the more so from upper house voting. In fact, it constantly amazes me how many people are unaware that there are two houses in South Australia.

An honourable member interjecting:

The Hon. D.G.E. HOOD: Yes, shocking; I know. So, I think we need to make it as simple as possible. How do we make it as simple as possible? We mirror the model that exists in the Senate so that voters are being told the same message at both the state and federal level so there is no room for confusion. That said, we will see what the house decides, but our position will not change.

I do have a question for the government though, if I can put this to them whilst I am on my feet: the new amendment we are facing right now as passed in the House of Assembly, is there anything else in the bill that prevents a party from advertising a 'Just vote 1' campaign? If you are the Labor Party you could put an ad on TV that says, 'Just put a 1 in the box above the line and don't worry about anything else.' Is there anything in the bill that prevents that, as it stands?

The Hon. I.K. HUNTER: My advice is no.

The Hon. D.G.E. HOOD: I thank the minister for his response. That is my concern; that highlights my concern. I think what we will see is that we will have parties, who knows which, but there will be parties advertising that. Whilst you can see the attractiveness of the simplicity of that to voters, it is a significant departure from the Senate voting system. I think we will also see, when people come to vote in the Senate next time, after they have been exposed to this in March, should it pass, that it may lead to an increase in formal voting in the Senate vote because people may just vote 1 in the Senate. Of course, there are savings provisions, so that vote would actually be a formal vote in a sense, but it is certainly not what the Senate intended when it passed the legislation.

So, I think there is a strong case for having both the state and federal upper houses elected in the same way. I think we open ourselves to confusing voters by doing this, which I think is unfortunate. My prediction is that we will see one or more parties advertising 'Just vote 1' above the line at the coming state election, which in one sense is appealing from a simplicity point of view, but it does move people further away from truly preferential voting, which is the foundation of our electoral system and has been for a very long time. We are insisting on the amendment.

The Hon. K.L. VINCENT: Just to assist the council, the Dignity Party will also not be changing its position. We support the position of the government and again thank them for supporting the amendments we put forward to increase diversity in the parliament. I will not go over those amendments again, as we have already agreed to them in this place, but indicate that we will be maintaining our original position.

The CHAIR: The question is: that the council insist on its amendment. So, if you want to support the government's alternative you have to oppose that.

The committee divided on the motion:

Ayes.....7
 Noes 8
 Majority 1

AYES

Dawkins, J.S.L.
 Lucas, R.I. (teller)
 Wade, S.G.

Hood, D.G.E.
 Ridgway, D.W.

Lee, J.S.
 Stephens, T.J.

NOES

Darley, J.A.
 Hunter, I.K. (teller)

Gago, G.E.
 Malinauskas, P.

Hanson, J.E.
 Ngo, T.T.

NOES

Parnell, M.C.

Vincent, K.L.

PAIRS

Franks, T.A.

Brokenshire, R.L.

Gazzola, J.M.

Lensink, J.M.A.

Maher, K.J.

McLachlan, A.L.

Motion thus negatived.

The Hon. I.K. HUNTER: I move:

That the alternative amendment made by the House of Assembly be agreed to.

The Hon. R.I. LUCAS: The Liberal Party's position remains the same. We support the Legislative Council's position. We note that in the last division the government got the surprising support of one additional member, who changed his position from last time. We assume, although we have not heard from that member in terms of his position, that that position is the same for the other amendments. I will put a question to the Hon. Mr Darley as to whether he is going to vote with the government for the remaining three amendments. If that is the case, then we will not divide, but if the Hon. Mr Darley will not indicate his position we will continue to divide just to see our position.

The Hon. J.A. DARLEY: I will be supporting the government.

The CHAIR: Unless there are no further contributions I will put the question that the alternative amendment made by the House of Assembly be agreed to.

Motion carried.

The Hon. I.K. HUNTER: I move:

That the council do not insist on its amendment No. 8 but agrees to the alternative amendment made by the House of Assembly.

The Hon. R.I. LUCAS: Again, the Liberal Party's position is to support the Legislative Council position but given the indication now of the Hon. Mr Darley, having changed his position, we will not be calling divide.

The CHAIR: I put the question: that the council insist on its amendment.

Motion negatived.

The Hon. I.K. HUNTER: I move:

That the alternative amendment made by the House of Assembly be agreed to.

The Hon. R.I. LUCAS: Again, on behalf of the Liberal members I indicate that our position is to support the position of the Legislative Council, but given the indication that the Hon. Mr Darley has given, that he has now changed his position, we will not be calling divide.

Motion carried.

The Hon. I.K. HUNTER: I move:

That the council do not insist upon its amendment No. 14 but agrees to the alternative amendment made by the House of Assembly.

The Hon. R.I. LUCAS: Again, I indicate that the Liberal Party's position is to support the position of the Legislative Council. As the Hon. Mr Darley has indicated that he has changed his position from a couple of weeks ago, we will not be calling a divide.

The CHAIR: I put the question: that the council insist on its amendment.

Motion negatived.

The Hon. I.K. HUNTER: I move:

That the alternative amendment made by the House of Assembly be agreed to.

The Hon. R.I. LUCAS: I indicate on behalf of Liberal members that we support the position of the Legislative Council, but as the Hon. Mr Darley has indicated that he has changed his position from a couple of weeks ago we will not be calling a divide.

Motion carried.

The Hon. I.K. HUNTER: I move:

That the council do not insist upon its amendments Nos 16 and 17 but agrees to the alternative amendment made by the House of Assembly.

The Hon. R.I. LUCAS: Again, on behalf of Liberal members, I indicate that we support the position of the Legislative Council, but as the Hon. Mr Darley has indicated that he has changed his position from just two weeks ago we will not be calling a divide.

The CHAIR: I put the question: that the council insist on its amendment.

Motion negatived.

The Hon. I.K. HUNTER: I move:

That the alternative amendment made by the House of Assembly be agreed to.

Motion carried.

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

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

PUBLIC INTEREST DISCLOSURE BILL

Conference

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

At 16:37 the council adjourned until Wednesday 9 August 2017 at 14:15.