LEGISLATIVE COUNCIL

Tuesday, 18 June 2019

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 14:15 and read prayers.

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

Ministerial Statement

DOGS AND CATS ONLINE DATABASE

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:16): On behalf of the Minister for Environment and Water in another place, I table a copy of a ministerial statement relating to the Dogs and Cats Online database.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): My question is to the Minister for Health and Wellbeing:

1. What date was the minister first personally informed about the bungled cancer diagnosis of Mr Claus Burg?

2. What date was the minister's office first informed of the bungled cancer diagnosis of Mr Claus Burg?

3. What date did the minister request the Central Adelaide Local Health Network to begin an investigation into the bungled cancer diagnosis of Mr Claus Burg?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I thank the honourable member for his question. In relation to the detail, I will take it on notice and get back to the honourable member.

The Hon. K.J. MAHER: A point of order, Mr President: I wonder if there are standing orders about having mobile devices attached to your person.

The PRESIDENT: I haven't been observing the minister's ear. Minister, just go on with the answer.

The Hon. S.G. WADE: I would like to take the opportunity, though, to offer my apologies to Mr Burg on behalf of the Central Adelaide Local Health Network. I am advised that the Central Adelaide Local Health Network chief executive officer wrote to Mr Burg on 6 June 2019 expressing her regret and to pass on the sincere apologies of her staff. I am advised that as soon as she was made aware of Mr Burg's situation, the CEO asked senior SA Medical Imaging and TQEH medical oncology staff to investigate Mr Burg's situation. That investigation found that Mr Burg's cancer could have been diagnosed sooner.

I understand that senior staff have also offered to meet with Mr Burg personally to discuss further findings from the investigation and staff will continue to follow up with Mr Burg on this. The findings have been shared amongst all SA Medical Imaging radiologists, stressing the importance of being alert to significant or unexpected findings in any medical scans.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary arising from the answer: who undertook the investigation the minister referred to in his answer?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I will take that on notice and bring back an answer.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary question in relation to the original answer: if the minister doesn't know who actually conducted the investigation, can the minister assure the chamber that it was an independent investigation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): The advice I have received is that as soon as the CEO was made aware of the situation the CEO asked senior SA Medical Imaging and TQEH medical oncology staff to investigate Mr Burg's situation. On the basis of that advice, my understanding is that it was done by those staff.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Further supplementary: I gather, then, from the minister's answer that it wasn't an independent investigation; it was done within SA Health. Will the minister be insisting on an independent investigation of this matter?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I will be awaiting further briefings.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Further supplementary: given there was some sort of investigation, we think, have any SA Health staff or SA Health contractors been stood down as a result of the bungled cancer diagnosis of Mr Claus Burg?

The PRESIDENT: Come on, that's pushing the supplementary. The supplementary is the core of that question, otherwise I will rule it out of order. Minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I am not aware, but I will certainly take the honourable member's question on notice.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Final supplementary: can the minister assure the chamber and the broader South Australian community that there are no further misdiagnosis cases of this nature from The Queen Elizabeth Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I am the Minister for Health and I have 40,000 employees who every day do their best to deliver public health services to South Australians—40,000 people working in very complex situations. The reality is that from time to time the high standards that they expect of themselves and that the South Australian community expects of them are not fulfilled to perfection. The fact is that I have great confidence in the SA Health system continuing to work to improve, to minimise adverse outcomes. That is what is being done to learn from the situation of Mr Burg, so that we can continue to improve the care that we provide to South Australians.

CANCER DIAGNOSIS ERROR

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding cancer bungles.

Leave granted.

The Hon. K.J. MAHER: On ABC radio on Tuesday 11 June and again in this chamber today, the minister stated that meetings between Mr Claus Burg and the Central Adelaide Local Health Network will, and I think the quote from radio was, 'be taking place this week,' and of course

that was last week. The minister also, I think, stated he would send an acknowledgement letter to Mr Claus Burg following a letter from both Mr Claus Burg and the member for Wright in April. My question to the minister is: was that accurate? What time and date did staff meet with Mr Burg and was an acknowledgement letter sent from the minister, as he stated on radio?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): In relation to the meeting with Mr Burg, I am not aware that the meeting has occurred, but my understanding is that the meeting has been offered. In relation to confirming that an acknowledgement letter was sent in accordance with normal practice, I will take that on notice.

SA PATHOLOGY

The Hon. E.S. BOURKE (14:28): My question is to the Minister for Health and Wellbeing. As a result of the government's SA Pathology efficiency targets, will the minister advise the chamber on how many staffing positions will be cut from regional SA Pathology labs? When will these cuts occur, and can the minister advise if any volunteer redundancy packages have been negotiated and/or accepted by staff in regional SA Pathology labs?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): The opposition persists in trying to concoct jobs cut numbers. The former Labor government over four years failed to deliver efficiency reform in SA Pathology.

Members interjecting:

The PRESIDENT: Order on the opposition benches!

The Hon. S.G. WADE: The government will continue to look at opportunities to deliver efficiencies within the high-quality services provided by SA Pathology. There certainly have been conversations within SA Pathology as to the level of interest of employees in packages.

SA PATHOLOGY

The Hon. E.S. BOURKE (14:30): Supplementary: will the minister advise whether any redundancy packages have been negotiated or accepted?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I am not aware of any packages having been finalised.

SA PATHOLOGY

The Hon. E.S. BOURKE (14:30): Can the minister advise whether any regional staff have been contacted in SA Pathology services about redundancies?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I am not aware of the breadth of the discussions, but my understanding is that they are widespread.

EXPORT ACCELERATOR PROGRAM

The Hon. T.J. STEPHENS (14:30): My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council about successful recipients of grants from the South Australia Export Accelerator program, and how the grants can be used by local businesses?

Members interjecting:

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): I thank the honourable member for his ongoing interest. I am intrigued that members opposite, before I even stand up, just can't help themselves.

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Don't aggravate the President.

The Hon. D.W. RIDGWAY: As the council will be aware, last year the Marshall Liberal government launched the South Australia Export Accelerator grant program. The program helps

small to medium businesses into international markets and to expand their business and creates jobs for South Australians.

The grants can be used to support a wide variety of business activities, such as producing market materials, hosting inbound missions, participating in international trade shows and business missions, conducting market research, developing and implementing an international e-commerce platform and undertaking export training and consultation. Our aim is to give a boost to businesses that are already producing high-quality products and to take our state to the rest of the world.

The program consists of three grants, tailored for businesses at different stages of development. The emerging exporter: for first-time exporters in South Australia, grants of up to $5,000 are available on a competitive one-to-one basis. The Export Accelerator grant: grants of up to $30,000 are available to help fund business expansion that would create multiple direct ongoing jobs on a competitive one-to-one matched funding basis.

Then, of course, there is the new market entry: grants of up to $15,000 are available to help fund business expansion per each new international market on a competitive one-for-one match funding basis. Exporters continue to access these grants as long as they are seeking new sales in brand-new markets.

The latest round of grant recipients was announced last week. This group consisted of 27 South Australian companies to share in more than $544,000 in state government grants. One of these businesses is Adelaide-based aviation software development business, Avinet. Avinet is the team behind the cloud-based aviation software, Air Maestro, which allows customers to manage flight records, track incidents, identify and analyse hazards and monitor complex flight and duty regulations. They have been awarded $30,000 and will use the grant money to promote their products in overseas markets. Additionally, they are looking to attend trade shows to meet potential customers in key growth markets like the United States and Canada.

So as you can see, there are so many opportunities for emerging sector businesses in South Australia. Businesses in the space sector, agri and food tech industries, creative industries and the high-tech industries (just to name a few) all have such a great opportunity to grow and expand their reach.

The Export Accelerator initiative offers a fantastic opportunity for South Australian businesses to be showcased on a global stage. Furthermore, the program helps companies grow their workforce and create jobs for more South Australians. Other businesses that have received funding as part of this round include Seppeltsfield Road Distillers and Better Taste Organics in the emerging exporters category, Artisans of the Barossa, Biosensis and Mighty Kingdom in the export accelerator category, and Portia Valley Wines in the new market entry category.

These are a handful of the 27 successful applicants for this round of funding, and I offer my congratulations to all the businesses that have already been awarded grants. I encourage anyone interested in applying for the next round of funding to get cracking on 1 July, when the next round opens.

EXPORT ACCELERATOR PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): Supplementary question based on the answer: which ministry is responsible for signing off on the grants that the minister talked about?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:34): I'm the minister responsible for signing off on the grants.

EXPORT ACCELERATOR PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): Supplementary question arising from the answer: who from the department recommends to the minister about the awarding of the grants that the minister talked about?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:34): They go through an evaluation process in the department and then the recommendations come to me to sign off on.

EXPORT ACCELERATOR PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Further supplementary question: were there any extra recommendations, apart from the 27 the minister mentioned, that he didn't sign off on—that is, recommended by the department but the minister did not sign off on?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:35): I'm not aware of any that I didn't sign off. They made it to my desk under full recommendation and I signed those that were recommended to me, but I will just check the records in case some came up that weren't signed.

EXPORT ACCELERATOR PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary question arising from the original answer: will the minister also take on notice, and he may know it off the top of his head, if there were any grants that he made that did not come from a recommendation of his department?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:35): Not that I'm aware of but I will check the records.

EXPORT ACCELERATOR PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary question arising from the answer: does the minister expect to be awarding any such grants after May 2020?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:36): I expect to be awarding grants right the way through to the next election, and beyond.

EXPORT ACCELERATOR PROGRAM

The Hon. E.S. BOURKE (14:36): Supplementary question: given the minister has highlighted the importance of these grants, why is the funding pool for this grants program less than the previous government's export partnership program?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:36): We have a number of funding rounds. We continue to support exporters. The member might be interested in the quantum of the money that is being spoken about. We have competitive rounds and exporters are getting on board and applying for them and we are awarding the grants to them.

EXPORT ACCELERATOR PROGRAM

The Hon. E.S. BOURKE (14:36): Further supplementary: will the minister seek to ensure that funding is at the same level as it was under the previous government?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:36): We will look to all programs and do evaluations and, if we think that they need more funding across the forward estimates, we will make those considerations when the time comes.

MANDATORY RAINWATER TANK CONNECTION

The Hon. M.C. PARNELL (14:37): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Treasurer, a question relating to mandatory rainwater tank connection for new residential properties.

Leave granted.

The Hon. M.C. PARNELL: For the last 13 years, South Australia—the driest state in the driest continent—has had rules requiring new homes to be fitted with rainwater tanks that are plumbed into the toilet or the laundry. For the last three weeks speculation has been rife about whether this requirement will be removed, supposedly at the request of the Master Builders Association. The Treasurer is quoted in a number of media outlets as saying he is considering the move.

On the other hand, Irrigation Australia and other groups representing the rainwater harvesting industry, have said that removing mandatory rainwater tanks will not significantly affect

the price of new homes and that it will simply shift more costs onto householders through increased water bills and onto local government and the environment through increased stormwater infrastructure costs. They claim that this was the effect of a similar rule change in Queensland some years ago.

The industry also claims that up to 650 jobs could be lost if mandatory rainwater tank rules are abolished. They point out that nearly all rainwater tanks used in South Australia are manufactured locally here in South Australia. Lastly, the government's own Green Adelaide initiative incorporates the principles of water-sensitive urban design. This is depicted on the government's website in a logo showing rain falling on a home roof and running into a rainwater tank. My questions to the Treasurer are:

1. What modelling has the government done to show the likely impact of such a rule change on household budgets and local council infrastructure?

2. How would such a rule change be consistent with the government's professed commitment to the principles of water-sensitive urban design?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I thank the honourable member for his questions. He has always had a strong interest in rainwater and rainwater tanks. I will take the question on notice and refer it to my hardworking colleague, the Hon. Rob Lucas, Treasurer of the state.

AMBULANCE SERVICES

The Hon. I. PNEVMATIKOS (14:39): My question is to the Minister for Health and Wellbeing. Has the government encouraged the Ambulance Employees Association to consider negotiating away workers' conditions, such as giving up meal breaks, as a method of increasing staff levels to address the ramping issue?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): The Treasurer, as Minister for Industrial Relations, is having discussions with the Ambulance Employees Association. I will take the honourable member's question on notice and refer it to the honourable Treasurer.

EXTREME WEATHER RESPONSE

The Hon. J.S. LEE (14:40): My question is to the Minister for Human Services about the support available for people who are experiencing homelessness. Can the minister please provide an update to the council about the support for rough sleepers during extreme winter weather conditions?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I thank the honourable member for her question and for her interest in this important issue. I would just like to clarify on the public record in relation to the matters of homelessness and the issuing of Code Blues and Code Reds, given that there has been quite a bit of spirited discussion in the public domain on this matter.

There are a range of homelessness services that operate 24 hours a day. These include the Homelessness Gateway, the domestic and family violence hotline, and a range of services. Within the CBD, we have the Street to Home Service which offers daily assistance to people sleeping rough, as well as a range of other services which operate during business hours, including the Hutt Street Centre, Baptist Care and other services which provide services such as case management and meal services and the like that people would be quite familiar with.

In the last sitting week I was asked questions in relation to mental health and homelessness and I wanted to correct the record about some of the data that is being used. I need to clarify that Connections Week, which was held in May this year and May last year, May last year being for the first time, is a program which is to connect with people who are sleeping rough in and around the CBD, seeking to discover people who may or may not be currently receiving a service. So it is a very useful way of us being able to determine how many people there are who need to connect with a service.

I think it is important to say as well that it is always dangerous for people to sleep rough and we encourage them not to. Some people are resistant to services and do avoid them and, when you talk to the Hutt Street Centre, they can provide some anecdotal examples of people who they worked

on for several years before they were able to connect with them, and then subsequently house them. Housing people is the ultimate aim in this whole process. Sleeping rough, we actively discourage and provide services to.

Just to talk about Connections Week again, 2018 was the first time that this was run. This service has replaced the previous surveys that used to be undertaken. It is a much more thorough way of determining how many people are sleeping rough, but it is a point in time. Both in 2018 and 2019, Connections Week ran over two nights, the difference being that, in 2019, there was the addition of a second evening shift each night.

In 2018, there was a single shift from 4.30pm to 9.00pm for two nights. In 2019, there were two shifts per night, both 4.30pm to 9.00pm and an 8.15pm and an 11.15pm for both those nights, which enabled the groups to do a much more thorough search of people. I think in the last sitting week I referred to 148 people being surveyed in 2018. It was actually 143, but that is in comparison to 119 people being surveyed in 2019. So those are the two metrics which ought to be considered together.

As I said at the outset, regardless of the weather conditions, the Homelessness Gateway service is available 24/7 for people who are experiencing homelessness, and Street to Home offers additional services.

Through the Adelaide Zero Project, which I have spoken about on a number of occasions, the partnership between non-government organisations, the Don Dunstan Foundation and the state government through a range of agencies but particularly through the South Australian Housing Authority, 161 rough sleepers from a by-name list have been housed, which is a great achievement and more than have ever been housed before.

We know that we need to do more to reform the homelessness sector to continue to house people off the streets. While funding continues for housing and homelessness services throughout South Australia, we are currently working on developing a housing and homelessness strategy to address issues, where we can permanently re-house services with assistance.

In the meantime, the task of determining when triggers need to be pulled for Code Blues is determined by the sector in consultation with the Bureau of Meteorology and the Housing Authority. It needs to be clarified that a Code Blue simply extends some existing services. It is a specific response for when it's particularly dangerous for people to be outside. I always welcome anybody's suggestions about how we can do these things better, but I think it's important to clarify what those particular services are.

Mr Simon Schrapel, who is the CEO of Uniting Communities, has been on radio to clarify how that operates. His comments are publicly available, if anybody wants to examine those. I am sure that he would welcome any discussion that anybody wants to have with him.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:46): Supplementary arising from the answer given in relation to the calling of a Code Blue: who is the individual decision-maker? At the end of the day, who is it that signs the piece of paper or makes the declaration that there will be a Code Blue?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): From my understanding, it is the homelessness services. It is the CEO of Uniting Communities. It's done in consultation with the other agencies.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:46): Supplementary arising from the original answer in relation to Code Blues: just to be very clear, is the minister informing the chamber it is the CEO of Uniting Communities who is the person, at the end of the day, that declares the Code Blue, after consultation with other service providers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47): He is the key person to determine things. I do have the ability to override that, but I very much take the view that it is the

homelessness sector that has the best understanding of these things and that that decision is made by the CE of Uniting Communities. I can override that, but I very much take their advice.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): Supplementary arising from the answer: again, just so we are clear, the minister has no role in the declaration of a Code Blue. Is that what she is informing the chamber?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47): That's not what I have said, and I have answered the question.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): Further supplementary: can the minister declare a Code Blue of her own initiative, or is it the CEO of Uniting Communities who has that function?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47): I can override.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:48): Further supplementary: is the minister aware of any service providers or advocacy groups who were calling for a declaration of a Code Blue prior to the decision to declare one recently?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I am aware that there have been calls for Code Blues, but if you would like to avail yourselves of all the media commentary, the specialist homelessness service providers support the current criteria and have supported the timing of the calling of the Code Blue. There have been some robust discussions with other people, but the specialist homelessness service providers are very much behind this decision.

The PRESIDENT: Leader of the Opposition, the Hon. Ms Franks has indicated she would like a supplementary and caught my eye. Do you wish the call?

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:48): Supplementary before Ms Franks: just to be clear again, is the minister informing the chamber that she had the power to call a Code Blue before the Code Blue was called but elected not to?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I stand by my previous responses.

EXTREME WEATHER RESPONSE

The Hon. T.A. FRANKS (14:49): Supplementary: how is it communicated to places such as hospitals that a Code Blue or a Code Red has been called so that, for example, ambulance officers are aware that they can take somebody who has been discharged to that service that night?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): My understanding is that there is a range of media that are used. There is an email that goes to a range of service providers, and social media is also used. Certainly, I have been advised from various organisations that they receive that notification very quickly. In some instances, phone calls will be made, but if the honourable member would like a list of all of the organisations that receive formal notification then I will take that on notice and bring back a response.

The PRESIDENT: Leader of the Opposition, a further supplementary?

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:49): Does the minister think that the CEO of UnitingCare Wesley would be surprised to learn that they are the primary person who calls a Code Blue?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): I think the honourable member is trying to put words in my mouth. It is something that is made in consultation with a range of agencies.

EXTREME WEATHER RESPONSE

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): Final supplementary: given that the minister has now admitted to the chamber that she has the power to call a Code Blue if the minister elects to, does she now regret not calling one earlier when it was so cold?

The PRESIDENT: I rule the first part of the question out of order. The second part of the question is absolutely in order: does the minister regret—

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): The Code Blue was called within the criteria, so the triggers for temperature had not—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, you have already asked your question.

The Hon. J.M.A. LENSINK: The triggers for temperature had not been met and therefore one wasn't called.

CITY OF BURNSIDE

The Hon. J.A. DARLEY (14:51): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Transport, Infrastructure and Local Government, questions regarding the Burnside council.

Members interjecting:

The PRESIDENT: Leader of the Opposition, I cannot hear the Hon. Mr Darley. Show him some courtesy. The Hon. Mr Darley, please continue.

The Hon. J.A. DARLEY: In 2011, the government decided to scrap an investigation into allegations of wrongdoings within the Burnside council. At that stage, a draft report had been released by Mr Ken MacPherson and the investigation had been going for two years, at a cost to taxpayers of $1.3 million. This move was controversial and caused six councillors to take action in the Supreme Court to have the draft report suppressed, a move which was successful.

At the time, Mr MacPherson indicated that it would be in the public interest to have the report completed and a parliamentary committee was established to look into the former minister's decision to scrap the report. On Friday 7 June this year, it was revealed that the CEO of Burnside council was unexpectedly dismissed, effective immediately, amongst allegations of derogatory comments he made and performance issues. Mr Deb was the CEO at the time of the investigation and during the period the investigation related to. My questions to the minister are:

1. Can the minister advise if the suppression order on the draft report still stands?

2. If not, what is the government's position on releasing the MacPherson report into the Burnside council that was commissioned in 2014?

3. If the suppression order does not still stand, will the government consider releasing the report in light of the recent sudden dismissal of Mr Paul Deb, formerly the CEO of Burnside council?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:53): I thank the honourable member for his question in relation to Burnside council. I think members would be aware we have had a range of questions since 2011, I think the honourable member referred to, so that is eight years or more. It has been an ongoing issue, but it would be a pleasure to take those questions and refer them to my colleague the minister for transport, planning and infrastructure in another place, the Hon. Stephan Knoll.

REAL-TIME PRESCRIPTION MONITORING

The Hon. T.T. NGO (14:53): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing.

The PRESIDENT: Regarding?

The Hon. T.T. NGO: About real-time prescription monitoring.

Leave granted.

The Hon. T.T. NGO: The government made a commitment to introduce real-time prescription monitoring in the 2018-19 budget to address the critical issue of abuse of drugs and addiction. Victoria rolled out a trial of their SafeScript system in October last year and it rolled out the whole system statewide in May this year.

In 2016, 2,177 people died from prescription drug misuse in Australia, compared to the 1,293 who died in the road toll. My question to the minister is: what action has been taken to develop and implement real-time prescription monitoring to protect the lives of South Australians, and when will the system be fully operational?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I thank the honourable member for his question. He rightly highlights that, after 16 years of neglect in this area, the Marshall Liberal government, going into the election, made a commitment to real-time prescription monitoring and in our first budget we committed $7.5 million to support implementation of RTPM for schedule 8 medicines in this state.

A real-time prescription monitoring system collects dispensing and prescription data and makes this information available via a health professional portal to inform clinical decision-making when prescribing or supplying drugs of dependence. A jurisdiction-specific regulator portal assists the jurisdictions with regulatory monitoring and compliance.

The software will provide both doctors and pharmacists with an instant alert if a patient receives multiple supplies of prescription-only schedule 8 medicines and a history of their dispensing record. Giving prescribers and pharmacists real-time information will help prevent overdose deaths and addiction associated with the use of prescription drugs.

The commonwealth and the states are working together to ensure that we have nationally interoperable prescribing monitoring software. Our election commitment will deliver on that. It will also ensure that we provide training and support for doctors and pharmacists to identify and help prescription drug users.

Since the budget commitment last September, in December 2018, Fred IT (which is a corporate name) implemented the commonwealth National Data Exchange component of the national real-time prescription monitoring scheme. The National Data Exchange element captures information from state and territory regulatory systems prescribing and dispensing software and from a range of external data sources to provide real-time detection and alerting.

Integration of the first jurisdiction's regulatory system with the National Data Exchange (NDE) is underway. That jurisdiction is the Australian Capital Territory. The remaining jurisdictions will be sequentially integrated during 2019-20. The funding and governance models will support the ongoing operation of the national RTPM system. SA Health is learning from the experience of other jurisdictions to develop the best system to be implemented in South Australia. SA Health has commenced the necessary detailed planning to ensure that the new system is implemented in line with the national time frame.

REAL-TIME PRESCRIPTION MONITORING

The Hon. T.T. NGO (14:58): Supplementary: can the minister respond to when SA Health will make its mind up regarding what system to use and when a trial will start?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I am happy to take on notice the anticipated starting date.

MENTAL HEALTH SERVICES

The Hon. D.G.E. HOOD (14:58): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health issues.

Leave granted.

The Hon. D.G.E. HOOD: Last week, Geoff Harris of the Mental Health Coalition South Australia appeared before a select committee of this council to discuss funding arrangements for mental health services and their relationship with the NDIS. Will the minister update the council on transition arrangements for South Australians?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for his question. Despite Labor claims to the contrary, there has been no reduction in funding of psychosocial services in South Australia in relation to the transition to the NDIS. A total of $6.8 million in funding will be transferred to the National Disability Insurance Scheme in 2019-20 in relation to services for those clients who are transferring to the NDIS.

The Marshall Liberal government is committed to providing support for South Australians with a mental illness as we transition nationally to the National Disability Insurance Scheme. We are also committed to funding psychosocial services for those with mental illness who are not eligible for the NDIS. Those clients who are not eligible will continue to receive ongoing psychosocial services through state government funded NGO programs such as individual rehabilitation support, supported housing, mutual self-help, and the carer respite and support programs.

The government has made this commitment explicit to service providers on a number of occasions. On 23 May 2019, the Chief Psychiatrist wrote to members of the South Australian NDIS psychosocial disability transition task force and to South Australian NGO providers about this transition. In that letter, it was made clear that this was a transfer of funds, not a cut. The letter states:

> It has been estimated that 25 per cent of clients of eligible SA Health programs would transfer to the NDIS. On this basis, $6.8 million of current SA Health funding will transfer to the NDIS from 2019-20.

It went on to state:

> The SA government has made a commitment that no existing mental health clients should be disadvantaged as a result of the NDIS transition arrangements. Current SA Health funded psychosocial clients who are not eligible for the NDIS will continue to receive ongoing psychosocial services via state government funded NGO programs.

This was reiterated in a letter from the chief executive of SA Health to the Mental Health Coalition, dated 12 June.

I highlight that the Mental Health Coalition is receiving $95,000 from SA Health and $109,000 from the NDIA in order to assist with transition to the NDIS. The transfer of funding to the NDIS has nothing to do with the state budget decision. It has everything to do with an NDIS agreement that the former Labor government signed. The funds will continue to be available to support South Australians, simply provided by another level of government.

This is not a matter of semantics. South Australians are not losing funding through this transfer. I was pleased in this respect to hear Mr Harris from the Mental Health Coalition confirm last week to the committee that there was no cut. It was disappointing that the coalition has chosen to stand alongside Labor as they spread irresponsible and reckless fearmongering amongst South Australians with mental illness and their family carers.

South Australians expect such hypocrisy from Labor. They know that Labor tried to cut more than 300 jobs from SA Pathology when they were in government and now do their best to obstruct sustainable reform. They know that Labor cries 'privatisation' at the drop of a hat when they were responsible for the state's largest ever privatisation in health, the new Royal Adelaide Hospital. But this is a new low for Labor. Spreading fear among South Australians with mental illness is despicable. Labor knows that they are misrepresenting the facts. They know because they were the ones who took the decision.

MENTAL HEALTH SERVICES

The Hon. C. BONAROS (15:03): A supplementary: can the minister confirm whether advice provided to support providers such as the Mental Health Coalition from project managers was provided on dates prior to the 12 June letter that was sent to the Mental Health Coalition by the Chief Psychiatrist?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): Just to clarify, the letter of 12 June wasn't from the Chief Psychiatrist. That was from the chief executive. Certainly, the letter from the Chief Psychiatrist was well before then. I can get the date of that letter, but my recollection is that it was weeks earlier.

MENTAL HEALTH SERVICES

The Hon. C. BONAROS (15:03): A further supplementary: can the minister confirm whether that letter was prior to the same providers being notified by telephone by project managers that they would need to meet in order to discuss the first tranche of reductions in funding?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I am certainly aware that the Chief Psychiatrist's letter was after contact was being made with some providers because one of the key purposes was to clarify that it was transfers, not cuts.

The PRESIDENT: The Hon. Ms Bonaros, a further supplementary.

MENTAL HEALTH SERVICES

The Hon. C. BONAROS (15:04): Does the minister accept that groups like the Mental Health Coalition had cause to be concerned because when the 25 per cent in question was first discussed with them it was discussed in very general terms, so they weren't fully aware of the specific cuts that were going to be made and to which areas? I am alluding to the former government's discussions with those groups.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): With all due respect, I am not in a position to speak for the former government, but I think I have already commented—

The Hon. K.J. Maher interjecting:

The Hon. S.G. WADE: Adolescent. Just quietly, I can't actually channel Leesa Vlahos, but if that is what the honourable member thinks I am capable of doing, he's wrong. What I will say to the honourable member—and I think have already said this before—is that I think, in some of the early stages, some of the communication was poor. The Chief Psychiatrist and the chief executive of SA Health have written strong and, I believe, very clear letters to both provide reassurance to NGOs that this is not a cut, that this is a transition of funding, and to provide assurances in relation to continuity of support.

I think it would be fair to say that, particularly in the early stages, there was concern that the funding might transfer to NDIS at the establishment of eligibility. Of course, there were a lot of concerns amongst NGO providers that that wouldn't allow for the orderly transition of clients. The letter from the chief executive of SA Health, dated 12 June, specifically provides reassurance that the NDIS plan needs to be activated, not just eligibility-established.

The PRESIDENT: The Hon. Ms Bonaros, a supplementary.

MENTAL HEALTH SERVICES

The Hon. C. BONAROS (15:06): Does the minister accept that the Mental Health Coalition is not a lone voice in its concerns but, rather, that the same concerns have been raised by a number of NGOs in relation to the transition, or the cuts, or whatever we are going to call them—the 25 per cent transitional amount that he refers to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): Let me be very clear: I do not criticise anybody for recognising the challenge. It's a challenge for mental health providers, it's a challenge for disability providers and, no doubt, it's a great challenge for a significant number of people with mental illness and other disabilities, but what I object to is misrepresentation, to having statements with #StopCutsToMentalHealth and petitioned website pages with the banner 'stop cuts

to mental health', when it is not a cut: it's a transfer of funding. The honourable member might say, 'Well, toughen up, this is politics,' but this is a message that is going out to very vulnerable South Australians. They are concerned about the continuity of the support that they rely on to help them cope in life.

We certainly want to work with NGOs and with people with disabilities to make sure that we deliver on what this state signed up for. The state signed up for a national disability insurance scheme that would provide significant opportunities for people with mental illness. In fact, far from being a cut for those people transitioning, let's remember that, through the NDIS, it is not capped at the other side. In other words, the money transfers but their entitlement is assessed under the National Disability Insurance Scheme, and the money that's made available within that scheme could mean that they will have significantly enhanced support. That is certainly the aspiration of the National Disability Insurance Scheme.

As minister, and this government, we stand ready, willing and able, particularly through the good officers of the Office of the Chief Psychiatrist, to work with NGOs and to work with clients to manage this transition, but all we ask is: let's talk about the facts. Let's deal with the reality of what our clients and our NGOs are experiencing.

MENTAL HEALTH SERVICES

The Hon. C. BONAROS (15:09): Final supplementary: given what the minister has just said, does the minister accept that so far, and based on further evidence that was given in public yesterday at a committee, the NDIS process has failed a number of those vulnerable South Australians that he has alluded to, even in the words of the NDA itself?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I have not been made aware of comments before a select committee yesterday, and I don't know whether it relates to this particular client group of people with psychosocial disability. The Hon. Michelle Lensink (minister for disability) and myself are going to be the last people who will line up to say that the NDIS is perfect.

We have, through both I think it's called the Disability Reform Council and the COAG Health Council, raised major concerns about the way the commonwealth is delivering on their part of the bargain. That is why, since I have been minister, I have supported the Chief Psychiatrist in the establishment of the psychosocial transition task force, so that we can deliver on our commitment to work with NGOs to facilitate this transition.

Thankfully, the commonwealth after a period actually joined that task force, and with the engagement of minister Hunt on 8 March we announced an $8 million joint project to facilitate placement of NDIS clients, particularly those in our hospitals. I am certainly not arguing that the NDIS is perfect. What I do strongly believe, as a person with an ongoing interest in disability services, is that this is an important reform that needs to be supported. I would urge the NGOs to work with us in what is going to be a challenging period of transition, but I think it offers significantly better services and life choices for people with mental illness. They deserve to have us do the hard yards to get it right.

MENTAL HEALTH SERVICES

The Hon. E.S. BOURKE (15:11): Supplementary: is the minister confirming that the chief executive's letter sent on 12 June was sent as a result of the minister's miscommunication with his department?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): It's a great response, isn't it? I have just been talking about Labor and some of the peak bodies misrepresenting the facts. Now, with me hardly finishing a breath, she wants to misrepresent my statements to this house. I said that both the letters were sent to clarify matters, to make sure that NGOs had the information they need. We will not hesitate to make sure that, if people need more information, we will give it to them.

The PRESIDENT: The Hon. Ms Bourke, a final supplementary and then I would like to move on.

MENTAL HEALTH SERVICES

The Hon. E.S. BOURKE (15:12): Can the minister guarantee that no NGO will be worse off as a result of the 25 per cent reduction, transfer or cut—whatever you want to refer to it as—as a result of this funding?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): So, Labor persists in the misrepresentation! Last week we had bald statements about 25 per cent across-the-board cuts. The letter that was sent out from the chief executive of SA Health made it very clear that it is not across-the-board cuts. The transfer of funding will relate to the proportion of NDIS-eligible clients in that program group.

GAYLE'S LAW

The Hon. C. BONAROS (15:13): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about Gayle's Law.

Leave granted.

The Hon. C. BONAROS: Last week it was revealed that the Marshall government has introduced regulations which will allow SA Health nurses and public health practitioners to go to public places without a second responder or colleague in a number of circumstances, including where a risk assessment has been undertaken on the person they are to treat. My questions are:

1. In light of the looming 1 July start date, which I note is now the subject of two mirroring disallowance motions, have any stakeholders indicated that they would find it difficult to develop their own policies and procedures in line with Gayle's Law?

2. What advice did the minister receive that was so compelling that it convinced him to do a backflip on the centrepiece of Gayle's Law, namely, that remote area health nurses be accompanied by a second responder?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I thank the honourable member for her question. As I understand it, the question was: have any health service providers indicated to me that they won't be able to get policies and procedures in place in accordance with the expectation of the regulations as of 1 July? I am not aware of any such advice. As far as I know, a lot of health service providers have already drafted and are working to policies and procedures that are consistent with Gayle's Law. For example, Nganampa Health Council in the north-western part of the state, I understand, has been using Gayle's Law policies and procedures for months, if not for 12 months—I'm not clear about the length of time but it's a significant amount of time.

In terms of the issue of public place exemption, I want to make very clear what the regulations reflect. The regulations reflect that there are no circumstances under which a health professional can attend a private place without a second responder. However, the regulations highlight a series of circumstances where a health professional could respond without a second responder. One of those circumstances—and I should stress, only one—is when a health professional is acting in accordance with the policies and procedures of their organisation and has, having made a risk assessment, determined that they reasonably believe that it is safe to respond.

That provision was explicitly in the draft regulations that were distributed at the end of March. That provision is in the regulations that were promulgated in May. As far as I'm aware, there was only one organisation that raised concerns in relation to that provision, and that was the Australian Nursing and Midwifery Federation. Associate Professor Elizabeth Dabars said last week that the ANMF—let me recall the words: 'The ANMF was absolutely shocked and blindsided when only a week ago we discovered that the regulations had put in a significant loophole.'

I was very surprised to hear that comment because the ANMF had written to me expressing its concerns about that clause in a letter dated 2 April. I wrote back to the ANMF on 18 May, and it is effectively a month later. I certainly dispute that this is a late revelation; this is an issue that was considered. The ANMF raised their concerns and, in fact, not last week but the week before I actually met with the ANMF and they reiterated their concerns about the clause. In response to their concerns, I undertook to actively monitor that aspect of the legislation and to undertake a review, and involve the ANMF in the review, to assess the operation.

I respect the fact that the ANMF has concerns about that clause. I can also assure you that there are a number of health service providers who are concerned if the clause was to be removed.

The PRESIDENT: The Hon. Ms Bonaros, a supplementary?

GAYLE'S LAW

The Hon. C. BONAROS (15:18): Thank you, and for the record I should note that I also provided a submission to the same consultation process and highlighted a concern in relation to the very same clauses. My question is: can the minister confirm why Gayle's family were not consulted before the decision was made public and what their response was in relation to the watering down of the regulations in relation to second responders?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): If I could clarify the comment that the Hon. Connie Bonaros made in relation to her own submission: indeed, the honourable member did make a comment about that particular clause, but my understanding was that your concern, and that of one of your federal colleagues, was in relation to liability for any loss or injury.

The Hon. C. Bonaros: That's my next question.

The Hon. S.G. WADE: Beg your pardon?

The Hon. C. Bonaros: That's my next question.

The Hon. S.G. WADE: Yes. If I could go to the question that was in relation to the Woodford family, my understanding is that a copy of the draft regulations were provided to the Woodford family at the end of March and a response was received, but I do not believe it addressed this aspect.

GAYLE'S LAW

The Hon. C. BONAROS (15:20): Finally, on the issue of liability, will this government take full responsibility, heaven forbid, should another remote area nurse be tragically murdered or assaulted due to a decision being made not to require a second responder to attend with them on a callout?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20): The government takes very seriously its responsibility to help protect health professionals who often are required to respond to a medical emergency in a situation that involves risk to themselves, but we do need to get the balance right. Health professionals need to be supported to respond when it is safe to do so, but we also need to empower them to respond to a medical emergency when they need to do so. As well as considering the safety of health professionals, I also need to consider the impact on the viability and sustainability of health services.

We believe we have the balance right. I note the motions of the Hon. Kyam Maher and the Hon. Connie Bonaros in terms of raising questions about this regulation and the legislation under which it sits. The government is certainly very happy to have a respectful conversation about getting the laws right, but I would urge honourable members to do this in an orderly way and to receive submissions from all of the stakeholders. So far in this discussion, the ANMF has put its point of view. I can assure you that is not the only perspective.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (15:22): My question is to the minister assisting the Premier with multicultural affairs.

1. Has the assistant minister ever promised a multicultural organisation funding outside the normal grant funding guidelines?

2. Has the assistant minister ever allocated funding to a multicultural organisation using her ministerial discretion?

3. Has the assistant minister ever asked or suggested to a multicultural organisation that Labor MPs not be invited to a function, meeting or celebration or be able to speak?

The Hon. J.S. LEE (15:22): I thank the honourable member for his question. The organisations need to apply through the grant process, and the decision made to allow a multicultural organisation to receive funding is based on the recommendation by the office of multicultural affairs. There is never, never, never one incident where I would ever, ever inform a multicultural organisation not to invite the opposition—ever.

We have always, from a Liberal government point of view, encouraged bipartisanship for every single event that has been hosted by the Premier of South Australia, the Hon. Steven Marshall, in Parliament House and multicultural-type events have always included the Leader of the Opposition, Mr Peter Malinauskas. However, you know, when Labor was in government, there were instances where they did not invite the opposition at the time.

Members interjecting:

The PRESIDENT: Unfortunately time has escaped us, the Hon. Mr Wortley. You can save that one for tomorrow. The time for questions without notice has expired.

Personal Explanation

EXTREME WEATHER RESPONSE

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:24): Can I just make a point of clarification: that the decision to activate a Code Red or a Code Blue is made jointly between the authority and the chief executive of Uniting Communities.

The Hon. K.J. MAHER: Point of order: is this a personal explanation or a clarification? I think they are different things, are they not, Mr President?

The PRESIDENT: You have not allowed me to listen to it. I cannot rule on what I cannot hear, and I did not hear any of that.

The Hon. J.M.A. LENSINK: Do you need me to repeat that?

The PRESIDENT: You have already delivered it onto *Hansard*. It cannot be retracted and I cannot make a ruling. It is a learning experience for you, Leader of the Opposition. Allow the member to speak, then I can listen and then I can respond.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:25): I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the substitution of members on the select committees on Poverty in South Australia and Wage Theft in South Australia and the Joint Committee on the Social Workers Registration Bill.

Motion carried.

Parliamentary Committees

SELECT COMMITTEE ON POVERTY IN SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:25): I move:

That the Hon. R.P. Wortley be appointed to the committee in place of the Hon. J.E. Hanson (resigned).

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:25): I move:

That the Hon. R.P. Wortley be appointed to the committee in place of the Hon. E.S. Bourke (resigned).

Motion carried.

JOINT COMMITTEE ON THE SOCIAL WORKERS REGISTRATION BILL

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:26): I move:

That the Hon. R.P. Wortley be appointed to the committee in place of the Hon. I. Pnevmatikos (resigned).

Motion carried.

Parliamentary Procedure

BUDGET PAPERS

The following papers were laid on the table:

By the Minister for Trade, Tourism and Investment, for the Treasurer (Hon. R.I. Lucas)—

Budget Paper 1—Budget Overview 2019-20
Budget Paper 2—Budget Speech 2019-20
Budget Paper 3—Budget Statement 2019-20
Budget Paper 4—Agency Statements, Volumes 1, 2, 3 and 4 2019-20
Budget Paper 5—Budget Measures Statement 2019-20

Bills

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 6 June 2019.)

New clause 7A.

The Hon. S.G. WADE: I thought it might assist the council if I recall where I think we are up to. The Hon. Kyam Maher has moved a clause 7A, which seeks to insert a Mental Health Commission provision into this act. I have suggested that it is more appropriate for another act. I have also suggested that, whilst I respect that mental health stakeholders would like to have a statutorily enshrined Mental Health Commission, this particular model has not been consulted with the mental health community.

I have indicated that the government is in a consultation process yet to be concluded in relation to mental health governance and the future shape of the Mental Health Commission is being considered as part of that process. So I humbly submit to the council that this clause should not be supported and that both the finalisation of the government's consultation and any subsequent consultation is better left for another day.

The Hon. K.J. MAHER: I thank the Minister for Health and Wellbeing for summarising where we are up to. I would point out, in relation to a couple of comments that he has just made to the chamber, that I do not accept and I do not think it is the reality to suggest that this is not an appropriate act for this to be put into. In other jurisdictions around Australia, as I outlined just before we finished this last time, it is in a variety of acts in the commonwealth. From memory—I do not have my notes on that in front of me—I think it is in the equivalent of the Public Sector Act for this Mental Health Commission equivalent in the commonwealth; in WA and Victoria, I think it is in various acts.

So the minister's assertion that this is not the appropriate place I do not think stands up to scrutiny. I would also suggest that, if the minister thinks there may be a mental health commissioner established in the very near future as a result of consultation, I am sure that all members in this place would be willing to come back and review this, but this is the only model that we have before us at the moment. There is not a different model. This is the only model we have before us at the moment.

If there are changes needed, I can commit to the minister that the opposition will be willing to work constructively to make those changes, but this is our chance at the moment to make sure there is a model enshrined in legislation. We do not have an opportunity to consider another model because there is not one. This is the best model we have before us. If it can be improved, we will be most happy to look at how it can be improved, as is the job of this Legislative Council.

The Hon. S.G. WADE: I would make the point that I do not regard this as yet another chapter of Labor's contribution to mental health reform. They delayed implementing a mental health

commission for years after stakeholders started calling for it. They did not think it was a priority to statutorily enshrine it in government and now they are trying to tack it onto another health governance bill.

My belief is that this is all about Labor's ongoing campaign to try to oppose board governance. This matter is not unimportant, but the health boards start in about two weeks' time. What I am seeing is a pattern of behaviour in relation to the first bill and in relation to the second bill. The Labor opposition is being at least consistent in trying to either stop or sabotage board governance. I suggest that we have an orderly discussion about mental health governance reform in the future; let us not block board governance reform to achieve that goal.

The Hon. K.J. MAHER: With respect, I think the comments the health minister has made demeans him, this chamber and the members of it. To suggest that members of this chamber are interested in derailing what the government is doing because they support enshrining in statute the Mental Health Commission and commissioner I think is demeaning of people in this place. I think people can be for wanting to enshrine in legislation the Mental Health Commission and also, if they wish, for the establishment of governance boards.

For the minister to single out members of this chamber, saying that they are trying to sabotage the bill by continuing with this important initiative, I think demeans him and all of us here. I have a question, though, for the minister: in relation to his department's consultation on the Mental Health Commission, what consultation has taken place to date?

The Hon. S.G. WADE: This is not my amendment. This is the honourable member's amendment; perhaps he could ask himself.

The Hon. K.J. MAHER: Has the minister commissioned a report by external consultants in relation to the Mental Health Commission and what did it recommend?

The Hon. S.G. WADE: The government is concluding its consultation process. Once cabinet has made a decision I will be making further statements. If the honourable member wants to explain his amendment, he is free to do so.

The Hon. K.J. MAHER: Is the minister aware that his own consultant's report recommends the axing of the Mental Health Commission?

The Hon. S.G. WADE: I cannot see the relevance of this to the amendment.

The Hon. K.J. MAHER: This is particularly relevant. The minister suggested that people not support this amendment because maybe—just maybe—the minister may come back and establish something like this himself. I think it is particularly relevant to establish whether the minister has already got advice or whether he has already made his mind up that this will not come back.

I suggest that may well be the case, if he has a report saying they should axe it. If that is the case, then it lends even more weight to why we should accept this amendment, to make sure it stays there if the minister has already prejudged this matter with the consultant's report. If he does not think that is worth informing the chamber of, if he has already made his mind up, that is his choice.

The Hon. S.G. WADE: The government has had public consultation about mental health governance reform, and cabinet is yet to make a decision on its final response to that review.

The Hon. K.J. MAHER: I am glad the minister has now changed his mind and sees the benefit in pursuing this. Has the minister seen any draft recommendations or suggestions from the consultant that the Mental Health Commission be axed?

The Hon. S.G. WADE: If the honourable member had any current understanding of what is happening in the mental health sector, he would not need to ask that question. I would refer the honourable member to the SA Health website.

The Hon. K.J. MAHER: Just to be clear, the minister is treating this chamber with disdain by saying that he is not prepared to inform the chamber about something they are debating right now and that they should go and look at a website at some other time rather than inform them of what his department is doing. If that is the case, can he really stand there straight-faced and tell us that we

should not vote for this amendment, if he is not even prepared to let us know what his department is doing?

The Hon. S.G. WADE: If the honourable member went to the website, he would see that a review was done. An interim government response was prepared, public consultation was undertaken and responses were received. I have prepared advice in the context of cabinet. I have no intention of aerating that advice in this chamber. It would be a breach of my responsibilities to cabinet. What I would say is that that process I have just outlined is far more respectful than the Labor Party whacking in an amendment without consultation with the sector.

The Hon. K.J. MAHER: Now we are getting somewhere. The minister is, for the first time, admitting that a review has been done. Would the minister please inform the chamber of who conducted that review?

The Hon. S.G. WADE: As I said, it is all in the public domain. The honourable member needs to get informed before he comes into a debate, not seek to be educated through this chamber.

The Hon. K.J. MAHER: Perhaps for the benefit of other members who have not decided to click on the particular website that the minister is recommending, did that review recommend the axing of the Mental Health Commission or not? That is a pretty simple question for the minister.

The Hon. S.G. WADE: Yes, it did.

The Hon. K.J. MAHER: That is all we wanted to hear. It took a while.

The Hon. S.G. WADE: With all due respect, if the honourable member wants to come in here half briefed, that is his choice. What I would say to honourable members is, if they want to join Labor in trying to sabotage board governance reform, that is their choice, but I would urge them to pass the board governance legislation to allow fundamental devolution of health board governance, as is the mandate of this government, as the Labor Party opposed ever since they abolished the boards in 2008. I would urge honourable members to support the government and to pass this bill without this amendment.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment. We do so noting that we do not accept the previous arguments earlier on in the debate that the amendment was somehow disorderly. In fact, it has now been admitted that it is orderly, and that is why we are currently debating it. I also note that, while there are various levels of public consultation going on, very strong views were put by peak representative bodies of consumers and what you would call the social justice sector, as well as mental health peak bodies, not just the Mental Health Commission themselves, that the valuable role that the Mental Health Commission currently plays would be a large loss.

The Greens believe that we have not properly debated the merits of disbanding the Mental Health Commission, and this may not be the perfect tool—we certainly accept that argument—but it is the only tool before us currently and it is a tool that ensures that this debate does not die without a proper airing in this place.

The Hon. C. BONAROS: Frankly, can I just start by saying that I do not care about the politics involved here. I do not care about any bickering between the government and the opposition. What I care about is the feedback that the Hon. Tammy Franks has just alluded to that we have received from stakeholders outside of the formal consultation process that the minister has spoken to. For me, that is what has guided me in terms of my considerations on behalf of SA-Best.

For the record, I think it is worth noting that it was not just the Mental Health Coalition that was at the most recent meeting. In fact, there was a packed room of stakeholders who raised the exact same concerns as the Mental Health Commission. I accept the rationale that the minister has put forward, but it is all well and good to ask those stakeholders to trust that this government will do the right thing, particularly in light of the answer about the Mental Health Commissioner and the response in relation to discussions around axing that commission. But again, with all due respect to the opposition, they have done that before and it has not served them well.

To be brutally honest, the feedback suggests that not a lot has changed. These are not my views. These are the views that are being put forward by the stakeholders. Again, I accept the

concerns that the minister has raised, but I think it points to one of the criticisms that has been raised at those meetings regarding the lack of a holistic plan on health, including mental health. I have made it abundantly clear that SA-Best supports emphatically decentralisation but, as the Hon. Tammy Franks has just alluded to, we use the tools available to us at the times they are available to us. Right now, the only tool available to us to have a debate on the issue of the Mental Health Commission is the Health Care (Governance) Amendment Bill.

So I am indicating on behalf of SA-Best that, at this point, I am supportive of the amendments that are being proposed. Unless the minister can give us some concrete guarantees in respect of the role of the Mental Health Commission, I do not see much of an alternative. But I would ask the minister a question that was asked recently in relation to this same issue at one of the committees on the public record, and that is: can the minister provide a response as to the difference between the role of the Mental Health Commissioner, or the Mental Health Commission, and the Chief Psychiatrist?

The Hon. S.G. WADE: Primarily, the Chief Psychiatrist is a statutory role to maintain standards and monitor compliance with standards in mental health services. The Mental Health Commissioner is involved in promoting community awareness of mental health, promoting codesign of mental health services and, to a limited extent, delivering services of its own.

I might just make a comment that I have not wanted to detain the council by divisions but I certainly will be dividing on this clause because I want it on the record that this government has consulted on board governance. At the very last moment, the opposition has continued its campaign of opposition to board governance by bringing in another matter. We are determined to deliver board governance on 1 July, so we will not be supporting this amendment.

The Hon. T.A. FRANKS: Is the government presenting an ultimatum that it is either board governance or keeping a mental health commission?

The Hon. S.G. WADE: I am saying that this government is determined to deliver its commitment to board governance by 1 July. Whatever the outcome of cabinet considerations, I do not think it would be conceivable to have a properly consulted statutory regime for a mental health commission by 1 July, even if that is what the cabinet decides. Put it this way: logistically, it is not a choice that this council has available to it. If members choose to vote against this amendment today, they are basically saying, 'We are willing to stand up against board governance being implemented fully on 1 July.'

The Hon. T.A. FRANKS: Is the government not aware that some parts of a bill, when it becomes an act, can be proclaimed after other parts and, in fact, the administration could be made by the government themselves in the other place or, indeed, here?

The Hon. S.G. WADE: With all due respect to the Hon. Tammy Franks, the government may well be able to proclaim the bill in parts; it cannot pass the bill in parts. This government is not going to pass a statutory regime for a mental health commission if that is what cabinet was inclined to support, and it certainly would not be able to do justice to the mental health community by having a consultation within two weeks, getting the statute drafted, etc. I certainly accept the point that legislation can be proclaimed in parts; it certainly cannot be passed in parts.

The committee divided on the new clause:

Ayes 10
Noes..... 7
Majority..... 3

AYES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Parnell, M.C.	Pnevmatikos, I.
Wortley, R.P.		

NOES

Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

PAIRS

Scriven, C.M.	Lucas, R.I.

New clause thus inserted.

Clause 8.

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

Amendment No 4 [Maher–1]—

Page 4, after line 37 [clause 8, inserted section 28B(2)]—After paragraph (c) insert:

(ca) that each health service provider must operate programs that promote the provision of health care for Aboriginal and Torres Strait Islander people; and

This amendment inserts that each health service provider must operate programs that promote the provision of health care for Aboriginal and Torres Strait Islander people. We think this is an important amendment that will ensure that the health needs of some Australians with the poorest health outcomes are being attended to with programs that promote the provision of health care for Aboriginal and Torres Strait Islander people.

We could go into a long debate about this; I think we had similar debates on the previous healthcare reform bill that sought to have people with experience in providing health to Aboriginal and Torres Strait Islander people on the boards. We think this is a sensible step that ensures that programs that promote the health of Aboriginal and Torres Strait Islander people are provided by the service level agreements that each health service provides.

The Hon. S.G. WADE: The government does not intend to oppose it, but we do regard it as superfluous. Section 30 of the Health Care Act provides:

An incorporated hospital must be administered and managed on the basis that its services will address the health needs of the community but may, in so doing, focus on 1 or more areas or sections of the community if so determined by the Minister or the Chief Executive.

Then there is a statutory note that says:

Note—

It is recognised that some groups within the community should be able to access special or enhanced health services due to their special needs. Examples of these groups include veterans, Aboriginal people and Torres Strait Islanders.

Amendment carried.

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

Amendment No 5 [Maher–1]—

Page 5, after line 21 [clause 8, inserted section 28B]—After subsection (4) insert:

(4a) Health consumer and community representatives should be consulted as part of the development of a service agreement.

This amendment requires that service level agreement negotiations must be developed in consultation with health consumer and community representatives. The opposition thinks this is a very sensible amendment that makes sure that those who have community concern at heart are involved in the development of such agreements.

The Hon. S.G. WADE: Could I ask a question of the honourable member: the honourable member, in describing his amendment, thought it was important that it was mandatory, that the board 'must' consult with consumer representatives, but the clause itself as moved is that health consumer and community representatives 'should' be consulted.

The Hon. K.J. MAHER: I will rephrase that. The clause, as it is drafted, said 'should be', the 'must' is not in the clause itself but we think that it would be appropriate if it was. Although the clause itself says 'should' it is not as prescriptive as 'must'.

The Hon. S.G. WADE: The government is concerned about how that might then operate because, first of all, the phrase is, 'Health consumers and community representatives should be consulted as part of the development of a service agreement.' The service agreement is primarily, if you like, at its culmination, an agreement that is signed between the CEO of the local health network and the CEO of the department. If the honourable member's amendment was to mean that, in the negotiation of the agreement between the LHN CEO and the CEO of the department, a consumer representative should be sitting around the table, that would be concerning.

On the other hand, if the clause means that health consumers and community representatives should be consulted as part of the development of a service agreement, we have no problem with that because the development of a service agreement could encompass the community consultation that the board would be undertaking under its consumer and community engagement strategies that it is required to develop under the government's stage 1 bill. I suspect there will be a number of consumer committees that may well be advising the board.

The government, of which I am part, and myself are resolutely committed to consumer and community engagement. If the development of a service agreement in this clause would encompass all of that activity, then, of course, that is just a restatement of what we are intending and we would not object to it. I am concerned, though, about the lack of clarity in terms of what it would actually require.

The Hon. C. BONAROS: Just for the record: have we confirmed, I suppose, the questions that the minister has just asked in relation to whether we are talking about the service agreement itself or the consultation process leading up to the entering of the service agreement?

The Hon. K.J. MAHER: It would, of course, be up to the government to interpret this as their legal advice tells them it means. The minister has put on record how he thinks it would operate and, in what the minister has put on record and in how he thinks it would operate, I think he has stated that this is what they would intend to do in any event.

I should also point out that this was one of the recommendations from the joint statement of endorsing partners. They thought that service agreements should be developed in consultation with community representatives, so the intent was to involve people in the consultation process and, yes, if the minister, in his interpretation of how that would work, is going to do it anyway, this will do no harm.

The Hon. S.G. WADE: Let me reiterate that if the meaning of the phrase 'development of a service agreement' includes, shall we say, the year-long consumer and community engagement that leads up to the service agreement for the next financial year, on the basis that it is that inclusive, the government will support the clause. If, on further consideration, we need to finetune the amendment by suggested amendment in the other place, we can do that.

The Hon. C. BONAROS: I will just indicate that, on that basis, we are willing to support the amendment and, again, consider between houses, if need be, if there is any cause for further finetuning.

The Hon. T.A. FRANKS: For the record, Chair, kumbaya.

Amendment carried; clause as amended passed.

Clause 9 passed.

New clause 9A.

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

Amendment No 6 [Maher–1]—

Page 6, after line 19—After clause 9 insert:

9A—Amendment of section 33—Governance and management arrangements

Section 33(2)—after paragraph (c) insert:

(ca) to ensure that each incorporated hospital operates programs that promote preventative and primary health care, including the preventative and primary health care of Aboriginal and Torres Strait Islander people, within local communities;

This follows on—it is not consequential but it relates to a similar matter to amendment No. 4 [Maher-1] in relation to health care for Aboriginal and Torres Strait Islander people. This amendment seeks to ensure that each incorporated hospital operates programs that promote preventative and primary health care, including the preventative and primary health care of Aboriginal and Torres Strait Islander people within local communities. I would not want to put words into the government's or the minister's mouth but, on the basis that they did not oppose the last one, I am sure that they will be happy to not oppose this one on the basis that they will already be doing that.

The Hon. S.G. WADE: Of course, I will not take the opportunity to let the Leader of the Opposition speak for me because so often he tries and gets it wrong. But, nonetheless, the government will be supporting this amendment. As I said in relation to the previous amendment and section 30 of the Health Care Act, we do believe it is superfluous. I also find it slightly ironic that the government that, through the McCann review, obliterated primary and preventative health care in this state, should now put itself forward as some sort of champion of it.

New clause inserted.

Clause 10 passed.

Clause 11.

The Hon. K.J. MAHER: I rise to indicate that Labor will be opposing clause 11, page 6, lines 32 to 36 inclusive, which takes into account the whole of clause 11.

The CHAIR: I think it is the whole of clause 11, yes.

The Hon. K.J. MAHER: The reason for doing so is that the opposition opposes the government's attempts to loosen the eligibility requirements on board members and remove protections where individuals who provide services to the local health network could also not be on the board. As I pointed out in the second reading speech, this opens the possibility for substantial conflicts of interest to arise and entirely contradicts the minister's responses during representations on the first governance bill, when the minister said:

I would urge members not to create conflicts of interest problems, probity issues, for the boards.

We are helping the minister in living up to his urging. We are concerned at the prospects of allowing consultants to work for a company with a multimillion dollar contract and also being on the board of that particular local health network.

The Hon. S.G. WADE: This clause amends the eligibility requirements for appointment to the governing boards. The reference in the existing clause to persons providing a service to the incorporated hospital was found to be too broad, excluding more people from being eligible for appointment than was intended. The intention was that persons who provided direct patient care would not be eligible for appointments to the local health network.

I should pause to say that that provision is not without controversy. Particularly, a number of medical practitioners have expressed concern to me that our legislation does not allow them to be on the board for the local health network which they work within. The government did legislate, but it was intended that it would be limited to direct patient care. However, the legal interpretation was that for persons who provided any form of service to the local health network—for example, cleaning services or catering services—as indicated during parliamentary debate on the Health Care (Governance) Amendment Bill, the eligibility of these persons for appointment would be considered

on a case-by-case basis, taking into consideration any potential conflicts of interest that these people may have.

The intent of the eligibility requirements was to exclude people who may be in a position to potentially dissuade the governing board that there may be an issue at the local health network, as was found in part at Djerriwarrh Health Services in Victoria, where medical staff were able to dissuade the board from investigating a high incidence of avoidable baby deaths.

The government seeks to amend the clause to reflect that a person who is employed or engaged to work at an LHN would not be eligible for appointment to the governing board of that LHN. Persons who are employed by the department will continue to be ineligible for appointment to a governing board also.

The Hon. K.J. MAHER: If it is of any help to members to explain what we are doing here, this is merely protecting the government from themselves by removing something that they had originally thought of that seeks to make sure that someone is not able to be on the board who is in a position that their company directly benefits from a contract for that local health network. It simply keeps in what the government, only a number of short months ago, thought was appropriate.

The Hon. T.A. FRANKS: For the benefit of not only the Chair but indeed of democracy, the Greens will be supporting the opposition amendment, and we do so because we believe that the highest levels of probity and transparency should be available. Where somebody is providing, perhaps, catering to the relevant hospital governed by the board, perhaps that person should not have that conflict of interest. We certainly do not believe in setting these governing boards up to fail through lack of transparency and indeed trust from their communities.

The Hon. C. BONAROS: I apologise that I walked off when the Hon. Kyam Maher gave his explanation. I wonder if he would mind recapping, for my benefit, please.

The Hon. K.J. MAHER: I wish to make another contribution on this, Mr Chairman.

The CHAIR: No, we are in committee. You do not have to justify yourself before you speak.

The Hon. K.J. MAHER: This is a very important clause. When the government first passed this bill they sensibly put in conflict of interest provisions, which the minister urged members here to support, not to create conflicts of interest. What they basically meant was, when someone has a contract with a local health board, whether it is a catering contract, as the Hon. Tammy Franks suggested, or they run a pathology company that provides pathology services—whatever it is—someone from that company cannot also sit on the board. With that very obvious conflict of interest they should not be able to sit on the board.

What the government is trying to do is remove those provisions. What we are doing is deleting the clause that removes those provisions so they should remain. It is a clear conflict of interest for that to happen and we agree with the government's previous view.

The Hon. S.G. WADE: First of all, I would stress that in its selection of board members the government, the cabinet office review and review by the departments already will be making assessments as to whether or not the appointment of a particular person represents a conflict of interest. No piece of legislation—

The Hon. R.P. Wortley: As long as they are a political donor they will be alright.

The Hon. S.G. WADE: Sorry, Mr Chair, I am not going to tolerate assertions of corruption. If the honourable member wants to do that by substantive motion, that is fine, but I—

Members interjecting:

The CHAIR: Order! Allow the minister to answer.

Members interjecting:

The CHAIR: Leader of the Opposition, we have gone through this: seated commentary does not find favour with the President or in his capacity as Chair. The Hon. Mr Wortley, it is getting aggravating in my left ear you groaning on. The minister may have a point, but I do not really think he should be pushing me to rule on it. Minister, please go on.

The Hon. S.G. WADE: I am happy to go back to the bill if honourable members would like to participate in the debate rather than—

The CHAIR: You have made the point. Let's move on.

The Hon. S.G. WADE: The point I am making is that at the selection process the government rigorously looks out for potential conflicts of interest and, if they are substantial, then a person is excluded from the process. This provision relates to eligibility, which if you like supports that conflict of interest arrangement. Also, let's be clear, even if a person is eligible and is appointed with a conflict of interest, their participation in the board would be blocked by the fact that they would have to exclude themselves all the time.

Let's be clear about the sorts of issues that have arisen that have brought this amendment before this council. The government has obviously been through its first round of selection and appointments of board chairs. If the parliament allows it, the bill will be complete and come into effect on 1 July.

Even in this process so far, there has been a situation where a person was not directly contracted to work for the hospital but an organisation that they worked for was contracted to provide services. In this particular case, it was not as though they were at the hospital all the time. In fact, my understanding is that they were at the hospital only occasionally, but this clause is written so broadly that it caught an employee of, if you like, a secondary supplier.

We believe that this amendment makes it more workable but still maintains a very high bar. As I said, it still will not help what is the most frequent complaint I get, which is from health professionals who believe that they should be on the board even though they work for a hospital within the LHN.

The Hon. K.J. MAHER: I think the minister has again, in trying to make his case against the amendment, made the case for the amendment. The minister has informed the chamber that he expects most of these conflicts to be caught by the process before it goes to cabinet. If that is going to catch these then this amendment will do no harm. It is an abundance of caution amendment that, on the minister's own admission, is probably going to be caught anyway. We are just helping them out by making sure that they are going to do what they said they were going to do.

The Hon. S.G. WADE: I emphatically say that is not a fair representation of my statement. The fact of the matter is that cabinet could not even consider the person in the employ of the secondary provider. They would not even be able to consider that.

Members interjecting:

The CHAIR: Allow the minister to answer the question and make his comment.

The Hon. S.G. WADE: We believe it is unreasonable. We believe that the risk of a conflict of interest is low. It could well be managed within the procedures of the board and that person should be eligible for appointment. If the honourable member persists in his amendment and it is supported by this council and by the other place, they would not even be able to be considered. We do not believe that is appropriate.

The Hon. K.J. MAHER: I might just explore with the minister his view of conflict of interest. I think he talked about someone working for a particular company who might not even work at the hospital. Is the minister suggesting that whatever the company is—a company that provides services to a hospital—if someone works for the company who benefits from providing services but is not working directly with that hospital, there can be no conflict? Is that what he was suggesting?

Members interjecting:

The CHAIR: You have asked the question. Minister.

The Hon. S.G. WADE: I cannot follow the member's convoluted logic.

The Hon. T.A. FRANKS: With regard to this clause, at section 33B(5)(a) after 'employed', this clause seeks to add the words 'or engaged' but then it deletes paragraph (b), that is '(b) the person provides a service to the incorporated hospital'. Why was not the provision of the service

perhaps broadened or narrowed in its definition with, say, 'a direct service'? Why was it chosen to delete 'provides a service' completely?

The Hon. S.G. WADE: As I said earlier, the government wants to focus this eligibility requirement on those who are providing direct patient care. In terms of the insertion of the words 'or engaged' in 5(a), that is trying to broaden 5(a) to include people who might not only be employed by the LHN but who might also have a contract with the LHN; for example, a locum doctor would be caught by 5(a).

Considering that we think the people providing direct patient care will be caught by 5(a), particularly as it is expanded to include contractors in the 'or engaged' phrase, 5(b) can be deleted so that we avoid non-direct patient care services.

The Hon. C. BONAROS: The Hon. Tammy Franks has just asked a question along the same lines as what I had in relation to this. Can I just clarify whether cleaners or people who work in catering, whatever the case may be, would be covered by 5(b) as it currently stands, as opposed to 5(a)?

The Hon. S.G. WADE: If you are a cleaner who is employed by the hospital, then—

The Hon. C. Bonaros: No; if you are not employed by the hospital.

The Hon. S.G. WADE: If you are not employed by the hospital then you are more likely to come in under 5(b), which is part of providing a service to the incorporated hospital.

The Hon. C. Bonaros: Which is the one you are getting rid of.

The Hon. S.G. WADE: Yes.

The Hon. C. BONAROS: What might be easier in this instance, because I am somewhat swayed by both arguments that have been put—I had indicated that we would support the government on this provision but I do have some questions I am hoping could be further expanded on—what I suggest is that we support the government at this stage, and perhaps I can explore this with the minister a little further and consider it between houses at a later stage if necessary. For the record, I indicate that at the moment I will be supporting the government's position on this clause.

The Hon. K.J. MAHER: If someone is a medical specialist who directly provides services to a particular hospital, can that person be on the board that covers that particular hospital under what the minister is proposing? Would that be different if these were not in there?

The Hon. S.G. WADE: Under what I am proposing a medical specialist would not be able to be on the LHN board.

The Hon. K.J. MAHER: If there were an executive of a major healthcare provider who was in charge of a particular tender or service for a particular hospital, and they were the ones involved in that tender process from that private company, would they be able to be on a particular local health network; if they are not actually working for the hospital but were the CEO of the company that provided services or the company that the LHN was expected to make a decision about in regard to their services?

The Hon. S.G. WADE: This goes back to the process I talked about earlier. In the selection of board members you would identify the potential conflict of interest, assess the significance of the conflict of interest and the treatment, if you like, provided by provisions to deal with the conflict of interest.

The Hon. K.J. MAHER: Just to be clear, under that scenario, if what the minister wants to do is rip these sections out, the executive from the major healthcare provider who was signing maybe multimillion-dollar tenders would be eligible to serve on that particular local health network. Is that correct?

The Hon. S.G. WADE: If there is a significant conflict of interest, they would not be considered for appointment.

The Hon. K.J. MAHER: What is the definition of 'significant' in what the minister is outlining?

The Hon. S.G. WADE: This is the challenge of legislation, obviously. Legislation has to deal with myriad situations and myriad possibilities. That is why I would stress again that conflict of interest management is at least a three-stage process: firstly, the assessment of conflicts of interest as potential board members respond to the EOI process; secondly, consideration of their eligibility in the context of the statute; and thirdly, in terms of the management of the board. I can assure you that in the process of selection for these healthcare boards, the selection panel and the review process were rigorous in trying to identify and deal with potential conflicts of interest.

The Hon. T.A. FRANKS: On a more generic question, but it does apply to this clause, what are the remuneration arrangements for the board members at this level?

The Hon. S.G. WADE: The remuneration of board members has been determined by the Department of the Premier and Cabinet for government boards and committees. For the Women's and Children's Health Network and the metropolitan local health networks, the fees per annum are $70,758 for chairpersons and $35,148 for members. For the country governing boards, the fees have been set at $37,148 for chairpersons and $24,765 for members.

The Hon. T.A. FRANKS: I thank the minister for his answer. I think if somebody is looking at at least $37,000 and they are also providing a service, it might be a decision that they find themselves able to make based on those criteria.

The Hon. S.G. WADE: The honourable member is right. When a conflict of interest is identified, then a potential board member does have the option to resign from that, and that is specifically a scenario that arose in the recent process. But let's remember that their involvement in that employment might be fundamental to their livelihood. The service relationship under (5)(b) might be quite tangential, so it may be well below the threshold that might raise an issue for the good governance of the hospital but for them could be a make or break issue; they may not be able to serve. So I urge the council to support this amendment.

In relation to the Hon. Connie Bonaros' point, I would certainly be happy to give SA-Best the undertaking that we will work with them between the houses to make sure that if this clause can be improved it should be improved. The bill will come back to this house, and if we can improve the clause we certainly will. I would urge honourable members to make sure we get the balance right. We do not want to exclude good people.

Labor's attempt, particularly in relation to the disclosure provisions, to put a very high bar seems to be founded on the presumption that all the Machiavellian people who inhabit horror movies somehow want to get on SA Health boards. They are trying to put into the health legislation clauses that they did not even see fit to put into commercial government business enterprises, commercial-type organisations.

We want to make sure we get the balance right. We believe that, having gone through a process of selecting board members, we did not get the balance right. We are at risk of excluding people who do not have a significant conflict of interest, and we should take this opportunity to finetune the legislation.

The Hon. K.J. MAHER: I might just point out that it is not the opposition's high bar for disclosure transparency, it is actually the one the government put in in the first place. We did not dream this up; it is what the government originally wanted but have now changed their mind on. I would like to return to the example that the minister was reflecting on, with questions from myself previously.

If someone is the CEO of a major healthcare company providing tens of millions of dollars of services to a particular hospital, is it the minister's contention that that person could be eligible for a local health network and could stay on the board and make a decision in relation to a contract? They may have put in the tender document, signed the tender document to the hospital and then turn around, sit on the local health network and look at their own tender document and tick off on it? Is that a possibility?

The Hon. S.G. WADE: No.

The Hon. K.J. MAHER: Can the minister explain why that is not a possibility, then?

The Hon. S.G. WADE: Because even if they were appointed to the board they would have to exclude themselves on the basis of conflict of interest. In terms of any significant conflict of interest, the government would not appoint them in the first place.

The Hon. K.J. MAHER: If it was millions of dollars, would that create a significant conflict of interest, or is it tens of millions of dollars? What is the minister saying is the threshold?

The Hon. S.G. WADE: The legislation is a framework within which every scenario would need to be considered.

The Hon. K.J. MAHER: The reason it is raised is because we do not have confidence in the government following through and doing the right thing with this. I think it transpired in a committee hearing a number of months ago that the now CEO of the health department, when he was in the private sector, signed in a tender document into the government, left the private company (I think it was Silver Chain), and then as CEO of Health signed off on his own tender. We see this as a possibility that could occur again. If the minister is satisfied with that process happening before in his own department, how can we have confidence that it will not happen when it is even further away and there is less scrutiny from the minister?

The Hon. S.G. WADE: I do not agree with the honourable member's recounting of the facts in that case.

The committee divided on the clause:

Ayes 10
Noes..... 9
Majority..... 1

AYES

Bonaros, C.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

NOES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Parnell, M.C.	Pnevmatikos, I.	Wortley, R.P.

PAIRS

Lucas, R.I.	Scriven, C.M.

Clause thus passed.

Clause 12.

The Hon. T.A. FRANKS: On behalf of the Greens, I move:

Amendment No 4 [Franks–1]—

Page 6, lines 37 and 38—This clause will be opposed

As stated, this basically seeks to oppose clause 12. Clause 12 relates to the disclosure of pecuniary or personal interest. I note that, under the Health Care (Governance) Amendment Bill 2018, the parliament passed the following:

> (8) Particulars of a disclosure made under subsection (1) or (2) at a meeting of a governing board or committee of a governing board must be recorded—
>
> (a) in the minutes of the meeting, and

(b) in a register kept by the board which must be reasonably available for inspection by any person.

The current bill before us removes provision (8)(a). By supporting the Greens' amendment, we keep provision (8)(a); that is, we do not believe that it is appropriate that there is simply a register kept of conflicts of interest. Indeed, where the decision is made that a conflict of interest has arisen, it should be recorded for the public record. It is, I think, a long stretch to expect people will understand where the decisions are that relate to the conflict of interest if it is simply kept on a register, rather than when the decisions themselves are made.

The Hon. S.G. WADE: I thank the honourable member for making her point, but what the government is keen to do here is achieve a level of disclosure that is to ensure that the conflicts of interest are identified and dealt with. Section 33D outlines the requirements for the disclosure of pecuniary or personal interests by a member of a governing board. A member is required to disclose the nature of an interest at a meeting of a board as soon as they are aware of a conflict of interest. Failure to do so attracts a maximum penalty of $25,000. I would pause to note that that is the highest penalty anywhere in Australia in relation to a health governing board.

A member of a governing board who has a pecuniary or personal interest in a matter being considered or about to be considered by a board must not vote on the matter and must not be present while the matter is being considered. However, if a member has disclosed an interest in a matter, the board may pass a resolution that the interest is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct, and should not disqualify the member from considering or voting on the matter.

This section then goes on to state that any disclosure made at a meeting of the governing board must be recorded in the minutes of the meeting and in a register kept by the board, which must be reasonably available for inspection by any person. At the time of the debate on these clauses I indicated that these provisions introduced a much higher disclosure requirement and penalties than any other South Australian government board, including the SA Water board, the State Procurement Board, the Essential Services Commission and the Super SA board. These requirements are also the highest amongst other health service boards in Australian states.

My understanding is that the provisions to which we are seeking to amend these arrangements are comparable with that in New South Wales, which is the highest bar in Australia in the sense that it requires it to be revealed on a register. A number of other state and territory jurisdictions do not publish their minutes, so by having a high level of transparency and accountability in terms of the publication of minutes the dual—if you like, the double—effect of having minutes available and a register means that, if this provision is not amended, we will be put in the situation where we have disclosure of pecuniary or personal interests in minutes as well as on the register.

The risk is that board members will be less inclined to reveal what they regard as trivial or insignificant interests and will work with the board to deal with and manage conflicts of interest. Rather than working in a collegial way with their colleagues to manage the conflicts of interest, they might actually err on the side of not being transparent.

Following passage of the legislation, I sought further advice on the disclosure provisions from the Australian Institute of Company Directors, and they are of the view that the disclosure requirements as currently legislated go too far and could have the effect of deterring members from raising a disclosure. If I could quote a letter I have received from the Australian Institute of Company Directors:

> We note concerns that the high level of disclosure required under the Health Care (Governance) Amendment Bill 2018 could discourage disclosure of potential conflicts of interest. Given the publicly available nature of the information, we suggest that some directors may also have privacy concerns.
>
> Our general advice is that it is always best for directors to err on the side of caution and, as part of robust conflict management, to disclose potential and perceived conflicts to the board (in addition to actual conflicts). However, this does not mean that disclosure must also be made to the public. Such a requirement may have unintended and adverse consequences, including those mentioned above. In this respect, we suggest that the bill may have gone too far in requiring public disclosure of conflicts of interest.

I note that there have been some comments made that the government's amendment weakens the probity, transparency and accountability of board members. I do not agree with that. The act still requires members to disclose a conflict of interest of matters before the board and I believe that this amendment makes it more likely that they will do so. All board chairpersons and members will be required to carefully examine issues scheduled for discussion by the board and identify any perceived or actual conflict of interest that may arise. The disclosures will be recorded in a register available for inspection.

As I said, this is similar to the provisions in place in New South Wales, although there the register is available for inspection on payment of a fee. The amendment disclosure provisions in the bill will still be a much higher standard than any other government board in this state and amongst the highest for any health board in other states. I do not support the amendment moved by the Hon. Tammy Franks. Sorry, I do not concur that this clause should be opposed.

The Hon. T.A. FRANKS: I observe that in the last vote we actually broadened the ability for people to have conflicts of interest on these boards. I will not be taking advice from the Australian Institute of Company Directors when it comes to our public health system.

The Hon. K.J. MAHER: As well, on the back, I think the minister pointed out that by declaring conflicts of interest there is a concern that some people will not declare conflicts. That is one of the more ridiculous statements I have heard today, indeed this year, in this place, that by putting something in place to crack down on conflicts of interest someone might be sneaky and not declare. It is a self-fulfilling, ridiculous sort of statement to make. Under that logic, let's not have any conflicts of interest for anything ever, because someone might be scared and not declare one because they do not want to do it. It is a nonsensical sort of statement.

The Hon. S.G. WADE: I will reiterate what I said and I stand by what I said: conflicts of interest can be significant or they can be trivial and insignificant. I would want board members to engage with their board colleagues and identify a potential or a perceived conflict of interest, which they might regard as trivial or insignificant; the board may not agree. If we are, in every case, going to have every issue put in the minutes and published, I think it is only expecting rational behaviour from board members to think that they might think twice about being full and frank in their disclosures if every one of those disclosures goes into the public domain in minutes which will be based on the web.

If the honourable members are suggesting that we do not expect this of the SA Water board, we do not expect this of the SA Superannuation board, we do not expect this of boards that I regard as having been commercial in nature and we are expecting a higher level of disclosure by people who are involved in basically a social service—

The Hon. T.A. Franks: In health.

The Hon. S.G. WADE: Yes, in health. To be honest with you, this is not a high-risk group but still, even with these amendments, this government is putting a higher standard on these people than the parliament has chosen to put on government business enterprises. We believe the recalibration to still be of the highest standard of any jurisdiction in Australia, but encouraging good corporate governance by encouraging people to disclose conflicts of interest by not automatically then telling the world, is both good corporate governance practice and respectful of people's privacy.

The committee divided on the clause:

Ayes 8
Noes..... 11
Majority..... 3

AYES

Darley, J.A.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G. (teller)	

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Parnell, M.C.
Pnevmatikos, I.	Wortley, R.P.	

PAIRS

Lucas, R.I.	Scriven, C.M.

Clause thus negatived.

Clauses 13 to 15 passed.

New Clause 15A.

The Hon. S.G. WADE: I move:

Amendment No 1 [HealthWell–1]—

Page 7, after line 19—After clause 15 insert:

15A—Amendment of section 78—Testamentary gifts and trusts

(1) Section 78(1)(a)—after 'a prescribed entity' insert:

or a part of a prescribed entity

(2) Section 78(1)(c)(i)—after 'the prescribed entity' insert:

or the relevant part of the prescribed entity (as the case requires)

(3) Section 78(1)(c)(ii)—after 'the prescribed entity' insert:

or the relevant part of the prescribed entity (as the case requires)

(4) Section 78—after subsection (1) insert:

(1a) If—

(a) a testamentary disposition has been made in favour of, or a trust has been created for the benefit of, a prescribed entity that was a hospital or health centre incorporated under the repealed Act and that has been dissolved; and

(b) —

(i) all of the functions of the prescribed entity have been transferred to an incorporated hospital under this Act; or

(ii) subparagraph (i) does not apply and the Minister has, by instrument published in the Gazette, identified an incorporated hospital or an incorporated HAC under this Act that, in the Minister's opinion, is the appropriate incorporated hospital or incorporated HAC (as the case requires) to assume the benefit of the testamentary disposition, taking into account the transfer of functions of the prescribed entity on and after its dissolution,

then the disposition will be taken to be made, or the trust will be taken to be created, (as the case requires) in favour of—

(c) in a case where paragraph (b)(i) applies—

(i) subject to subparagraph (ii) of this paragraph—the relevant incorporated hospital; or

(ii) if the constitution of an incorporated HAC provides that the HAC is to assume the benefit of any testamentary disposition or trust to which this section applies in substitution for the hospital (named in the constitution) that would otherwise

obtain the benefit of this section under subparagraph (i)—that HAC; or

(d) in a case where paragraph (b)(ii) applies—an incorporated hospital or an incorporated HAC, as designated by the Minister by notice in the Gazette.

(5) Section 78(3)(a)—after 'a prescribed entity' insert:

or a part of a prescribed entity

(6) Section 78(3)(c)(i)—after 'the prescribed entity' insert:

or the relevant part of the prescribed entity (as the case requires)

(7) Section 78(3)(c)(ii)—after 'the prescribed entity' insert:

or the relevant part of the prescribed entity (as the case requires)

(8) Section 78—after subsection (3) insert:

(3a) If—

(a) a testamentary disposition has been made in favour of, or a trust has been created for the benefit of, the patients or residents of a prescribed entity that was a hospital or health centre incorporated under the repealed Act and that has been dissolved; and

(b) —

(i) all of the functions of the prescribed entity have been transferred to an incorporated hospital under this Act; or

(ii) subparagraph (i) does not apply and the Minister has, by instrument published in the Gazette, identified an incorporated hospital or an incorporated HAC under this Act that, in the Minister's opinion, is the appropriate incorporated hospital or incorporated HAC (as the case requires) to assume the benefit of the testamentary disposition, taking into account the transfer of functions of the prescribed entity on and after its dissolution,

then the disposition will be taken to be made, or the trust will be taken to be created, (as the case requires) in favour of, the patients or residents of the incorporated hospital or incorporated HAC.

The intent of this clause is to ensure that section 78 continues to establish certainty for executors as to how gifts to a specific science, or services of a dissolved incorporated hospital or to a dissolved incorporated hospital under the now repealed SA Health Commission Act 1976, may be applied where the legal entity no longer exists.

In addition, the amendments ensure that where it is clear that the testator intended their gift to be made to a local country hospital or health service, the gift may continue to be directed to the local health advisory council (HAC) to hold on trust for the benefit of that local country hospital or health service.

New clause inserted.

Clauses 16 and 17 passed.

Clause 18.

The Hon. T.A. FRANKS: I move:

Amendment No 5 [Franks–1]—

Page 7, lines 25 and 26—This clause will be opposed

This states that clause 18, page 7, lines 25 and 26, will be opposed. It repeals the deletion of schedule 1 with regard to the Health Performance Council, in effect reflecting previous votes within this committee stage to retain the Health Performance Council. Previously, those votes have been successful to retain the Health Performance Council—just to recap.

The Hon. S.G. WADE: Being too scared to use the 'consequential' word, I would merely say that I agree with the Hon. Tammy Franks that to support her amendment would be consistent and reflect earlier votes of the council.

The CHAIR: You do not support the amendment.

The Hon. T.A. Franks: No, he doesn't support it.

The CHAIR: The honourable member is opposing it, so therefore—

Members interjecting:

The CHAIR: Do not gloat, Leader of the Opposition. You have not been that compliant with the standing orders today. I would quit while I was ahead.

Clause negatived.

Clause 19.

The Hon. T.A. FRANKS: I move:

Amendment No 6 [Franks–1]—

Page 7, lines 27 and 28—This clause will be opposed

Again, this, in regard to clause 19, page 7, lines 27 and 28, opposes that clause. It refers to the Health Performance Council and the reference therein. I believe it is the last reference in the bill to the Health Performance Council underneath schedule 2—Health Advisory Councils. Again, I would anticipate, without using the word that shall not be named, that previous votes have reflected support for this concept.

Clause negatived.

Remaining clauses (20 to 22), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUPPLY BILL 2019

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:02): I rise today to indicate that the Labor opposition will not seek to prevent this bill from passing the Legislative Council. We have always stated that the opposition wanted to be a helpful opposition, and we are a helpful opposition, almost always. We are going to allow this bill to pass because we are helpful, despite what the Liberals have done in previous years to bills that sought to have budgetary provisions in them, and this just shows how extraordinarily helpful we are.

I wish to reflect on some of the things that we saw in the budget last year. In the Attorney-General's portfolio, in particular, we saw some massive cuts. The Communication Partner Service grant was cut by $319,000 a year. This grant had previously supported adults and children with complex communication needs who came into contact with the criminal justice system. The disability justice specialist training grant saved $100,000 a year through the discontinuation of the arrangements for specialist interview training to assist the interviewing of vulnerable witnesses.

These were not huge cuts. They were mean and petty cuts that will make it much more difficult for some of our state's most vulnerable people—children and adults living with a disability—

to access the justice system. Consideration to restoring this sort of funding should be given by the Premier and the Attorney-General.

There were other cuts that go directly to community safety: concierge services that manage taxi ranks saved $190,000 a year by discontinuing these services in Adelaide, Glenelg and Port Augusta. The opposition heard from many people how valuable these services were for not just managing the taxi ranks and any fights or violence that broke out there but also offering a service to help people who were in need very late at night.

Cuts to the crime prevention grants saved $3.9 million over four years, with ongoing savings of $1.1 million through discontinuing crime prevention and CCTV camera grants. Cutting the grant for maintenance of CCTV in the Adelaide city council area saved $113,000 per year. These cuts will make our city a much less safe place. The Attorney-General needs to consider what she would say to the worried parents whose children will be out late at night without CCTV coverage or managed taxi ranks.

The Legal Services Commission had savings of $1.2 million a year and, disturbingly, the grant of $550,000 a year to SA Native Title Services was discontinued. Access to justice is a very big issue, and it seems that the Liberal government has not done anything to address that. They have slashed millions of dollars from courts, which will mean longer delays at every level of the justice system. The Marshall Liberal government's ability to manage budgets should not be at the expense of the community's access to justice.

It seems pretty clear that there are more cuts in the budget that has just been handed down. Some were announced or leaked out before the budget. We have heard that Brand SA and the I Choose SA campaign, two champions of South Australian produce, are being closed down. We have heard that Reclink has had a cut of $50,000 a year. Their grant, which they have received for the last 14 years, has been completely cut. We have seen all the funding to RecFish be cut. We have heard that potentially there are cuts to things like Tauondi college, whose funding could be closed down.

We have heard the Liberal government refusing to rule out the privatisation of our rail network. The Liberal government has not ruled out privatising our trams and trains. I think that continuing down the path of this privatisation is a decision that will come to haunt the Liberal government. I have been at train stations over the last few weeks and had comments when people signed petitions. It is the first time I can remember that there were lines of people waiting to sign a petition against the Liberals' possible cuts to our rail network.

I experienced comments along the lines of: 'I voted Liberal last time,' but they signed the petition and said, 'I will never make that mistake again.' I think that flirting with privatising our rail network is something that the Liberals will come to regret. We have seen the announcement of a beer tax. Some venues are set to pay increased liquor licensing charges of more than $18,000 a year. In the lead-up to this budget, we heard about the Liberals' plans to tax the regions, a regions tax, an additional $100 to $400 for property owners in outback areas without a council. Now that they are in government, the Liberals are once again disregarding people in outback South Australia.

We have seen the Liberal government introduce a tradie tax. For example, a plumber, electrician or gasfitter will have to pay the following government charges from 1 July before they even lift a tool: individual contractor licence renewal fee, up by 10 per cent; registration fee for tradies performing plumbing, gasfitting or electrical work, up by 10 per cent; registration for a light commercial vehicle, up by over 5 per cent; and registering a trailer, also up by over 5 per cent. All these add up.

This is a direct attack on some low-paid workers in our community. Again, I think how those members of the Liberal cabinet and those in the party room who sit around and nod when it is suggested that we put up these sorts of taxes will come to rue the day that was done. These increases are well above CPI. They come at a time when wages growth for most people is either very low or non-existent, yet the cost of living has been forced up very dramatically in a whole lot of areas.

We have even seen a new tax on fun, with the Marshall Liberal government announcing a plan to introduce a new police rent tax. People attending major events, which could include AFL,

cricket, the Royal Show, music festivals, the Tour Down Under, concerts and the Fringe, could all pay more for what they do as a result of this new fee.

We have heard the police commissioner say that event organisers will have to pay this new police rent tax even if they do not want to. According to the police commissioner, it will be up to the police to decide if an event needs police presence and if the commissioner decides they do need police presence, the police can take it upon themselves to charge the organisation for that.

So an organisation may get no say whatsoever in whether or not they need a police presence and if it is deemed that they do, it is not up to them: it is up to the police to decide whether they have to pay this new police rent tax. Where do we think that will be paid for? There is almost no doubt it will be passed onto consumers who want to enjoy the best of what Adelaide and South Australia has to offer. This is a new tax by the Marshall Liberal government on having fun.

We have also heard reports that the Crows, the Power and the SANFL will soon be hit with transport levy increases—a footy tax for just going to the footy. We know that already some of the prices are huge for people to enjoy going to the football. Just last Thursday, I was at the football watching the Crows. We had an emergency and had to leave just before—

The Hon. D.W. Ridgway: Were you in a corporate box?

The Hon. K.J. MAHER: No, not a corporate box: the Richmond members' section. We had to leave just before full-time because of an emergency—we were losing badly.

The Hon. T.J. Stephens: The emergency was that you were getting flogged, was it?

The Hon. K.J. MAHER: That is exactly the emergency that forced us to leave. We know that SA Pathology is still under threat from the Liberal government, with the plan to cut services across hospital laboratories, cut staff and shut down collection centres prior to their plans for privatisation, fattening up the organisation for sale.

We have seen the Liberal government, with Premier Steven Marshall and Treasurer Rob Lucas, increase fees to hospital car parks and car registration and licences. Nurses, cleaners and other hospital staff will be forced to pay hundreds of dollars extra per year for parking, while patients and their families will be slugged extra as well. It is a tax on health and those working in our health system, another tax by this Liberal government that increases costs of living even further.

Motorists are being targeted, with car registration and driver's licence fees up 5 per cent and 4.5 per cent respectively. Even the reminder fee for an expiation notice is being increased by nearly 20 per cent. Hospital patients and their families, as well as nurses, as I said, will be targeted with hospital parking fees ramped up dramatically.

Public transport commuters are being targeted. It is not enough that our commuters live under the fear of privatisation under this government, they are getting their fees increased with the reintroduction of a fee for the Metrocard, the abolition of two-section fares and the jacking up of all fares well above the rate of inflation. That is combined with fewer services being offered. We have seen a reduction in services under the transport minister.

These are just things we have found out before the budget was actually handed down today, so we can imagine what horrors await members of the public, what huge rises in costs of living over and above the beer tax, the fun tax, the tradie tax, all the other taxes that this government has introduced that make it harder for South Australians to make ends meet. Over the coming days and months, as the budget is examined, we will no doubt find the horror that will be inflicted on South Australians from this mean-spirited Liberal government.

I think there will be some ministers who will be quite astonished that they have been hoodwinked. They really do not know what the Treasurer has done. They have just been fleeced. They will have had their pockets picked and, as time goes on and they realise the programs that they have unwittingly agreed to cut, they will have no option but to agree with it because they sat there and nodded their heads and did nothing when these cuts were going through the cabinet and the party room.

It means that the claimed savings in something like the emergency services levy have been completely and utterly wiped out by all of these new taxes, these huge increases in fees, by this Liberal government. Also, the Liberal government has yet to even come close to delivering on their promises for things like reduced power prices. It is just not happening. They have absolutely broken their promise to reduce the cost of living for South Australians and South Australians will know this. With those words, as I said, we are a constructive opposition, so we will be supporting the passage of this bill.

The Hon. F. PANGALLO (17:14): When the ancient Roman Empire went into decline, the rulers of the day resorted to a novel policy to quell civil unease. As a diversion from their domestic problems, they doled out free food and staged entertainment spectacles and it worked for a while. It should not come as a surprise that this bread and circuses style of diplomacy is not foreign to modern-day politics or this government.

As the Treasurer has told us, he has a huge headache to contend with to balance his books—a half a billion dollar shortfall in GST revenues—so he told us today he has borrowed more because the Reserve Bank says that debt will be good for the economy.

Over the past few months, our own emperor of the exchequer has donned his robes as the harbinger of doom and gloom, delivering fiscal blows by a thousand cuts to a myriad of services and organisations, while dropping strategic grenades of price hikes here and there. They set off a cluster of spot fires of rage and angst, counting on them burning out before the firestorm arrived today. We are seeing families being hit with a raft of cost-of-living increases—

The Hon. K.J. Maher: Outrageous.

The Hon. F. PANGALLO: Exactly—in excess of the CPI in some cases. They have wielded the axe and slashed the razor in many areas, which is unfair, unreasonable, unworkable and plainly mean-spirited. In today's budget, he is indexing fees and charges to 5 per cent, so people will be paying more for things like council rates, with an increase in the waste levy of almost 40 per cent.

Some have hit the vulnerable and disadvantaged in our community, whose voices of despair can be drowned out or brushed aside simply because they can. Let's start with transport. One of the most mean-spirited decisions is not to guarantee subsidised taxi vouchers for people with a disability beyond the end of the year because of a rollover to the NDIS. It hurts those who are reliant on assistance to get to appointments, study or work. It also affects their social activity.

I received an email from constituent and former work colleague Annette Holden, who now only has 2 per cent vision, about her own plight. She wrote to the Minister for Transport and basically got fobbed off. Here is some of what she wrote that highlights what people like her are having to endure:

> Dear Minister,
>
> After two medical appointments this morning I have just spent more than 1.5 hours attempting to get home with my Guide Dog (fewer than 3 kilometres!), no thanks to our public bus system. Yet again—a regular occurrence—a driver refused to stop despite my hailing him, presumably because of my dog. As a result, I am quite distressed and out of pocket as I ended up ordering a taxi (for which I had to wait a very long time as it's such a short/low fare). Of course, since the NDIS says I don't need a travel allowance because I have a Guide Dog, and your government doesn't seem inclined to understand the impact of this, I see absolutely no future.
>
> I'm meant to be attending a training course in the city tonight, which will involve four buses and walks at both ends of each journey. My confidence has gone and I don't feel safe. This is the impact of short term monetary savings at the expense of otherwise useful members of the community.
>
> I'd suggest you walk a day in our shoes but even that wouldn't make a difference as it is the daily grind that wears us down….The constant anxiety and knowledge that, more than likely, every time we approach public transport there will be an incident.
>
> And you could always take off the blindfold. We can't. I am fortunate. I still have two per cent sight—and have had a huge life. I'm not ready to give it up. But I feel you (State Government) and the Federal Government are forcing me into dependence and isolation.

It is shameful, considering that consumers will now have to wear increases in bus fares and cuts to bus routes to make a $46 million saving, yet they want more people to use public transport. Part of

the plan is journey-hopping from one mode to another. This would impact on those with a disability, mobility issues, young mums with babies in tow, the unemployed and seniors.

The transport minister is shutting down three Service SA centres despite thousands of objections. He has announced extending clearway times on several main roads, including Unley Road, where there was no consultation with councils involved and hundreds of small businesses will suffer as a result. He brushed off their concerns and a petition signed by them in a short, terse meeting recently but agreed to delay their pain by about a month until they could prove their case.

The Department of Planning, Transport and Infrastructure could not find the $120,000 to keep manned taxi ranks in the city, a safety initiative instigated by the taxi industry that has been working quite successfully. This government claims to be there for business; however, its policies, like trying to deregulate shopping hours, only serves to harm them.

Our primary road infrastructure is a shamble. While they have announced big-ticket projects with federal help, there are suburban, Hills and regional roads falling to bits while our road toll mounts. The transport minister had to dish out some additional morsels of appeasement in doing a bizarre backflip on his double dogleg solution to fix the traffic mess at Daws, Goodwood and Springbank roads.

The community trusts and relies on our police to keep us safe and secure, but SAPOL needs to make up $38 million in efficiency dividends over the forward estimates. That means a massive hike in traffic fines and other infringements, which welfare agencies say will hit low income families.

They are also looking at introducing a user-pays system to have police attend these circuses. The police commissioner says it would only be at major events for commercial gain—and isn't that most of them? However, he says he will make that call. But as we have learned from lessons in history, once the genie is out of the bottle, it is hard to get him back. Eventually it would spread to other events. This will undoubtedly lead to an increase in the cost of staging those circuses, which will then have to be borne, of course, by the plebeians.

Taxpayers already pay police to do their work in protecting the community. Should events that attract big crowds be treated any differently to any other activity that would require a police presence, particularly in these days when we must live with the threat of terrorism? Many will say this is double dipping. Meanwhile, Crime Stoppers, an extremely successful program in which the public report crime, had to resort to a GoFundMe campaign to make up a shortfall. Tough on crime? Not this government.

There are long delays in our court system, which also must find savings by shutting courthouses. Timely access to justice is being compromised. The government could not find paltry funding for JusticeNet, a vital service that provides pro bono legal services for those who cannot afford lawyers.

We are seeing problems in the housing and construction sector with building companies closing. Where are the incentives to keep this crucial contributor to our economy kicking on? Miserly cuts have inflicted pain on worthy community organisations, groups and events—the popular Motorsport Festival, the Fashion Festival, Brand SA, and the community visitor program, where an independent community visitor can no longer enter privately-run disability homes. That affects 1,500 people with disabilities in 430 homes.

Thoroughbred Racing has lost a $3 million government sponsorship of its Adelaide Festival of Racing, but that has been offset with a $24 million injection of dough in the hope of keeping the bleeding industry calm. Reclink SA, a not-for-profit organisation, has been told it will not receive the government's $50,000 annual grant from the end of this month. Disability Recreation and Sports SA lost its $37,450 grant.

The promise to lower our power bills is evaporating. While homelessness in the city is at record levels, mental health services have been cut. Vital sexual counselling service SHINE SA had to close two of its clinics because of budget cuts. Hospital car parking fees will rise—another broken election promise. Ambulance fees are going up. The Treasurer is going to court to stop a $600,000 a year or $31 pay rise that was set in stone for our nurses and government workers, because it cannot afford it.

In New Zealand, the Prime Minister, Jacinda Ardern, leads by example. She froze a pay rise for MPs because the country could not afford it. In this chamber last year, only the Greens and SA-Best opposed an increase in MPs' salaries. Yet, cash can always be found for extravaganzas to tickle the masses. That footy colosseum, the Adelaide Oval, will get its swanky hotel courtesy of a $41 million government guaranteed low-interest loan. Memorial Drive gets a new roof and a new tennis tournament, and there is money for Coopers Stadium.

Hollywood has been enticed to make a blockbuster movie here. There is $20 million for footy, cricket and netball grassroots, and $20 million for the Granite Island causeway. The South Australian Tourism Commission get tens of millions of dollars to sell our state. Events like Tasting Australia, the Tour Down Under and Superloop 500 always find generous support, and we will even see a State of Origin game here next year—but at what cost?

Who knows what other crumbs are coming our way. The symbolic political legacy of the Romans should not be lost upon us. Their leaders figured the poor would be less likely to whinge or revolt if they had food and entertainment. This probably explains why government budgets are laced with bread and circuses to mask the real pain. In saying that, I support the Supply Bill.

The PRESIDENT: Before I give the Hon. Mr Stephens the call, I remind honourable members that this is a supply bill and not a budget bill. Therefore, references to the budget should be avoided, although members can, if they use their creativity, make a necessary point.

The Hon. T.J. STEPHENS (17:26): I rise to speak to the Supply Bill 2019. The government is entrusted to handle funds it receives from its taxpayers with the utmost care. All funds spent by the government should serve a valuable purpose and provide a net benefit for the constituency. A concept I have explained before in this chamber whilst in opposition is that revenue is often used as a term in government as if the money belongs to the government. This is a falsehood.

Tax dollars are deducted from the incomes of hardworking citizens in exchange for services. It should stand then that these services are necessary, and there is no other way to return tax dollars to their rightful owners other than to limit government spending. Whilst any minister would be reluctant to reduce services, sometimes these things are necessary in order to govern responsibly, and that is what we seek to do on this side of the chamber.

It follows that, after more than a decade of the former Labor government's spending, the state Liberal government has had some important budgetary decisions to make. When making these decisions, the Marshall government will carefully ensure that revenue is being appropriated in the most efficient and cost-effective manner possible. A structural improvement to the budget, through a sustained reduction in government spending, is the only way to truly achieve surplus or, at the very least, a balanced budget.

As I have said repeatedly in this place, once government spending is under control, taxes can be abolished or reduced to a minimum in order to see quality services well funded. In the face of such decisions, the government has remained committed to investment in essential services such as health, education and infrastructure and a return of taxpayers' dollars through the provision of essential services that benefit the community and state as a whole.

The coming years will see the biggest investment into education by any state government in South Australia's history, with over $1 billion worth of capital works across the state, including three new schools and additional investment in education spending. The state Liberal government has announced investment of more than $185 million into capital projects to meet the capacity needs of government schools and to facilitate the transition of year 7 into high school.

A range of government schools across metropolitan and regional South Australia will also receive major upgrades to their infrastructure. It is particularly important that these regional schools, such as Port Augusta Secondary School, Nuriootpa High School, Eastern Fleurieu R-12 School, Mount Compass Area School, Kapunda High School and more, are set to receive funding.

In addition, a new $100 million state-of-the-art secondary school will be built in Whyalla to accommodate the 1,500 students in years 7 to 12. Whyalla's three existing high school campuses, which are Edward John Eyre High, Whyalla High and Stuart High, will be amalgamated into the new school. Like our investment in education, another way the Marshall government is seeking to improve

South Australia is through a continued investment in infrastructure to bust congestion. Congestion affects roads throughout the state, and as a government we have sought to improve traffic movement for South Australians. Over $200 million has already been announced and committed to intersection upgrades on Cross Road, Goolwa Road and Portrush Road.

This state budget will further build on this strong commitment by continuing a massive infrastructure investment that aims to keep the traffic flowing. The Marshall government will deliver $51 million in the 2019-20 state budget to combat the congestion on Main North and Grand Junction roads. This investment allows for three intersection upgrades: the intersection of Main North Road and Nottage Terrace, the intersection of Main North, Kings and McIntyre roads; and the intersection of Grand Junction, Hampstead and Briens roads.

Improving congestion on key roads will reduce travel times for a great number of South Australians and improve overall road safety in those areas. These road and traffic improvements will be a positive outcome for South Australia.

The Marshall government took to the election the promise to slash ESL bills for South Australians. As a government we have continued to deliver on our commitment to slash ESL bills in this budget. In stark contrast to the massive hikes endured under Labor, we are delivering the promised $360 million in ESL savings over the forward estimates.

Such savings will put back 90 million a year into the pockets of families. The average household is set to save more than 50 per cent, or $163, in 2019-20 compared to the policy under the Labor government. These families work hard, contribute to our wonderful state, and will deservedly realise the savings we committed to deliver to them.

Governments of the day are tasked with the responsibility of using taxpayer funds in a wise and appropriate manner. The state Liberal government is, in my view, committed to sensible spending across all departments, while still being able to provide valuable services for all South Australians. I commend the bill.

The Hon. I. PNEVMATIKOS (17:31): I too rise to speak about the Supply Bill, or rather the paucity of Liberal policy and the absence of direction. Whilst I will support the bill because it is imperative that services in this state continue to function—that is in the interest of South Australians and our state—this bill is a stark reminder that the interests of South Australians are simply not being served well by either the current state or federal governments.

On the one hand, South Australians are being slugged by the federal Liberal government to the tune of almost half a billion dollars in lost GST revenue and, in response, South Australians are being slugged again by the state Liberal government, whose only response to their federal colleagues is to present South Australians with a long list of increased costs for many essential items. I am referring to the increases in transport costs, the cost to renew your licence, the cost to register your car, to park at a hospital, to employ a tradesperson, contained in financial documents.

These additional fees and charges will affect South Australians where it will hurt most, in the areas of health, housing, transport and employment—essentials that most of us cannot do without. While these increases will hurt all South Australians, they will especially hurt those who can afford them the least. As SACOSS stated in a 2018-19 budget snapshot:

> While cost of living pressures affect all households, they impact more significantly on lower income households both because these households tend to spend proportionately more of their income on the necessities…and because they usually do not have the reserves or flexibility in their budgets to absorb rising costs.

South Australia has one of the highest rates of unemployment in the nation and continues to experience stubbornly high long-term unemployment and underemployment levels. This, coupled with stagnant or falling wages and increasingly precarious employment conditions, means that the increases in fees and charges that are being promulgated will have a significant impact on all South Australians but severely impact on those who are doing it tough.

When the Liberal government came to office they promised to lower the cost of living for South Australians. They have not only broken that promise, they have failed to come up with policies that could help South Australians achieve greater job security and financial stability. In fact, the Liberal government spent its first year in government trying to dismantle policies that the previous

government implemented, such as Labor's labour hire laws, designed to protect workers from exploitation by unscrupulous labour hire operators. Thankfully, with the help of the crossbench, Labor was able to stop the government reversing this law. But it fundamentally illustrates this government's disregard for South Australians facing precarious employment and economic conditions.

For example, from 1 July, the state Liberal government will increase a number of fees well above CPI that will directly impact on tradespeople. This includes an increase in contract licence fees and registration fees by a massive 10 per cent. Registration fees for a light commercial vehicle have increased by 5.1 per cent per year, while registering a trailer will increase by 5.3 per cent. Let me remind you that our consumer price index currently stands at 1.3 per cent.

As one electrician, Michael Allison of Willunga Electrical, has been quoted as saying in *The Advertiser* on 30 May, 'You can accept a CPI increase, but when it's more than that, it's a bit of a kick in the guts.' These increased costs will make it harder for tradespeople to take on apprentices at a time when we most need these jobs for our young people. It will further damage our state's already declining building industry as a result of building approvals falling and construction companies collapsing. The state Liberal government is making it harder for small businesses in the sector to survive and employ more people.

We see a similar situation in the hotel industry, an industry that employs over 26,000 South Australians. Liquor licensing fees are set to increase by about 600 per cent for some Adelaide late-night entertainment venues. This means that small bars and pubs will either have to increase their prices or employ fewer staff. Either way, it is bad for South Australians, especially those people who rely on the hospitality industry to earn a living.

Our hardworking paramedics also face dire working conditions as a result of government inaction. Representatives of the Ambulance Employees Association have confirmed that there is a growing reliance on paramedics working overtime and on call just to cover the demand. This has resulted in $15.5 million in overtime that paramedics have forgone. This has been occurring in the pre-flu season. It is only going to get worse.

When it came to office, the state Liberal government promised to continue a strategic working group to develop a new staffing formula and a new service delivery model for paramedics. But since the loss of GST revenue imposed by the federal Liberal government, the Ambulance Employees Association has been informed that this is unlikely to go ahead and that they should consider negotiating away workers' conditions, such as giving up meal breaks. How is this fair? How does this translate to better services for our state?

We see a similar scenario in our state's vital tourism industry whose budget has been cut by $100 million, at a time when our state's international visitor numbers have decreased and gone backwards, jeopardising jobs and economic growth. The state Liberal government has made these decisions and others like them at a time when the casualisation of our workforce is hitting record levels. Casual workers now make up over a quarter of our workforce and workers in Australia are facing the slowest wage growth in 20 years.

This is a real concern for our economy. It is a situation that is having a real and very negative impact on our state, but especially on young South Australians. We need to be working on policies that will give South Australians and young people hope, to help them achieve their dreams and aspirations, and create a society and an economy that is strong and confident for the future. These policies, if we can call them that, do nothing of the sort. On 27 March, the ABC quoted the Nobel laureate economist Paul Krugman:

> A country's ability to improve its standard of living over time depends almost entirely on its ability to raise its output per worker. But if low wages growth becomes entrenched, it will also pose a threat to productivity and risks locking Australia into a low-wage, low-productivity spiral.

This is a problem that needs to be addressed with real policy solutions, not more pain. Despite this, the state Liberal government has pushed ahead with a raft of increases in fees and charges that will make vulnerable people even more vulnerable.

For example, the Liberal government wants to scrap two-section fares on our buses. This means that a worker who relies on public transport to get to work may have to pay an extra $150 a

year to get there. This comes on top of the Premier's $46 million from public transport, resulting in many bus services being scrapped.

It will be interesting to see whether the Liberal government intends to pursue their possible goal of privatising our trains and trams. South Australians rely on public transport, and these are additional costs that will hurt them. Public transport provides a service to one's community as well as providing employment for South Australians. If you drive a car, you will also be slugged, with licence renewal fees increasing by 4½ per cent and car registration increasing by 5 per cent. These, like other increases referred to above, are way above CPI rates.

Associate Professor Michael O'Neil from the South Australian Centre for Economic Studies warned in an interview on ABC radio on 24 April that the rise in cost of living was already hurting South Australians and, I quote:

> The lack of growth in employment, underemployment and no real increase in wages is already having an effect, so that while all these fees and charges normally rise each year by CPI, individual wages have not kept pace with the CPI.

It stands to reason, then, that fees and charges being raised so far above CPI will have a compounding, negative effect. However, the increases in fees and reduced services do not stop there. Nurses, cleaners and other hospital staff face paying $276 more per year for parking at public hospitals, while patients and their families face hikes of up to 25 per cent. How is this fair? Workers are already losing their penalty rates, and in the case of cleaners who work sporadic hours throughout off-peak periods they often would not be able to take public transport even if they wanted to. This hike will significantly impact on their ability to make ends meet.

Key mental health services are seeing a reduction of 25 per cent of their funding. That is a $6.8 million cut for vulnerable South Australians, which will only place more pressure on our hospitals this winter and beyond. And what has the government done? When presented with the opportunity to have an open discussion on how to rectify the matter, they hide behind party parochialism. The state Liberal government is refusing to adequately fund mental health services when we know that mental health is a key factor in increasing a person's—especially a young person—vulnerability towards poverty and homelessness.

Adelaide's latest Connections Week found that 227 people are currently sleeping rough in the inner city. That is a 62 per cent increase compared with the same time last year. Additionally, research conducted by the Don Dunstan Foundation found that, out of the people facing homelessness in South Australia, 72 per cent have mental health issues. Disadvantage has many causes, and we must attempt to provide support where we can, not block opportunity for people to access help by making it more expensive and more difficult.

We live in a country that is ranked as the second wealthiest country in the world in terms of median wealth per adult, but our poverty rate has become entrenched at a high level. We are currently fourteenth highest out of 36 OECD countries. We have had uninterrupted economic growth in Australia for 26 years and yet we have record levels of homelessness. UnitingSA has found that over the past year there has been a marked increase in young people accessing their service and an increase in the number of people working in low-paid or seasonal work, including people employed casually and not receiving sufficient hours.

The Centre for Social Impact's Financial Resilience in Australia 2018 report has found that one in six Australians are finding it tough to meet the necessary costs of living. We must address these problems constructively, not shy away from them. We need to listen to and work more closely with organisations such as the Don Dunstan Foundation and UnitingSA, just two organisations which are doing good, practical work to address the complex but very real challenges we face.

We owe it to South Australians, and we especially owe it to our young people. Our young people are having to work more for less. Young people already see their future as bleak, with the rising costs of education and training, housing becoming less and less affordable and the cost of living rising so disproportionately compared to the earnings. I want to stand up for these young people and their future. I want to protect our hard-won efforts to secure better employment and working conditions for them and all South Australians.

I can start by calling out the state Liberal government not only for unfairly raising fees and charges instead of fighting for a better deal for South Australians but also for failing to show compassion and understanding for those in our society who are struggling and for failing to work collaboratively to devise policies that actually address the problems. This is not in the best interests of South Australians. Frankly, South Australia deserves better.

The Hon. R.P. WORTLEY (17:45): I rise to speak to—

Members interjecting:

The PRESIDENT: I have given him the call.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, it is late in the day. We all want to hear the Hon. Mr Wortley's wisdom.

The Hon. R.P. WORTLEY: He has just interrupted my flow.

The PRESIDENT: Get on with the flow.

The Hon. R.P. WORTLEY: I rise to speak today on the Supply Bill 2019. In doing so, I note that, while the opposition does not oppose this bill, we will take this time to review the government's performance of the past year. There was a clear mantra that was espoused by the Marshall government in the lead-up to the state election and immediately afterwards. It was one of lower costs and better services. This mantra has become the vernacular of the Liberal Party. Humility is certainly not a feature of this government: they triumphantly attest to their own success and congratulate themselves on the way they have conducted themselves thus far. I suspect that not everyone in the community feels the same way.

Let's examine the government's mantra on lower costs. In the past few weeks, the Treasurer has drip-fed information into the public arena that South Australians should prepare for an increase in fees and charges far beyond the rate of inflation. Car registration will rise by 5 per cent, driver's licence renewals by 4 per cent, hospital car parking by a staggering 20 per cent, public transport by 2 per cent, individual contractor licences by up to 10 per cent and registration fees for tradies by 10 per cent.

We know that wages in this country are not rising. Indeed, many people in our community are struggling. They have had their penalty rates slashed, yet we see a government increasing costs: increasing the cost of working, increasing the cost of travelling to and from work and increasing costs for working families. This is simply unfair. If you head into an election campaign promising lower costs then deliver lower costs. The decisions of this government are galling not only because it is public policy but because they have not demonstrated any actual willingness to reduce costs, even though they said they would.

I turn to the second part of the Marshall government's ethos of 'better services'. Steven Marshall and his team promised South Australians better services. I could stand here for hours examining every portfolio at length and, in doing so, highlighting cases where the government has failed to deliver better services. However, many of my colleagues have already outlined that, in particular the Hon. Mr Frank Pangallo, who, despite opposing wage increases last year, outrageously accepted a 2 per cent increase in July last year. However, he did articulate well the case about this government.

Have better services been delivered in the health portfolio? The answer is a resounding no. What has happened, though, is the engagement of corporate liquidators to run the Central Adelaide Local Health Network. Corporate liquidators are not exactly the first resort if you want to deliver better services, yet it is the liquidators who are now in control of a critical facet of our healthcare system, having released their plan to cut $460 million from the sector. How can this government possibly expect to create better outcomes for patients while at the same time cutting enormous chunks of funding from our healthcare system?

The engagement of KordaMentha only tells part of this sorry story. The Marshall state government has also broken trust with the people of South Australia by:

- forcing Keith hospital into crowd funding so that it continues to provide health care for the region;
- cutting funding of nearly 10 per cent to SHINE SA, forcing the closure of the Davoren Park and Noarlunga centres;
- forcing The QEH cardiology unit into a position of having to make public appeals for donations;
- cutting funding for the position of the Mental Health Commissioner and cutting funding for mental health by 25 per cent; and
- closing 25 beds at the Hampstead Rehabilitation Centre, 16 beds at Flinders Medical Centre and 20 at the Women's and Children's Hospital.

I note that the Women's and Children's Hospital now has an emergency department operating at 165 per cent capacity.

Within the context of the cuts and the bed closures that I have just spoken about, I make mention of the flu. Flu cases are already at disastrous levels—they have been since April. The experts tell us that this year's flu season is panning out to be 10 times worse than last year. A flu season that is 10 times worse than its immediate predecessor obviously represents massive challenges.

The government did talk about rolling out a program to bring forward flu vaccinations, and then promptly failed to deliver. We have heard story after story of vulnerable people, including the elderly, the immune-compromised and pregnant women, not being able to access a flu shot. For some time, 116,000 flu vaccines sat in a warehouse while doctors and nurses treated infected patients, having not yet been inoculated themselves. Throughout this entire debacle the health minister's response has been to send out his bureaucrats to face media inquiries and shrug off suggestions that he, as an elected official, ought to play any role in putting together an action plan.

Also on the question of better services is the state of our public transport system. We all know how important public transport is for South Australians, yet in their very first budget the Marshall Liberal government slashed $46 million from public transport. The state government has attempted to peddle a tale that patronage is dropping. We know the opposite to be true, with more people than ever before relying on public transport. I note that in the past financial year 14.4 million trips have occurred, compared with 11.1 million in 2004-05. The department's very own annual reports indicate a substantial and sustained growth in patronage on our buses, trains and trams.

The $46 million in cuts leave many people without the vital transportation they need, impacting on the most vulnerable, such as the elderly and the disabled. Many South Australians will have to bear the brunt of the cuts, with over 1,170 services affected. I note that the state government has also cut the Footy Express and free public transport services for the Christmas Pageant.

At a time when the government is reducing the services available, they are increasing the cost of public transport fares. Many commuters will face a massive increase of up to $849 per year with the scrapping of the two-section ticket. The state government has also announced plans to increase fares across the board by up to 2 per cent, well above the inflation rate.

If you really want to reduce the patronage of the public transport industry, you do exactly what the Liberal government is doing. We have come to learn that the Marshall Liberal government's intention may very well be to privatise our train and tram network. I come back to this central point of the Liberal Party's mantra: when exactly did the Liberal Party mention, in amongst promising lower costs and better services, that they were contemplating the sell-off of our well-patronised and much relied upon train and tram system?

Steven Marshall told South Australians the opposite. He said that he and his team did not have any privatisation agenda. We already know, of course, that this promise has been abandoned, with the privatisation of Pathology SA and parts of the prison system. Nevertheless, this is a government that has broken promises they made with their constituents when they were voted into office.

The Liberal Party was elected on the back of the promises of lower costs and better services. People in seats such as King, Elder, Colton and Newland voted for their local Liberal candidate, and I really do wonder now how these new MPs look their constituents in the eye, and how they can possibly say that they are a part of a government that is delivering lower costs and better services.

How do these new MPs justify the cuts, closures and privatisations? What do these new MPs say when a vulnerable member of their community reaches out to them and talks to them about how they have been negatively impacted by the Marshall Liberal government's agenda? Broken promises, failed promises, increased costs, poor and inadequate services: this is what underpins the story so far of the Marshall Liberal government. It is these failures that the members for King, Elder, Colton and Newland will be duly judged upon.

The Hon. J.S. LEE (17:55): Today I rise to make my contribution in support of the Supply Bill 2019. The government is asking for approximately $5.5 billion of taxpayer money to enable the continued payment of public servants and public services. It is very important that provisions are made for the ongoing delivery of essential public services in South Australia.

Since taking office in March 2018, the Marshall state government has taken a proactive approach towards transforming the economy of South Australia with a strong vision to deliver more business confidence, create a more competitive climate for industries and to increase our population. The state government has been working hard to deliver more jobs, lower costs and better services for South Australia. I am proud to be a part of the Marshall team who are honouring the many commitments that deliver better outcomes for all South Australians. Helping households and businesses reduce the cost-of-living pressures has always been a top priority for the Marshall government.

I am pleased to report that our government is delivering on its commitment to slash emergency services levy bills for South Australians. We are doing this by putting $90 million a year back into the pockets of families, with an average household set to save more than 50 per cent or $163 compared with the policy under the former Labor government. I congratulate and thank our very diligent Treasurer, my esteemed colleague the Hon. Rob Lucas, for delivering the promise to slash ESL bills for South Australian households and families, and that is exactly what we are delivering.

One of the most positive pieces of feedback I have heard over and over again when I am out and about visiting multicultural and not-for-profit community groups is how happy they are about the Marshall government abolishing fees for all volunteer checks. Making volunteer screening checks free for all South Australians late last year has saved the community sector more than $1.3 million. That is more than $1.3 million worth of savings that have been injected back into the sector to help organisations deliver vital services for the community. What a wonderful job the Minister for Human Services, the Hon. Michelle Lensink, is doing for our community.

Since 1 November 2018, a total of 23,379 South Australians have applied for more than 30,000 free volunteer screening checks, which are conducted by the Department of Human Services Screening Unit, saving the sector hundreds of thousands of dollars. Under the previous Labor government, volunteer screening checks were $59.40 each.

Working directly with multicultural and community organisations in South Australia, I am proud to be part of the Liberal government that highly values the incredible dedication and hard work of volunteers and their selfless contributions to serve our community. It is very encouraging that more and more South Australians are taking up volunteering since we made volunteer screening checks free in November. The figures speak for themselves: it is now easier for people in South Australia to volunteer, as the cost of screening does not act as a barrier.

South Australia's economy is transforming into a more efficient and competitive economy than ever before, under the strong leadership of the Marshall government. I want to congratulate the Premier, the Treasurer, ministers and their departments on delivering outcomes for our state. Growing the economy and jobs remains the government's top priority.

It is encouraging to see investors returning to South Australia with enormous confidence. The latest ABS figures show a 37 per cent rise in private new capital expenditure in the past year under the reformist Marshall Liberal government. The 37 per cent jump in real private new capital

expenditure in the March 2019 quarter, compared with the March 2018 quarter, is largely off the back of buildings and structures, defying a national fall of 1.9 per cent.

The results follow another positive ANZ Stateometer report which showed that South Australia was the only state to record an above-trend growth rate in the quarter and rising momentum from the last quarter of last year. In fact, the report showed that South Australia was one of only three states to record a rise in capital expenditure in the March quarter, showing that we are punching well above our weight and that investors once again feel confident in coming and spending their money here. The impressive 37 per cent rise in private new capital expenditure in South Australia will no doubt have significant flow-on benefits.

The confidence in South Australia's economy and community has been at an all-time high where large investments are flowing through our state. The South Australian community is excited about the announcement that Adelaide is now the home of Australia's new Space Agency. South Australia beat strong competition from other states to secure the headquarters. We were incredibly lucky to have our homegrown NASA astronaut Dr Andy Thomas help with our campaign. The Space Agency will be based at Lot Fourteen, which is being transformed into an innovation precinct and a key hub for the space and technology industry.

The miracle man, as he has been referred to after the stunning election victory on 18 May, our Prime Minister, the Hon. Scott Morrison, said that South Australia was an ideal home for the new Space Agency. This will open doors for local businesses and Australian access to $US345 billion of global space industry. The Premier, the Hon. Steven Marshall, is a champion for the Space Agency. He said that it would help enhance the city's livability and will take the state's defence sectors to the next level.

I would like to turn my attention now to the good work of the Hon. David Ridgway, the Minister for Trade, Tourism and Investment. For the first time since 2011, South Australia's international student enrolments have exceeded the national growth rate, with the state attracting nearly 30,400 enrolments in the first three months of 2019. International students are valued members of our community and contribute enormously to our economy and add to multicultural vibrancy, which we supported and successfully developed to enrich our state.

In the 2017-18 financial year, international students generated $1.62 billion for the South Australian economy, positioning international education as one of the state's top export earners. Through the good work of the Hon. David Ridgway, the minister has committed to further growing the international education sector by investing more than ever before into StudyAdelaide to promote the international student market and Adelaide being an education destination.

I would like to also turn attention now to caring about our community. Caring for and providing services to vulnerable communities remains a priority for our Liberal government. People of South Australia are grateful that the Liberal government has taken another important step towards ending domestic, family and sexual violence in South Australia. They welcome the new policy announced by the Hon. Michelle Lensink, the Minister for Human Services.

The new framework, entitled 'Committed to safety: a framework for assessing domestic, family and sexual violence', includes a strong focus of providing targeted support to specific population groups, such as young people, Aboriginal women and communities, women with disabilities, culturally and linguistically diverse women, older women and people living in regional and remote communities. The Liberal government continues to deliver its commitment to address domestic violence across the state, including investing more than $11.9 million on a suite of measures to support women and children at risk in South Australia.

More investment in education, health, road infrastructure and upgrades has already been mentioned by my esteemed colleague the Hon. Terry Stephens in his contribution. We are definitely a government that will continue to work hard for a better South Australia. With those remarks, I support the passage of the Supply Bill.

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

LANDSCAPE SOUTH AUSTRALIA BILL

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (18:06): I move:

That this bill be now read a second time.

The Landscape South Australia Bill fulfils the government's pre-election commitment to repeal the Natural Resources Management Act and replace it with new legislation that puts people back at the heart of managing our natural resources, and delivers a system that is more focused on working in partnerships, practical programs and on-ground works.

The sustainable management of natural resources is vital to our state's economy, primary production and other industries, including mining and tourism, as well as our regional communities and metropolitan Adelaide. Natural resources are also of critical importance to Aboriginal communities, with Aboriginal people's spiritual, social, cultural and economic practices coming from their relationship with their traditional lands and waters.

The bill establishes a new framework for how we manage natural resources that provides a simpler and more accessible system by removing unnecessary bureaucracy, improving responsiveness and providing greater flexibility for improving best practice over time. These reforms have been the subject of extensive community engagement.

Over 1,000 people attended 60 community, stakeholder and staff workshops held across the state between August and October 2018. Over 250 written submissions were received from the community and stakeholders on the discussion paper, 'Managing our Landscapes: Conversations for Change'. I will now turn to some of the bill's key features.

New regional landscape boards will replace the current natural resources management boards, with a new approach to setting regional boundaries that places more emphasis on economic, social and cultural connections, and local government boundaries and areas. For the first time, regional communities will have a say on who sits on a regional board through community elections. Community elections align with the principle of decentralised decision-making as a mechanism for empowering regional communities.

Regional boards will have three elected and four minister-appointed members to ensure there is a good mix of skills, knowledge and experience, as well as broad community representation, including young people. Eligibility to stand and vote in elections will be based on eligibility to vote in local government elections, providing an opportunity to leverage off local government election arrangements where it is cost effective to do so.

There may be some situations where issues specific to a particular region mean that community elections are not practical or desirable at a given point in time. To manage this, the bill provides flexibility for all board members to be appointed by the minister in special circumstances. Boards will have greater control over day-to-day decision-making, including setting their own budgets through an annual business plan. Boards will have greater autonomy over their staffing arrangements, with general managers being accountable to their boards and responsible for employing staff.

The new landscape boards will be bodies corporate and, as instrumentalities of the Crown and being subject to audit by the Auditor-General, will be public authorities for the purposes of the Public Finance and Audit Act. They will be required to consider and promote the act's objects in exercising their functions.

The new boards will be required to work collaboratively and have the ability to establish committees, reflecting the importance of ongoing discussion with communities and landholders so that boards have a good understanding about what the issues are in their region. Managing natural resources with an emphasis on land and water management and pest plant and animal control will be a function of the new boards, to build resilience in the face of change and facilitate integrated landscape management. Our coasts and seas are part of the landscape such that the impact of on-land practices on our coasts are considered in an integrated 'hills to sea' approach to natural resource management, as appropriate.

Boards will be able to support community efforts to restore and maintain the landscape such as through revegetation and other nature stewardship initiatives. There is also continued alignment with commonwealth funding programs, including for biodiversity outcomes. Each board, including Green Adelaide, will be required to establish a grassroots grants program based on a percentage of their budget set by the minister. Grants will be available to small grassroots community organisations, volunteer groups and individuals. Reflecting the feedback that people want boards to have a closer connection with their local communities and stronger relationships with community organisations, grassroots grants programs will be administered by each regional landscape board rather than being centrally administered.

Boards will also have a mandate to look at opportunities to deliver programs and projects through partnerships with organisations, including local councils, as well as groups and individuals. This will create jobs and drive further investment, empowering and reinvigorating regional communities in the management of natural resources. Each board will have a high-level, five-year regional landscape plan that sets out five priorities for managing the region's landscapes.

Rather than prescriptive consultation requirements, each board will set their own consultation processes informed by best practice engagement guidelines. This simpler approach to regional planning aims to refocus effort and resources on delivering outcomes on-ground for the benefit of the community. Boards will also remain responsible for water allocation planning in their region, but with provision for the minister responsible for the act to step in if there are delays in water allocation planning processes.

I understand that, during consultation on the landscape reforms, many people in the community wanted regional landscape boards to play a role in assisting in the management of native animals that adversely affect natural or built environments. Currently, there are different approaches to this across the state. The bill will establish this as a function for all boards through activities such as connecting landholders and relevant authorities and providing information. Permits issued under the National Parks and Wildlife Act will still be required and the existing functions of the other bodies and people involved in this area will continue.

In giving boards greater autonomy and empowering local communities through a greater role in delivery, the bill also provides other mechanisms to ensure both accountability and cross-regional and statewide coordination and delivery. Consulting with people interested and affected by plans will still be a fundamental part of the process of all levels of planning, with a new state landscape strategy providing a statewide strategy for natural resources management in this state that is shaped and informed by regional issues and perspectives.

The minister will have the ability to set policies on common issues related to natural resources management, such as pest plant and animal control, as well as the administration of the act. This provides for a coordinated approach and minimises duplication of effort. The bill also provides for the continuation of statewide coordination of the monitoring, evaluation and reporting on the state and condition of natural resources, supporting the state's broader environmental reporting framework and the ability to connect this with regional monitoring and reporting efforts.

The bill delivers the government's commitment to establish Green Adelaide, a new board charged with delivering on the exciting vision of Adelaide as a climate resilient and ecologically vibrant city that is a world leader delivering innovative solutions. While Green Adelaide will be a landscape board with the same functions and powers, it will focus on seven priorities. These are: coastal management, water resources and wetlands, biodiversity and water sensitive urban design, green streets and flourishing parklands, fauna and flora in the urban environment, controlling pest animals and plants, and nature education.

These priorities will in turn support other outcomes, including climate resilience, climate change mitigation and community wellbeing, with the recent heatwave highlighting the importance of greening our city to ensure it is a liveable city that residents and visitors enjoy into the future. Green Adelaide will also have scope to share this expertise across the state, for example, by collaborating with other landscape boards or local councils wanting to pursue initiatives related to these priorities.

As a regional landscape board, Green Adelaide will have a mandate to collaborate and partner with councils and other bodies. Its activities and investment will be guided by a regional plan

developed in consultation with the community and other stakeholders. Given the need for board members to have specialist expertise, all members will be appointed by the minister.

Increases to NRM levies have become an additional cost-of-living pressure for South Australian households. The government committed to capping levies at a rate set by an independent body. After consulting on whether levies should be capped by the CPI rate independently set by the Australian Bureau of Statistics or a cap set by another independent body, a cap on levies by CPI will be put in place as the most cost-effective option.

In exceptional circumstances, the minister will be able to approve increases to the land levy above CPI. Increases to the water levy above CPI will also need to be approved by the minister. Any increase to land or water levies above CPI, imposition of a levy in an area of the state where it has not previously applied or a change in basis to the levy must be tabled in parliament and may be subject to disallowance.

There will also be greater transparency about how levy money is spent, with each board being required to have an annual business plan outlining the board's budget for the forthcoming financial year and to report annually on actual expenditure of the levy. In council areas, the land levy will continue to be collected by councils, with boards setting the amount to be collected each year under the CPI cap. This is a cost-effective way to collect the levy, maximising the funding available for on-ground delivery.

I understand that there was overwhelming community support for distributing some levy money from the Adelaide metropolitan area to regional South Australia. Residents of Adelaide value our regional landscapes and enjoy the benefits that they provide, from meeting our most basic needs for clean and safe water and healthy food to being able to enjoy our unique coastlines, beaches and natural landscapes for tourism and recreation.

To recognise this, a percentage of levy money collected in the Green Adelaide region will be invested in landscape-scale projects and works across the state through a new statewide landscape priorities fund. The bill establishes the fund for investment on large-scale integrated landscape projects, such as Wild Eyre, taking into account priorities identified in the state landscape strategy.

The boards' functions reflect a renewed focus on land and water management and pest plant and animal control. In relation to land, sustainable primary production and improvements to land management are important ways to achieve a productive, climate resilient and biodiverse landscape. To do this, landscape boards will work alongside landholders and provide support, advice and a helping hand where needed. This is embodied in the legislative functions of the landscape boards.

Measures will continue to be available under the act to ensure land is managed appropriately and to protect against degradation, but there is a new emphasis on taking into account local conditions and industry best practice to get the right outcome. This reflects a fairer approach for landholders, and reflects the variability of land across our state and within a region, by making sure contemporary and locally relevant best practice on the ground is taken into consideration.

The focus of the landscape reforms is resetting how boards operate to deliver a simpler, more transparent system overall. As a result, water management has not been a focus in the consultations that have shaped the landscape reforms. As such, most water-related provisions in the current act have been carried over unchanged to the new bill, continuing the existing role of water allocation plans in providing for the sustainable management of water resources and existing licensing and permit arrangements to manage water resources.

Water allocation plans will continue to be subject to a minimum two-month public consultation, as well as boards being required to follow best practice guidelines in engaging with water users and other stakeholders. Water-affecting activities, such as building a dam or drilling a bore, will continue to be regulated. To enable the simplification of regional landscape plans and give greater consistency and clarity for customers as to where policies on water-affecting activities are, these rules will be set out in a water-affecting activities control policy or a water allocation plan.

Minor changes will reduce red tape for applicants for works approvals and clarify how works and site use approvals operate. Water allocation plans will be able to provide that a consumptive pool need not be limited to a specific purpose and that a watercourse be managed together with

surface water as a single resource. These small changes will enable water allocation plans to better reflect how water is managed.

During community engagement, strong interest in seeking reforms across a range of areas, including water, coasts and native vegetation, was raised. All these areas are substantial, involving complex legislative issues in their own right. Any water reform needs to be carefully considered and should be the subject of extensive consultation with all potentially impacted in the community.

Pest plants and animals threaten agricultural, pastoral, industrial and public enterprises, as well as conservation and biodiversity. All livestock and plant production industries are at risk from pest plants and animals, with introduced pest plants and animals costing South Australian agriculture millions of dollars each year in damage, lost production and control efforts. The current regulatory framework for pest plants and animals, where penalties apply for moving, possessing and releasing declared pests, will continue to apply.

In response to feedback that people want more timely processes for dealing with invasive pests, the bill makes some discreet changes to pest plant and animal control enforcement arrangements. Current requirements for landholders to prepare and implement action plans to control pest plants and animals will be replaced by a requirement for landholders to comply with action orders that require the owner of land to take action specified by the authority issuing the order. Going forward, authorised officers will have a clear authority to issue a written exemption subject to conditions for certain offences providing certainty as to what is required to remedy breaches.

A new expiation will apply for possession of a category 2 plant or animal, noting there are only a handful of animals in this category. Where a minor offence has occurred, such as the keeping of one animal, currently the only option is a warning or prosecution. The current distinction between state and regional authorised officers is not replicated in the bill. Instead, the minister will be responsible for appointing all authorised officers. The powers of individual authorised officers will be limited through their instrument of appointment as required. This will increase compliance capacity and enhance responsiveness to issues on ground, particularly in remote areas.

Penalties for a number of offences that have not been increased since the introduction of the natural resources management legislation in 2004 have been increased by up to 40 per cent, which equates to CPI over the same period. Other enforcement arrangements are largely replicated in the new legislation, with existing powers and civil remedies being replicated in the bill.

The bill also provides transitional arrangements for the winding up of existing NRM boards and the transfer of any assets and liabilities, with options to ensure continued delivery of services on ground. Critically, options to ensure a smooth transition from NRM boards to regional landscape boards have been provided for, including so that Green Adelaide may commence its vital preliminary work as a leading expert board in the interim phase.

Together, these reforms will deliver a fundamental change in how natural resources are managed in this state for the benefit of all South Australians and will move South Australia towards a productive and sustainable natural landscape, upholding the landscape for both our environment and the economic development of our state. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Division 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the Bill.

4—Interaction with other Acts

This clause provides that the Bill is in addition to, and does not limit or derogate from the provisions of any other Act. The clause also provides that the Bill is subject to certain other Acts and agreements described in the clause. Further, subclause (3) provides that clause 8 and Part 7 do not apply in relation to certain substances and activities associated with mining Acts.

5—Territorial and extra-territorial operation of Act

This clause provides that the Bill applies to the whole of the State, however the Governor may, by regulation, exclude parts of the State. The Bill also applies outside of the State if an activity or circumstance undertaken or existing outside the State may affect the natural resources of the State. The Bill may also operate extraterritorially to give effect to an intergovernmental agreement to which the State is a party.

6—Act binds Crown

This clause provides that the Bill binds the Crown in right of this State, and also, so far as the legislative power of the State extends, the Crown in all its other capacities, but not so as to impose any criminal liability on the Crown. Agencies and instrumentalities of the Crown must endeavour to act consistently with the State Landscape Strategy, along with all other relevant plans under the Bill.

Division 2—Objects, principles and general statutory duties

7—Objects and principles

This clause sets out the objects of the Bill and the principles that should be taken into account in connection with achieving ecologically sustainable development for the purposes of the measure.

8—General statutory duties

This clause requires a person to act reasonably in relation to natural resources management within the State, and to take into account the objects of the Bill. The clause also sets out factors to be taken into account in determining what is reasonable for the purposes of the section. The clause provides that a person acting in pursuance of a requirement under this or any other Act, in a manner consistent with a regional landscape plan, a water allocation plan, a landscapes affecting activities control policy, a water affecting activities control policy, or any other policy approved by the relevant regional landscape board for the purposes of this section, or in circumstances prescribed by the regulations, will be taken not to be in breach of the section. A person who breaches subclause (1) is not, on account of the breach alone, liable to civil or criminal action, but the person may be required to do certain things, or certain orders may be made, as set out in subclause (5). In addition, if a person can demonstrate that they acted in a manner consistent with any best practice methods or standards, or any guidelines, in the relevant industry or sphere of activity recognised by the regional landscape board as being acceptable for the purposes of subclause (1), after taking into account any local circumstances as described in subclause (8), then no action can be taken against the person in relation to the operation of this section. The clause also provides that a person is not to be held responsible for any condition or circumstance existing before the commencement of the *Natural Resources Management Act 2004*.

Part 2—Administration

Division 1—The Minister

9—Functions of Minister

This clause sets out the functions of the Minister.

10—Powers of delegation

This clause provides that the Minister may delegate a function or power of the Minister under the Bill, or any other Act, to a body or person, and sets out requirements for such delegations. However, the Minister may not delegate the function of making recommendations to the Governor. The clause also provides for an offence where a person to whom functions or powers have been delegated under this section, fails to disclose an interest in certain matters.

Division 2—Landscape regions and boards

Subdivision 1—Establishment of regions

11—Establishment of regions

This clause provides that the Governor may, by proclamation made on the recommendation of the Minister, divide the State into landscape management regions, and sets out the procedure and requirements for doing so. The Governor may, by subsequent proclamation on the recommendation of the Minister, vary the boundaries of a region or abolish a region on the basis that a new division is to occur. The operation of this clause is subject to clause 12 which establishes Green Adelaide.

12—Green Adelaide

This clause provides that there is to be a landscape management region known as *Green Adelaide* or the *Green Adelaide Region*, established as a region under clause 11 of the Bill. The area of Green Adelaide is to be based predominantly on the urban areas of metropolitan Adelaide. The boundaries of Green Adelaide may be varied from time to time by proclamation made by the Governor on the recommendation of the Minister.

Subdivision 2—Establishment of regional landscape boards

13—Establishment of boards

This clause requires the Minister, by notice in the Gazette, to establish a regional landscape board for each landscape management region (other than Green Adelaide), and sets out related procedures and requirements. In relation to Green Adelaide, the clause establishes the Green Adelaide Board and provides that the Minister may, by notice in the Gazette, set out any functions of the Board that are additional to those set out in the Act.

14—Corporate nature

This clause provides that a regional landscape board is a body corporate, sets out the corporate nature of the boards and provides that a board is subject to the direction and control of the Minister.

Subdivision 3—Membership of boards

15—Composition of boards

This clause sets out requirements relating to the composition of regional landscape boards. The Green Adelaide Board is to consist of between 6 and 10 members appointed by the Minister. A regional landscape board will be made up of 4 members appointed by the Minister and 3 members elected by eligible electors. However, a regional landscape board (other than Green Adelaide) may be constituted of between 5 and 9 members all appointed by the Minister if the Minister considers that it is preferable, due to special circumstances that apply in the relevant region.

16—Qualifications for membership

This clause provides that the Minister will determine the collective skills, qualifications, knowledge and experience required in order for a regional landscape board to carry out its functions effectively. These may vary in relation to different boards, and must be published in a manner determined by the Minister. In order for a person to be eligible for appointment or election as a member of a regional landscape board, the person must demonstrate that they have any skills, qualifications, knowledge or experience, and satisfy any other requirements, determined by the Minister. The Minister may put in place processes to ensure this occurs and publish information about any such determinations or processes under this clause.

17—Board elections

This clause provides that the regulations may make provision for various matters relating to the nomination and election of members of regional landscape boards, including who is eligible to be nominated, who is an eligible elector and the various procedures and processes for the conducting of elections. The clause also provides that the Minister may, if the Minister considers that a candidate nominated for election does not have the necessary skills, qualifications, knowledge and experience, determine that the person is not eligible to stand for election. If the region of a regional landscape board is within the area of a council, then a person who is enrolled on the voters roll for the area of the council under the *Local Government (Elections) Act 1999* at the relevant time, will be an eligible elector. To the extent to which the region of a regional landscape board is outside the area of a council, then recognition of persons as eligible electors will be determined under a scheme based on qualification for enrolment under section 14 of the *Local Government (Elections) Act 1999* as if the relevant area were within the area of a council (subject to any modifications prescribed by the regulations). The eligibility of a person nominated as a candidate for election will be based on eligibility to be a candidate for election as a member of a local council under section 17 of the *Local Government (Elections) Act 1999*, and to the extent that an area of a board is outside a council area, the scheme for eligibility will be based on those provisions as if the relevant area were within the area of a council, subject to any modifications prescribed by the regulations. The Minister will appoint a person to conduct an election or elections for the purposes of this Part.

18—Conditions of membership

This clause sets out the conditions relating to membership of a regional landscape board, including the terms of office, procedures for removal of members, and casual vacancies.

19—Allowances and expenses

This clause provides that a member of a regional landscape board is entitled to fees, allowances and expenses determined or approved by the Minister.

20—Validity of acts

Under this clause an act or proceeding of a regional landscape board is not invalid simply because there is a vacancy in its membership or a defect in the appointment of a member.

21—Conflict of interest under Public Sector (Honesty and Accountability) Act

This clause provides that a member of a regional landscape board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason of the fact that the member has an interest in a matter that is shared in common with persons in the region of the board generally, or in common with a substantial group of persons who have an interest in the administration of various aspects of this measure.

Subdivision 4—Procedures at meetings

22—Procedures at meetings

This clause sets out the procedures in relation to meetings of regional landscape boards.

Subdivision 5—Functions of boards (general)

23—Functions of boards (general)

This clause sets out the general functions of a regional landscape board and the factors a board should take account of in performing its functions. A regional landscape board will, with respect to the performance of its functions, report to the Minister.

Subdivision 6—Functions of Green Adelaide Board (additional provisions)

24—Green Adelaide Board (priority areas)

This clause sets out the additional provisions that relate to the functions of the Green Adelaide Board. The clause also sets out the 7 key priorities to be adopted by the Board.

Subdivision 7—Funding and grants

25—Funding support

Under this clause, a regional landscape board should work to provide or to facilitate or support the provision of funding and grants to councils and other bodies, organisations and groups to achieve outcomes that promote the objects of this Bill and to assist the board to deliver its priorities, and to improve the state of natural resources, after taking into account the board's regional landscape plan and its annual business plan. The provision of financial assistance by a regional landscape board under this clause does not extend to the provision of a loan.

26—Grassroots Grants Programs

This clause provides that a regional landscape board must establish and maintain a *Grassroots Grants Program* for its region. The clause sets out the general purposes of such programs and provides that the Minister will, from time to time, determine the amount to be made available on an annual basis by a regional landscape board (which may be a percentage of contributions received by the board from levies under Part 5). For the purposes of this clause, the Minister may establish requirements, including in relation to applications for grants and criteria for assessing and awarding of grants, under this clause. A report on grants provided under this clause must be included in the annual report of a regional landscape board.

Subdivision 8—Powers of boards

27—General powers

This clause sets out the general powers of a regional landscape board in relation to the Bill.

28—Special powers to carry out works

This clause sets out special powers that a regional landscape board has to carry out the works specified in the clause.

29—Entry and occupation of land

This clause provides that a regional landscape board, or person authorised by them, may enter and occupy land for the purpose of carrying out an investigation or survey, or carrying out any work in an emergency. The clause also sets out the procedures required in the exercise of the powers conferred by this clause. A person may use force to enter land (other than residential premises) under this section, but only with the authority of a warrant issued by a magistrate, or in circumstances requiring immediate entry upon the land.

30—Special vesting of infrastructure

This clause enables the Governor by proclamation, on the recommendation of the Minister, to vest certain things in regional landscape boards, and sets out procedures for such vesting.

31—Landscapes affecting activities control policies

This clause provides that a regional landscape board may prepare a *landscapes affecting activities control policy*, being a policy with respect to the conservation, management or protection of any landscapes through the implementation of policies and controls relating to animals or plants. The clause sets out what a landscapes affecting activities control policy may contain. Further provisions in relation to the review, preparation and amendment of a landscapes affecting activities control policy are set out in Schedule 2 of the Bill.

Subdivision 9—Staff

32—General manager

This clause provides that each regional landscape board (other than Green Adelaide) must have a general manager, to be appointed by the Chief Executive of the Department on the recommendation of the relevant board. The clause sets out the responsibilities of the general manager and makes provision in relation to the role including designation as an employing authority for the purposes of the *Public Sector Act 2009*, performance agreements and appointment of acting general managers.

33—Staff

This clause sets out the staffing arrangements for regional landscape boards, to be approved by the Minister after consultation with the relevant board.

Subdivision 10—Committees and other bodies

34—Committees and other bodies

This clause provides for the setting up of committees or other bodies by regional landscape boards to advise and assist the board.

Subdivision 11—Power of delegation

35—Power of delegation

This clause provides that a regional landscape board may delegate its functions or powers.

Subdivision 12—Accounts, audit and reports

36—Accounts and audit

A regional landscape board must cause proper accounts to be kept and prepare financial statements for each financial year. The Auditor-General is to audit those accounts and statements.

37—Annual reports

This clause requires that a regional landscape board must provide an annual report to the Minister on its activities for the preceding financial year. The clause sets out the requirements of the report and provides that a copy of the report is to be laid before both Houses of Parliament and is to be made reasonably available to the public by the relevant regional landscape board.

38—Specific reports

The Minister may require a regional landscape board to provide the Minister with a report relating to any matter relevant to the operation of the Bill.

Subdivision 13—Related matters

39—Use of facilities

This clause allows a regional landscape board to make use of the services of the staff, equipment or facilities of an administrative unit of the Public Service, or a public authority, by arrangement with the relevant body.

40—Assignment of responsibility for infrastructure to another person or body

This clause allows a regional landscape board to assign responsibility for the care, control or management of infrastructure to an owner or occupier of land on which the infrastructure is situated (by agreement) or to a third party (with the approval of the Minister). An assignment to an owner or occupier, or to a third party, is effected by agreement. The clause also provides for the assignment to be noted (and a note of rescission or amendment entered if requested) against the instrument of title by the Registrar-General.

41—Appointment of administrator

This clause enables the Minister, in specified circumstances, to appoint an administrator of a regional landscape board.

Part 3—State Landscape Strategy

42—State Landscape Strategy

The Minister will prepare and maintain a plan to be called the *State Landscape Strategy*. The Strategy will set out principles, policies and high level strategic directions for achieving the objects of the measure throughout the State. The clause sets out what is to be included in the Strategy and provides that it will be reviewed at least once in every 10 years.

43—Related provisions

This clause provides for the requirements in relation to establishing or reviewing the State Landscape Strategy, including those relating to consultation, reporting and amendment, and making the Strategy available to the public.

Part 4—Regional and water allocation plans

Division 1—Regional landscape plans and business plans

44—Preparation of regional landscape plans

Each regional landscape board will prepare and maintain a regional landscape plan.

45—Key features of plan

The regional landscape plan will include, in relation to Green Adelaide, a 5 year strategic plan that is focussed on its 7 key priorities, and in the case of any other regional landscape board, a 5 year strategic plan that is focussed on its 5 strategic priorities, and will need to address a number of other specified matters. A regional landscape plan is to be consistent with the State Landscape Strategy and a variety of other plans, policies, strategies or guidelines as prescribed. A regional landscape board must, in preparing or reviewing its regional landscape plan, give due consideration to the plans of other boards insofar as this may be relevant to issues or activities under its plans. A council must, when performing functions or exercising powers under the *Local Government Act 1999* or any other Act, have regard to any regional landscape plan that applies within the relevant area. A regional landscape board may amend its plan at any time, in accordance with the provisions of this measure.

46—Review of plan

This clause provides for the periodic review and amendment of regional landscape plans. The board may review any aspect of its plan at any time, but must undertake a comprehensive review of the plan at least once every 5 years. In reviewing its plan, the board may undertake such consultation as it thinks reasonable, after taking account of any guidelines specified by the Minister, and must also comply with any requirements as to consultation prescribed by the regulations.

47—Consultation associated with preparation of a plan or amendment

A regional landscape board proposing to create or amend a regional landscape plan must undertake such consultation as it determines to be reasonable, after taking account of any guidelines specified by the Minister and must also comply with any requirements as to consultation prescribed by the regulations. This consultation may occur as part of a review of the plan under clause 46. The board must, when furnishing a proposal to the Minister to approve a regional landscape plan, or an amendment to a plan, provide a report to the Minister on the consultation undertaken by the board.

48—Approval of Minister

This clause provides that a regional landscape plan, or an amendment of a regional landscape plan, does not have effect unless or until it has been approved by the Minister. This clause sets out the processes in relation to the approval by the Minister and provides that once approved, a copy of the plan, or the plan as amended, is to be laid before both houses of Parliament. A regional landscape board must ensure that up-to-date copies of its regional landscape plan are made reasonably available to the public.

49—Annual business plan

This clause provides that a regional landscape board must prepare a business plan for each financial year (an *annual business plan*) and sets out the requirements of the plan and the procedures required in relation to its preparation. In particular, special processes and consultation requirements are set out in relation to specified proposals in relation to levies collected under Part 5 (a *prescribed levy proposal*). If an annual business plan contains a prescribed levy proposal, or is inconsistent with the board's regional landscape plan, the business plan must be approved by the Minister in accordance with the provisions specified. In the case of an annual business plan approved by the Minister that contains a prescribed levy proposal, the Minister must prepare a report on the matter, and must cause a copy of the report to be laid before both Houses of Parliament. The clause sets out provisions in relation to resolutions that may be made by the House of Assembly regarding a prescribed levy proposal contained in a report. A regional landscape board must ensure that up-to-date copies of its annual business plan are made reasonably available to the public.

Division 2—Water allocation plans

50—Preparation of water allocation plans

Each regional landscape board must prepare a water allocation plan for each of the prescribed water resources in its region, and for any prescribed water resource situated in more than one region, which is located in its region. However, the Chief Executive may, if determined by the Minister, prepare a water allocation plan for any prescribed water resource if the whole or any part of the water resource is within the Green Adelaide Region, or the Minister considers that special circumstances apply (which may include where an administrator has been appointed, or a regional landscape board has failed to prepare a water allocation plan in a timely manner). A water allocation plan may relate to more than one prescribed water resource. In relation to the preparation, review or amendment of a water allocation plan, the clause also sets out the consultation required in specified circumstances.

51—Key features of plan

This clause sets out the requirements of a water allocation plan, which includes an assessment of the quantity and quality of water needed by the ecosystems that depend on the water resources and an assessment as to whether taking or use of water from the resource will have a detrimental effect on the quantity or quality of water that is available from any other water resource. The plan must also include an assessment of the capacity of the water resource to meet environmental water requirements, information about the water that is to be set aside for the environment and a statement of the environmental outcomes expected to be delivered on account of the provision of environmental water under the plan. The plan must also set out principles associated with the determination of water access entitlements, and in allocating water, must take into account the present and future needs of the occupiers of land. It must also include a statement of the environmental outcomes expected to be delivered on account of the provision of environmental water under the plan. A water allocation plan may provide for the constitution of one or more consumptive pools for the water resource and assign the same or different purposes to the pool or pools. A water allocation plan may also set out policies and principles in relation to assisting in the regulation of transfers or other dealings with water management authorisations or water access entitlements.

52—Review of plan

A water allocation may be reviewed by a designated entity at any time, but is to be reviewed on a comprehensive basis at least once in every 10 years in order to review the principles reflected in the plan, to assess whether the water allocation plan remains appropriate or requires amendment and to address any other prescribed matters. The designated entity will undertake such consultation as it thinks reasonable, taking into account any guidelines specified by the Minister or prescribed by the regulations for the purposes of this clause. Following a comprehensive review, the designated entity must report to the Minister on the outcome of the review and make a public statement about the outcome in such manner and to such extent as the entity thinks appropriate.

53—Consultation associated with preparation of a plan or amendment

This clause sets out the consultation requirements to be carried out by a designated entity proposing to create or amend a water allocation plan, including where a proposal would lead to a reduction of existing water access entitlements or water allocations in connection with water licences in respect of the water resource, or a change to a consumptive pool. When the designated entity gives a proposal to the Minister to approve a water allocation plan or amendment to a plan, the entity must provide a report on the consultation undertaken by the entity.

54—Approval of Minister

This clause provides that a water allocation plan, or an amendment to a plan does not have effect unless or until it has been approved by the Minister. The Minister may, on receiving a plan proposal, approve the proposal with or without amendment or refer the proposal back to the designated entity for further consideration. On referring the plan proposal back to the designated entity, the entity must take any further action specified by the Minister to reconsider the plan proposal, and the entity must then in turn, refer the proposal back to the Minister. The Minister may then approve the plan proposal, with or without amendment, refer the plan proposal back to the designated entity or lay the plan proposal aside together with any directions as to what steps should be taken in the circumstances.

55—Early adoption of plan

This clause provides that a regional landscape board may, with the consent of the Minister (and in certain circumstances, the consent of the Minister administering the *Water Industry Act 2012*) implement a draft water allocation plan or amendments to a water allocation plan that have not been approved by the Minister under clause 54. Any disagreement between the Ministers will be referred to the Governor in Executive Council.

Division 3—Related matters

56—Application of Division

This clause provides that this Division applies to a plan under Division 1 or Division 2 of Part 4.

57—Validity of plans

This clause provides that a plan, or a provision of a plan, is not invalid because it is inconsistent with the State Landscape Strategy, and a failure of a regional landscape board to comply with a requirement of this Part cannot be taken to affect the validity of a plan, or any other instrument under this measure.

58—Promotion of River Murray legislation and IGA

A plan that applies to the Murray-Darling Basin or in relation to the River Murray must seek to further the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act, and must be consistent with the terms or requirements of the Murray-Darling Basin Agreement, any relevant resolution of the Ministerial Council under that agreement, and any relevant provisions under the *Water Act 2007* of the Commonwealth.

59—Associated Ministerial consents

The Minister will be required to seek the consent of other Ministers in certain circumstances. Any disagreement between the Ministers will be referred to the Governor in Executive Council.

60—Amendment of plans without formal procedures

This clause sets out the cases where a plan may be amended without following the formal procedures set out in Division 1 or Division 2 of Part 4. The Minister must certify that the amendment is not to be used to effect a reduction in existing water access entitlements or water allocations in connection with water licences, or a change to a consumptive pool, and that the Minister has consulted with the relevant regional landscape board before taking action under subclause (1). The Minister must also prepare a report in relating to the matter and cause a copy to be laid before both Houses of Parliament within 12 sitting days after completing the report.

61—Plans may confer discretionary powers

This clause makes it clear that a plan may confer discretionary powers.

62—Effect of declaration of invalidity

This clause provides that if a part of a plan is found to be invalid, the balance of the plan may continue to have full force and effect.

63—Time for preparation and review of plans

Under this provision, the initial regional landscape plan or water allocation plan prepared under this Bill need not satisfy all the requirements of the Bill but the Minister, a regional landscape board or a designated entity (as the case requires) must take reasonable steps to ensure that the plan is brought into a form that satisfies those requirements by an amendment, or series of amendments, or by the substitution of a comprehensive plan that satisfies those requirements within a period determined by the Minister. Furthermore, if the Minister thinks that the scope of an initial plan will be so limited that no useful purpose will be served by the public and other consultation required by this measure, the Minister may dispense with those requirements.

Part 5—Landscape and water levies

Division 1—Levies in respect of land

Subdivision 1—Council areas

64—Contributions by constituent councils

This clause establishes a scheme under which councils for the region of a regional landscape board may be required to contribute an amount towards the costs of the board performing its functions under this Bill for a financial year if the board's annual business plan specifies an amount to be contributed. Liability for the amount to be contributed by constituent councils will be shared between them according to a scheme set out in the relevant annual business plan. However, the total amount to be paid by the constituent councils for the region for a particular financial year should not exceed the total amount of the councils' contribution imposed under this Subdivision for the immediately preceding financial year, adjusted by the CPI percentage applying under subclause (4). However, the Minister may allow a higher amount due to the existence of exceptional circumstances as specified in the clause. The clause also provides for the Minister to approve another amount in the case where a regional landscape board did not require a contribution from the constituent councils for the region in relation to the immediately preceding financial year.

65—Payment of contributions by councils

This clause sets out the time for payment by a council of its share.

66—Funds may be expended in subsequent years

This clause makes it clear that money paid by a council under this Subdivision in one financial year may be spent by a regional landscape board in a subsequent financial year.

67—Imposition of levy by councils

This clause enables a council to impose a levy (a *regional landscape levy*) on rateable land in the region of the board to recover the amount of the share paid by the council. The levy will be recoverable as if it were a separate rate under Chapter 10 of the *Local Government Act 1999*. The basis for the levy is to be either the value of rateable land (being capital value, site value or annual value), a fixed charge or the area of rateable land, depending on the scheme set out in the relevant annual business plan.

68—Costs of councils

This clause provides that a regional landscape board must pay an amount on account of the costs of councils in complying with the requirements under this Subdivision, determined in accordance with the regulations. The Minister must give consideration to any submissions made by the LGA in relation to a proposal to make regulations under this provision.

Subdivision 2—Outside council areas

69—Board may declare a levy

This clause provides that a regional landscape board may, by notice in the Gazette, declare a levy under this clause if the annual business plan for the board specifies an amount to be contributed by persons who occupy land outside council areas towards the costs of the board performing its functions under this measure in a financial year. A

levy may be declared with respect to land within the relevant area (to be called rateable land). The basis for the levy, as specified in the annual business plan, may be the value of rateable land, a fixed charge or the area of rateable land, or some other prescribed factor. However, the total amount specified by a regional landscape board in an annual business plan for a particular financial year should not exceed the amount imposed by the board under this clause for the immediately preceding financial year, adjusted by the CPI percentage applying under subclause (9). However, the Minister may allow a higher amount due to the existence of exceptional circumstances as specified in the clause. The clause also provides for the Minister to approve another amount in the case where a regional landscape board did not require a contribution under this clause in relation to the immediately preceding financial year. The clause also provides that money paid to a regional landscape board in a financial year may be spent by the board in a subsequent financial year.

70—Liability and payment of levy

This clause provides that the owner of any rateable land will be taken to be the occupier of the land and therefore liable to pay a levy declared under this Subdivision (unless a person other than the owner has assumed liability to pay the levy by notice to the relevant regional landscape board). The relevant regional landscape board must, as soon as is reasonably practicable after the declaration of a levy, serve a notice that includes the factors specified in the clause on the person liable to pay the levy.

Subdivision 3—Related provisions

71—Land across boundaries

Under this clause, in relation to the imposition of a levy under Division 1, the regulations may provide for a scheme assigning land to a particular region or council area where land is located across the boundaries of 2 or more regional landscape management regions or the boundaries of 2 or more councils.

72—Application of levy

This clause makes it clear that nothing in Division 1 prevents any levy raised in one part of the State being applied by a regional landscape board in another part of the State, in accordance with the provisions of an annual business plan. Furthermore, the Minister cannot, by direction or by the exercise of any other power under this Act, require a regional landscape board to apply any levy raised in its region in another part of the State. Nothing in Division 1 limits the requirement to pay amounts into the Landscape Priorities Fund under Part 6 of this measure.

Division 2—Levies in respect of water

73—Interpretation

This clause sets out defined terms for the purposes of Division 2.

74—Declaration of levies

This clause will allow the Minister to declare a levy or levies (a *water levy or levies*) by notice in the Gazette, to be paid by persons who are the holders of any water management authorisations or imported water permits, or are authorised to take water under clause 103, or are the holders of forest water licences granted in relation to commercial forests. A levy declared by the Minister under this clause must be set at a level that will return an amount that is as near as reasonably practicable to the amount stated in the annual business plan (or plans) of the relevant regional landscape board (or boards). Subclause (7) sets out the various factors in relation to which a levy may be declared under this clause, and the factors on which components comprising the levy, as determined under a scheme set out in the relevant business plan, may be based (such as a fixed charge, or the quantity of water allocated, received, taken or used, etc). The clause also sets out the factors on which different levies may be declared in respect of the same water resource. If a levy that relates to the River Murray has a component based on the effect that the use of water may have on salinity levels associated with the River Murray, money raised from the levy that is attributable to that component must be applied towards reducing salinity levels associated with the River Murray. The clause also provides that a levy cannot be imposed with respect to the taking of water for domestic purposes or for watering stock that are not subject to intensive farming. Furthermore, the amount of a levy imposed in relation to a particular component under subclause (7) in respect of a particular financial year should not exceed the amount imposed for the immediately preceding financial year adjusted by the CPI percentage applying under subsection (16) (unless no levy was imposed in relation to a particular component in the previous financial year, or the Minister determines this is not appropriate in the circumstances).

75—Liability for levy

This clause sets out provisions relating to liability for levies.

76—Notice of liability for levy

The Minister will serve a notice of the amount payable by way of a levy under Division 2 on the person who is liable to pay the levy.

77—Determination of quantity of water taken

This clause sets out provisions as to the determination of the quantity of water taken for the purposes of determining the amount payable by way of a levy.

78—Cancellation etc of entitlement for non-payment of levy

The Minister will be able to cancel, suspend or vary a water management authorisation or an imported water permit if a levy is not paid, following notice requiring payment is served on the person.

79—Costs associated with collection

A regional landscape board may be required to pay to the Minister an amount determined in accordance with guidelines approved by the Treasurer on account of the costs incurred by the Minister in collecting any levy under Division 2. However, an amount payable by a board cannot exceed an amount to be determined in accordance with the regulations.

Division 3—Special provisions

80—Application of Division

This Division is to apply to an out-of-council levy (an *OC levy*) and a water levy.

81—Interest

Interest will accrue on an unpaid levy, unpaid instalments of a levy and on unpaid interest, in accordance with the regulations. The Minister may release a person suffering financial hardship from liability to pay the whole or part of interest that has accrued under this clause.

82—Discounting levies

The Minister will be able to discount a levy to encourage early payment of a levy, in accordance with a scheme to be prescribed by the regulations.

83—Recovery rights with respect to unpaid levy

This clause provides that, in the case of an OC levy, the levy will be a first charge on rateable land in accordance with a scheme established by the regulations. In the case of a water levy imposed in relation to a site use approval or delivery capacity entitlement, the levy will be a first charge on any land where any water that relates to the relevant water management authorisation is used, in accordance with a scheme established by the regulations. In the case of a water resource works approval, the levy will be a first charge on the land where the relevant works are located, or to which they are connected (taking into account any principles prescribed by the regulations), in accordance with a scheme established by the regulations.

84—Sale of land for non-payment of a levy

This clause sets out a scheme for the sale of land if a levy, or interest in relation to a levy is a first charge on land and has been unpaid for at least 3 years. The Minister will be able to assume title to the land by notice in the Gazette, if it cannot be sold.

Division 4—Related matters

85—Refund of levies

A regional landscape plan, an annual business plan or the regulations may set out natural resources management practices designed to conserve, protect, maintain or improve the quality or state of natural resources of a specified kind that will form the basis of an application for a refund of the levy imposed under Part 6.

86—Declaration of penalty in relation to unauthorised or unlawful taking of water

This clause sets out a scheme that provides for the Minister to make a declaration, by notice in the Gazette, of a penalty in relation to the unauthorised taking of water. The regulations may prescribe sections of Part 6 that apply to a penalty under this provision as though it were a levy.

87—Appropriation of levies, penalties and interest

This clause provides for the application of levies and other amounts declared under this Part.

Part 6—Statutory funds

Division 1—The Landscape Administration Fund

88—The Landscape Administration Fund

There is to be a Landscape Administration Fund in connection with the operation of this measure that is to consist of payments or moneys specified in the clause. The clause also sets out the matters for which the Fund may be applied including making payments to regional landscape boards, making grants or other payments to other persons or bodies for the purposes of this measure, in satisfying any requirements to use levies for a particular purpose, or in paying any amount into the Landscape Priorities Fund that the Minister determines should be held and applied for the purposes of that fund rather than under this clause.

89—Accounts

The Minister must cause proper accounts to be kept of money paid into and out of the Landscape Administration Fund.

90—Audit

The Landscape Administration Fund may be audited by the Auditor-General at any time, and must be so audited at least once in each year.

Division 2—The Landscape Priorities Fund

91—The Landscape Priorities Fund

There is to be a Landscape Priorities Fund in connection with the operation of this measure that is to consist of payments or moneys as set out in the clause. The clause provides that the Landscape Priorities Fund may be applied in addressing any priority for managing, improving or enhancing the State's landscape or natural resources, whether the priority is of sub-regional, regional, cross-regional or State wide significance, in addition to making any other payment required or authorised under this Act or any other law.

92—Accounts

The Minister must cause proper accounts to be kept of money paid into and out of the Landscape Priorities Fund.

93—Audit

The Landscape Priorities Fund may be audited by the Auditor-General at any time, and must be so audited at least once in each year.

Division 3—Regional landscape board funds

94—Regional landscape board funds

Each regional landscape board will be required to establish and maintain and administer a fund for the purposes of this measure. The fund will include money received by the board from the Minister, any money received by the board under this measure or other money received by the board in the performance of its functions or the exercise of its powers. It may also include any other moneys required or authorised by or under this Act or any other law to be paid into the fund. A regional landscape board may apply its fund in implementing its regional landscape plan or annual business plan, any water allocation plan or in initiating or supporting other programs and projects under this measure. The board's fund may also be applied in performing its other functions, defraying any expenses incurred by the board, providing financial assistance to other bodies or persons in accordance with this measure, acting under clause 25 or 26, or making any other payment required or authorised by or under this measure or any other law.

Part 7—Management and protection of land

95—Interpretation

This clause defines terms used in Part 7 of the measure.

96—Special provisions relating to land

This clause will enable a relevant authority to require the owner of land to prepare an action plan if the relevant authority considers that the owner has been (or is likely to be) in breach of the general statutory duty on account of land management practices or activities undertaken in relation to land for which the owner is responsible and those practices or activities have resulted in, or could reasonably be expected to result in, unreasonable degradation of land or an unreasonable risk of degradation of land. The clause sets out factors that are relevant to determining whether a practice or activity involves (or may involve) unreasonable degradation, or an unreasonable risk of degradation, of land. The provision also sets out circumstances where an action plan should not be used.

97—Requirement to implement action plan

An action plan will be imposed by notice in a form approved by the Minister. An owner of land must be given a reasonable period (of at least 21 days) to prepare the action plan. A requirement to prepare an action plan will be subject to review by the Chief Executive. An action plan must set out the measures that the owner proposes to take to address any breach of the general statutory duty, and to comply with the general statutory duty in the future as well as the time frames within which those measures are proposed to be taken. The relevant authority is to either approve the action plan, or after consulting the owner, amend the plan (which may be subject to review by the Chief Executive on application by the owner). It is an offence for the land owner to fail to comply with a notice or fail to implement an action plan. Failing to implement a plan may result in the Chief Executive or a regional landscape board carrying out or causing to be carried out such measures as may be appropriate, or engaging a suitably qualified person to devise and implement measures to address the problems. The costs and expenses of doing so may be recovered as a debt from the relevant owner.

Part 8—Management and protection of water resources

Division 1—General rights in relation to water

98—Right to take water subject to certain requirements

This clause sets out rights in relation to the taking of water. Subject to the provisions of this Bill, or any other Act or law to the contrary, a person who has lawful access to a watercourse, lake or well may take water from the watercourse, lake or well and the occupier of land is entitled to take surface water from the land for any purpose. Furthermore, subject to this Bill or any other Act or law to the contrary, or the provisions of a stormwater management plan incorporated into a regional landscape plan or a water allocation plan under clause 60, a person who has lawful access to any stormwater infrastructure may take water from the infrastructure for any purpose. However, if the water is in a prescribed watercourse, lake or well, or is from a surface water prescribed area, an authorisation under clause 103 or a water allocation that relates to the relevant water resource is required. Also a person must not take water from a watercourse, lake or well that is not prescribed if it would detrimentally affect the ability of another person to exercise a right to take water from the watercourse or lake or from the same underground aquifer, or it would detrimentally affect the enjoyment of the amenity of water in the watercourse or lake by an occupier of land that adjoins the watercourse. However, this does not limit the occupier of land from taking water for domestic purposes or for watering stock (that is not subject to intensive farming) unless, in relation to a prescribed watercourse, lake or well or a surface water prescribed area, that is excluded by the regulation declaring it. Despite the other provisions of this clause, water must not be taken contrary to the provisions of a regional landscape plan, a water allocation plan or a water affecting activities control policy that applies in relation to that water unless the water is taken pursuant to an authorisation under clause 103 or a water allocation that relates to the relevant water resource. This section operates subject to any requirement to have a licence with respect to a commercial forest under Division 6.

99—Declaration of prescribed water resources

This clause provides for the declaration of a prescribed watercourse, lake or well, or a part of the State as a surface water prescribed area, by the Governor by regulation on the recommendation of the Minister. The Minister must undertake a process of public consultation before making a recommendation as set out in the clause. The Minister must not make a recommendation for a regulation declaring a water resource to be a prescribed water resource unless satisfied that the proposed regulation is necessary or desirable for the proper management of the water resource to which it will apply.

Division 2—Control of activities affecting water

Subdivision 1—Water affecting activities control policies

100—Water affecting activities control policies

This clause provides that a prescribed authority may prepare a policy under this clause (a *water affecting activities control policy*) with respect to the conservation, management or protection of a watercourse, lake or well or an area or place containing (or from time to time containing) surface water, within the relevant regional landscape board's region. However, in the case of a prescribed watercourse, lake or well, or a surface water prescribed area, a water affecting activities control policy should not overlap with the provisions of a water allocation plan that is in operation under this measure in relation to that prescribed water resource. The clause sets out the matters that a water affecting activities control policy may contain or address. Provisions for the review, preparation and amendment of a water affecting activities control policy are set out in Schedule 2 of this measure.

Subdivision 2—Determination of relevant authority

101—Determination of relevant authority

This clause sets out who is the relevant authority for the purposes of granting a water management authorisation or a permit required under Division 2.

Subdivision 3—Control of activities

102—Water affecting activities

This clause controls activities that affect water by requiring, in relation to the taking of water or the undertaking of activities referred to in the clause, a water management authorisation or permit, water allocation, an authorisation under clause 103, compliance with a water allocation plan or water affecting activities control policy, or where the taking or activity is otherwise authorised under the measure (depending on whether or not the water is to be taken from a prescribed watercourse, lake or well or from a surface water prescribed area).

103—Certain uses of water authorised

This clause enables the Minister, by notice in the Gazette, to authorise the taking of water from a prescribed watercourse, lake or well, or the taking of surface water from a surface water prescribed area, for a particular purpose specified in the notice. A notice cannot authorise the taking of water by stopping, impeding or diverting the flow of water for the purpose of collecting the water or diverting the flow of water from a watercourse unless the Minister is satisfied that it is reasonable to allow the water to be taken in this way, after taking into account any criteria prescribed by the regulations for the purposes of this subclause. A notice under this clause may apply generally throughout the State or in relation to a particular watercourse or lake or to wells, or a class of wells, in a particular part of the State, or

to a particular surface water prescribed area (including as to particular stormwater infrastructure or class of stormwater infrastructure). An authorisation under this clause may be subject to conditions, as specified in the notice.

104—Activities not requiring a permit

This clause sets out activities for which a permit is not required. For example, a permit is not required for an activity that a person is authorised to undertake by a water management authorisation, or to authorise a person to erect, construct or enlarge contour banks to divert surface water solely for the purpose of preventing or reducing soil erosion (provided that a regional landscape plan, water allocation plan, water affecting activities control policy or an approved action plan under Part 7 allows or provides for this), or to authorise an activity that is otherwise required or authorised under a number of other Acts specified in the clause.

105—Notice to rectify unauthorised activity

This clause enables a relevant authority to direct a person who has undertaken an activity without authority (including by contravening or failing to comply with specified corresponding previous enactments such as the *Natural Resources Management Act 2004*) to rectify the effects of that activity.

106—Notice to maintain watercourse or lake

This clause enables a relevant authority to direct the owner of land to maintain a watercourse or lake that is on or adjoins a watercourse or lake in good condition. If the owner fails to comply with the notice, the relevant authority may enter the land and take the action specified in the notice and such other action as the authority considers appropriate in the circumstances and the authority's costs will be a debt due by the owner to the authority or, if appropriate, the Crown.

107—Restrictions in case of inadequate supply or overuse of water

This clause enables the Minister by notice in the Gazette, to prohibit or restrict the taking of water from a watercourse, lake or well or the taking of surface water, or to limit the quantity of water that may be taken, or to direct that dams, reservoirs, embankments, walls or other structures be modified to allow water to pass over, under or through them in certain cases. These include where the Minister is of the opinion that the quantity of water available can no longer meet the demand or there is a risk that future demand may not be able to be met, or the quality of the water in the watercourse, lake or underground aquifer is affected or likely to be affected. In addition, prohibitions or restrictions may apply under this clause if the Minister is of the opinion that the taking of the water is having a serious effect on another watercourse or lake, or that an underground aquifer is likely to collapse or suffer any other damage due to water being taken from a well. In determining the demands on available water under subclause (1), the need for water of the ecosystems that depend on water from the water resource concerned must be taken into account. Furthermore, the clause provides that the Minister may, if of the opinion that the rate or the manner in which water is taken from a water resource that has not been prescribed is causing, or is likely to cause, damage to ecosystems that depend on the water, by notice served on a person taking water, restrict the rate and times at which the person may take water, or take such action as is specified in the notice to rectify any problems.

108—Specific duty with respect to damage to a watercourse or lake

This clause places a specific duty on the owner of land on which a watercourse or lake is situated, or adjoins a watercourse or lake to take reasonable measures to prevent damage to the bed and banks of the watercourse or the bed, banks or shores of the lake and to the ecosystems that depend on the watercourse or lake. A person who breaches such a duty is not, on account of the breach alone, liable to any civil or criminal action but compliance may be enforced by the issuing of a protection order, a reparation order or authorisation under this measure or by order of the ERD Court under Part 10.

109—Minister may direct removal of dam etc

This clause will enable the Minister, on the recommendation of a regional landscape board, or on the Minister's own initiative after consultation with the relevant board, by notice, to direct the owner of land to remove or modify a dam, embankment, wall or other obstruction or object that collects water, or diverts or impedes the flow of water in a watercourse or flowing over any other land, and that was lawfully placed in or near the watercourse or on the land before the prescribed date. Compensation is payable under clause 224 if a dam, embankment, wall or other obstruction or object must be removed.

Subdivision 4—Permits

110—Permits

This clause provides for the granting of permits by the relevant authority. A relevant authority must take into account the provisions of any relevant water allocation plan or water affecting activities control policy when considering an application for a permit, and must ensure that the permit, if granted, and any conditions of the permit, are not inconsistent with the provisions of such a plan or policy. The granting of a permit must not be contrary to a notice in force under clause 107. Subject to its terms, a permit is binding on and operates for the benefit of the applicant and the owner and occupier of the land to which it relates when it is granted and all subsequent owners and occupiers of the land. A permit is subject to such conditions as are prescribed by this measure or by the regulations, or are specified in the permit by the relevant authority.

111—Requirement for notice of certain applications

This clause requires notice of applications for a permit to be given to the public, prescribed persons and other specified persons, if a water allocation plan or water affecting activities control policy provides for such notice. The clause then allows interested persons to make representations to the relevant authority before a decision is made on the application.

112—Refusal of permit to drill well

This clause allows an authority to refuse a permit to drill a well if the water is so contaminated as to create a risk to the health of people or animals.

Subdivision 5—Provisions relating to wells

113—Well drillers' licences

This clause provides for the granting of well driller's licences by the Chief Executive, subject to such conditions prescribed from time to time by the regulations and to any conditions specified in the licence by the Chief Executive.

114—Renewal of licence

This clause provides for the renewal of well driller's licences.

115—Non-application of certain provisions

This clause enables wells of a class declared by proclamation to be excluded from specified provisions of this Subdivision.

116—Defences

This clause provides a series of defences relating to offences relating to drilling, plugging, backfilling, sealing a well or in relation to other activities with respect to wells without being authorised by a permit or without using the services of a licensed well driller or a person supervised by a licensed well driller.

117—Obligation to maintain well

This clause imposes an obligation on the occupier of land on which a well is maintained to ensure that the well (including the casing, lining, and screen of the well and the mechanism (if any) used to cap the well) is properly maintained.

118—Requirement for remedial or other work

This clause enables the Chief Executive, if satisfied that there is a defect, or other specified problem with a well, to direct the owner or occupier of land on which the well is situated (or in some cases the well driller) that certain work or action be taken with respect to the well.

Division 3—Licensing and associated rights and entitlements

Subdivision 1—Water licences

119—Nature of water licences

This clause provides for the granting of a water licence by the Minister in respect of a prescribed watercourse, lake or well or in respect of the surface water in a surface water prescribed area or part of a surface water prescribed area. A licence may be granted subject to conditions. A water licence provides an entitlement to the licence holder to gain access to a share of water available in the consumptive pool or consumptive pools to which the licence relates, as specified by the licence and after taking into account any factors specified by the relevant water allocation plan or prescribed by the regulations. This entitlement is referred to as a water access entitlement. As well as being subject to conditions attached to a licence, a water access entitlement is subject to a determination of the Minister, by notice in the Gazette, as to the volume of water that is to be made available from a consumptive pool for allocation under this measure during a specified period. The consumptive pool or pools may be affected by water allocations attached to forest water licences (and these allocations must then be taken into account in connection with the operation of the scheme established by this clause). The clause further provides that a water licence is personal property and may pass to another in accordance with the provisions of this measure, or in accordance with any other law for the passing of property (subject to this measure).

120—Water licences—applications and matters to be considered

This clause makes provision for applications for water licences and sets out the matters to be considered by the Minister in granting a licence. Grounds on which the Minister may refuse to grant a licence include that it would be contrary to the provisions of the relevant water allocation plan to grant a water access entitlement under the terms of the licence being sought, or because a water access entitlement under the terms of the licence would relate to water that is so contaminated that its use would create a risk to the health of people or animals. In addition, the Minister's decision to grant a water licence must be made in the public interest and be consistent with any requirements prescribed by the regulations.

121—Issuing of water licences

This clause sets out requirements in relation to the issuing of a water licence including what it must specify and when it takes effect. A water licence remains in force until it is terminated by or under this measure or it expires under the terms of the licence.

122—Variation of water licences

This clause provides for the variation of water licences, either on application of the licensee, or by the Minister in specified circumstances.

123—Transfer of water licences

This clause provides for the transfer of a water licence, or a water access entitlement (or part of an entitlement) under a licence, to another person. A transfer is subject to this measure and the relevant water allocation plan. A transfer requires the approval of the Minister and may be absolute or for a limited period. The Minister may refuse to grant approval for a transfer on the same grounds as those on which the Minister may refuse to grant an application by that person for a licence. The clause sets out additional factors that the Minister must consider in granting or refusing to grant a transfer.

124—Surrender of water licences

This clause enables a licensee to surrender the licence, subject to obtaining the consent of any person with an interest in the licence noted on The Water Register.

Subdivision 2—Allocation of water

125—Allocation of water

This clause sets out the methods by which a water allocation may be obtained. An allocation may be obtained on account of a water access entitlement under a water licence, as a carry over under the provisions of this clause, under an Interstate Water Entitlements Transfer Scheme (IWETS), or from the holder of a forest water licence (subject to any conversion or adjustment under the provisions of any relevant water allocation plan). An allocation may be subject to conditions and is personal property and may pass to another in accordance with the provisions of this measure or, in accordance with any other law for the passing of property (subject to this Bill).

126—Issuing of water allocation

A water allocation granted or issued by the Minister must be consistent with the relevant water access entitlement or IWETS in relation to the volume of water granted, and must be consistent with the provisions of the relevant water allocation plan. A water allocation is subject to conditions prescribed by the regulations or endorsed on a relevant water licence or on the water entitlement itself. The clause further provides that a water allocation may comprise various components that expire on a future date or restrict the purpose for which any component or volume of water may be used.

127—Water allocations—matters to be considered

This clause sets out the grounds on which the Minister may determine not to grant or issue a water allocation.

128—Reduction of water allocation

This clause relates to the ability of the Minister to reduce water allocations in specified circumstances.

129—Variation of water allocations

This clause sets out the circumstances in which a water allocation may be varied by the Minister. The Minister's decision on the variation must be consistent with the relevant water allocation plan, and if the variation relates to conditions attached to the water allocation, it must not be seriously at variance with the relevant water allocation plan. It must also be in the public interest and must be consistent with requirements prescribed by the regulations.

130—Transfer of water allocations

The holder of a water allocation may, with the approval of the Minister, transfer the water allocation to another person, subject to this measure and the relevant water allocation plan. The Minister's decision on the transfer must be consistent with the relevant water allocation plan, must be in the public interest and must be consistent with requirements prescribed by the regulations.

131—Surrender of water allocations

This clause provides that the holder of a water allocation may surrender the water allocation at any time.

Subdivision 3—Water resource works approvals

132—Water resource works approvals—applications and matters to be considered

This clause set out the requirement for a water resource works approval if a person proposes to carry out works in relation to a water resource. The Minister's decision on the grant of an approval must take into account any relevant environmental, social or economic impacts associated with the construction or use of the relevant works, and be consistent with any requirements prescribed by the regulations.

133—Issuing of approvals

This clause sets out what must be specified in relation to a water resource works approval. An approval may be subject to conditions prescribed by the regulations, or specified by the relevant water allocation plan or endorsed on the approval by the Minister. A water resource works approval may be classified in connection with a management zone or zones specified in the relevant water allocation plan.

134—Variation of approvals

This clause provides for the variation of a water resource works approval.

135—Notice provisions

This clause sets out the notice requirements in relation to an application for a water resource works approval or the variation of an approval that falls within a class specified by the relevant water allocation plan for the purposes of this clause.

136—Cancellation if works not constructed or used

This clause provides that the Minister may, in accordance with a scheme prescribed by the regulations, cancel a water resource works approval if the works are not constructed, substantially completed or used, or used to any significant degree over a period prescribed by the regulations.

137—Nature of approval

This clause provides that a water resource works approval applies to the site to which the approval relates and is attached to the land constituting that site.

138—Expiry

This clause provides that a water resource works approval will expire according to its terms if the provisions of the approval so provide.

Subdivision 4—Site use approval

139—Site use approvals—applications and matters to be considered

This clause provides for applications to be made for a site use approval to the Minister. An application must specify the purpose or purposes for which the water is proposed to be used, where the water is proposed to be used, and the prescribed information about the proposed extent, manner and rate of use of the water. The clause sets out the grounds on which the Minister may refuse to grant a site use approval.

140—Issuing of approvals

An site use approval must specify the place where the use is allowed, and the manner and use of water authorised by the approval. An approval will be subject to any prescribed conditions or conditions specified by the relevant water allocation plan or endorsed on the approval by the Minister.

141—Variation of approvals

This clause provides for the variation of a site use approval by the Minister.

142—Notice provisions

This clause sets out the notice requirements in relation to an application for a site use approval or a variation of an approval that falls within a class specified by the relevant water allocation plan for the purposes of this clause. Notice is to be given to the general public, prescribed persons and other persons specified in the water allocation plan.

143—Cancellation

This clause provides that the Minister may, in accordance with a scheme prescribed by the regulations, cancel a site use approval in prescribed circumstances.

144—Nature of approval

This clause makes clear that a site use approval applies to the site to which the approval relates and is attached to the land constituting that site.

145—Expiry

A site use approval will expire according to its terms if the provisions of the approval so provide.

Subdivision 5—Delivery capacity entitlements

146—Delivery capacity entitlements—applications and matters to be considered

This clause sets out the requirements in relation to applications for a delivery capacity entitlement. Applications must be made to the Minister and must specify the water resource in relation to which the delivery capacity entitlement is being sought, the place or area where water is proposed to be taken, prescribed information about the times and rates at which it is proposed to take water, and prescribed information about the extent to which priority is being sought over other delivery capacity entitlements issued in relation to the same water resource (or a specified part of the water resource). The clause sets out the grounds on which the Minister may refuse to grant a delivery capacity entitlement. It also requires that the Minister's decision to grant an entitlement must be made in the public interest and be consistent with any requirements prescribed by the regulations.

147—Issuing of delivery capacity entitlements

A delivery capacity entitlement must specify the terms of the entitlement, and will be subject to any prescribed conditions or conditions specified by the relevant water allocation plan or endorsed on the approval by the Minister. A delivery capacity entitlement may be granted on the basis that it cannot be transferred except in conjunction with the transfer of a specified water licence, water access entitlement or water allocation. Subject to this however, a delivery capacity entitlement is personal property and may pass to another person in accordance with the provisions of this measure or, subject to this measure, in accordance with any other law for the passing of property.

148—Delivery capacity entitlements to relate to point of extraction

This clause provides that a delivery capacity entitlement may be applied to any aspect of the taking of water from the relevant water resource at a point of extraction, but cannot be directly applied to any part of an irrigation system that distributes water after extraction.

149—Variation of delivery capacity entitlements

This clause provides for the variation of a delivery capacity entitlement by the Minister.

150—Transfer of delivery capacity entitlements

This clause sets out a scheme for the transfer of a delivery capacity entitlement. The transfer of an entitlement is subject to the operation of this measure, the relevant water allocation plan and the terms of the delivery capacity entitlement. A transfer may be absolute or for a limited period, and is subject to the approval of the Minister. The Minister may refuse to grant approval for the transfer of a delivery capacity entitlement to a person on the same grounds as those on which the Minister would refuse to grant an application by that person for the entitlement. The clause further sets out matters on which the Minister's decision to grant or refuse the transfer is to be based.

151—Surrender of delivery capacity entitlements

This clause provides for the surrender of a delivery capacity entitlement by the holder at any time.

Subdivision 6—Interstate agreements

152—Interstate agreements

This clause facilitates the recognition of intergovernmental agreements associated with water entitlements under the measure.

Subdivision 7—Related matters

153—Allocation on declaration of prescribed water resource

This clause provides that on the declaration of a watercourse, lake or well as a prescribed watercourse, lake or well or declaration of a part of the State as a surface water prescribed area, an existing user of water from the water resource concerned may continue to use water without a water management authorisation for a certain period as set out in the clause. An existing user is also entitled (subject to various factors set out in the clause) to be granted, without the payment of any purchase price, the necessary water management authorisations, after consultation with the user.

154—Schemes to promote the transfer or surrender of certain entitlements

This clause preserves the ability of the Minister to establish certain schemes by notice in the Gazette to promote the transfer or surrender of water allocations, or class of water allocations, that relate to an area within the Murray Darling Basin, and to promote the surrender of water licences, or class of water licences, that relate to a specified area within the Murray Darling Basin.

155—Consequences of breach of water management authorisations

This clause sets out the consequences of a breach of a water management authorisation and certain other requirements under this Part. The Minister will be able to cancel, suspend or vary a water management authorisation in certain circumstances. A right of appeal will lie to the ERD Court on a decision of the Minister under this clause.

156—Effect of cancellation of water management authorisations

This clause provides that any entitlement under a water management authorisation that has been cancelled under this measure is forfeited to the Minister. On forfeiture of a water licence, water access entitlement, water allocation or delivery capacity entitlement (an entitlement), the Minister must endeavour to sell the entitlement. However, the entitlement must be of sufficient value to cover the cost of sale and any resulting transfer of the entitlement must be consistent with the relevant water allocation plan and the provisions of the entitlement. The proceeds of any such sale are to be applied in the manner specified by this clause.

Division 4—Reservation of excess water by Minister

157—Interpretation

For the purposes of Division 4, this clause defines *reserved water* as water reserved by notice published in the Gazette under clause 158.

158—Reservation of excess water in a water resource

This clause provides for the ability of the Minister to reserve excess water in a water resource that is available for allocation, if satisfied that it is necessary or desirable for the proper management of the water of the resource to reserve the whole or part of that excess water, either from allocation under any circumstances or for allocation subject to restrictions.

159—Allocation of reserved water

This clause sets out certain provisions that apply in relation to the allocation of reserved water (despite the other provisions of this measure).

160—Public notice of allocation of reserved water

If the Minister has reserved water under Division 4, the Minister is required to publish specified information in the Gazette on a quarterly basis.

Division 5—Water conservation measures

161—Water conservation measures

This clause continues the scheme under which the Governor can introduce specific water conservation measures by regulation under this measure. The regulations must be declared to be for the purposes of taking action to provide for the better conservation, use or management of water (longer-term measures), or for the purposes of taking action on account of a situation, or likely situation, that, in the opinion of the Governor, has resulted, or is likely to result, in a decrease of the amount of water available within a water resource (whether prescribed or not) (referred to as short-term measures).

Division 6—Commercial forestry

Subdivision 1—Preliminary

162—Interpretation

This clause defines relevant terms for the purposes of Division 6.

163—Declaration of forestry areas

This clause provides for an area of the State to be a declared forestry area for the purposes of this measure by the Minister by notice in the Gazette. The clause sets out specified requirements that must be satisfied before the Minister can make a declaration under this clause.

Subdivision 2—Licences

164—Forest water licences

This clause provides for the granting of forest water licences by the Minister and sets out the grounds on which the Minister may refuse to grant such a licence. Furthermore, the Minister's decision on the grant of a forest water licence must be consistent with any relevant provisions of the relevant water allocation plan and any requirements prescribed by the regulations. A forest water licence applies to the site of the commercial forest to which the licence relates and is attached to the land constituting the site, or if the forest is the subject of a forest property (vegetation) agreement—the forest vegetation.

165—Allocation of water

This clause provides that a forest water licence must have a water allocation attached to the licence. The water allocation must provide for a quantity of water that is at least equal to the water required to fully offset the impact of the forest on the relevant water resource. This is to be determined in accordance with the hydrological values that are relevant to the commercial forest under the relevant water allocation plan (as at the time of the issue of the licence and as relevant taking into account any expansion or reduction in the size of the forest) and subject to any allowance under a scheme (if any) relating to the management of the forest approved by the Minister for the purposes of this clause. This approval may be subject to such conditions as the Minister thinks fit. The clause also provides that a water

allocation (as attached to a forest water licence) is personal property and may pass to another in accordance with the provisions of this measure or, subject to this measure, in accordance with any other law for the passing of property.

166—Variations—allocations

The Minister may vary a water allocation attached to a forest water licence and the decision of the Minister on the variation must be consistent with the relevant water allocation plan.

167—Transfer of allocations

Subject to this measure and the relevant water allocation plan, the holder of a forest water licence may transfer the whole or a part of the water allocation attached to the licence to specified persons. A transfer requires the approval of the Minister. The Minister may not grant approval for the transfer of a water allocation if the result would be that the water allocation attached to the licence would fall below the water required to offset the impact of the forest on the relevant water resource (as determined under the relevant water allocation plan). The clause sets out further matters that are relevant to the Minister's decision to grant or refuse the transfer of a water allocation under this clause.

168—Conditions

A forest water licence will be subject to such conditions prescribed from time to time by the regulations, or endorsed on the licence by the Minister.

169—Variations—conditions

This clause provides for the variation of conditions of a forest water licence by the Minister.

170—Establishment of licence on declaration of areas

This clause provides for a scheme for the issue of a forest water licence on declaration of the relevant declared forestry area.

171—Surrender of licences

A licensee may surrender the licensee's forest water licence in prescribed circumstances.

172—Cancellation of licences

The Minister may cancel a forest water licence in circumstances specified in the relevant water allocation plan or prescribed by the regulations.

Subdivision 3—Offences

173—Offences

It is an offence for a person to contravene clause 163(3) or to contravene or fail to comply with a condition to which a forest water licence under this Division is subject.

Division 7—Interaction with Irrigation Acts

174—Interaction with *Irrigation Act 2009*

This clause sets out provisions that relate to the interaction of this measure with the *Irrigation Act 2009*.

175—Interaction with Renmark Irrigation Trust Act 2009

This clause sets out provisions that relate to the interaction of this measure with the *Renmark Irrigation Trust Act 2009*.

Division 8—Related matters

176—Effect of water use on ecosystems

When making a decision under Part 8 of this measure based wholly or in part on an assessment of the quantity of water available during a particular period, the relevant decision maker must take into account the needs of ecosystems that depend on the relevant resource for water.

177—Activities relating to Murray-Darling Basin

When making a decision under Part 8 that relates to an activity within the Murray Darling Basin, or the management, taking, allocation or use of water from a water resource in an area within the Murray Darling Basin, the Minister or other person or body making that decision must take into account the terms or requirements of the Murray Darling Basin Agreement, and any resolution of the Ministerial Council under that agreement (insofar as they may be relevant).

178—Consultation with Minister responsible for *River Murray Act 2003*

This clause provides for consultation with the Minister responsible for the *River Murray Act 2003* by the Minister under this measure acting under Part 8, or in any case or circumstances prescribed by the regulations.

179—Representations by SA Water

If water is discharged into a watercourse or lake in the region of a regional landscape board by SA Water, SA Water may make representations to the board in respect of the performance or exercise by the board of its functions or powers in relation to that water.

180—Water recovery and other rights subject to board's functions and powers

This clause specifies rights that are subject to the performance of functions and duties and the exercise of powers by a regional landscape board or a designated entity under this or any other Act.

181—Water management authorisation is not personal property for the purposes of Commonwealth Act

This clause makes it clear that a water management authorisation is not personal property for the purposes of the *Personal Property Securities Act 2009* of the Commonwealth.

182—Law governing decisions under this Part

This clause makes specific provision with respect to the law to be applied in relation to specified decisions under Part 8, and the provisions of any relevant water allocation plan or water affecting activities control policy that are relevant to the consideration or determination of a matter under that Part.

Part 9—Control of animals and plants

Division 1—Preliminary

183—Preliminary

This clause will enable the Minister, by notice in the Gazette, to declare that specific provisions of the Part apply to specified classes of animals or plants, and also to declare that a specified area is a declared area and to declare prohibitions for those areas and classes of animals or plants. Such a declaration cannot, except in specified circumstances, be made in respect of a class of native animals. The clause further provides for the establishment of three different categories of animals or plants subject to a declaration under this clause.

Division 2—Control provisions

Subdivision 1—Specific controls

184—Movement of animals or plants

This clause creates offences relating to the movement of certain animals or plants into or within a declared area. There is a defence available where the movement was carried out in accordance with a written approval given by an authorised officer, or the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant. An authorised officer may, subject to any specified conditions, exempt a person from complying with a requirement of this clause. The exemption is to be given in writing, or if given orally, confirmed in writing within 2 business days.

185—Possession of animals or plants

This clause creates offences relating to the keeping or possession of certain animals (either outside or within a declared area for that animal). It also sets out an offence in relation to the possession of certain plants within a declared area for that plant. The penalties for these offences are graduated according to the category of animal or plant.

186—Sale of animals or plants, or produce or goods carrying animals or plants

This clause creates offences relating to the sale of certain animals and plants (and other things carrying certain animals or plants), with the penalties graduated according to the category of animal or plant. There is a defence available where the movement was carried out in accordance with a written approval given by an authorised officer, or the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant. An authorised officer may, subject to any specified conditions, exempt a person from complying with a requirement of this clause. The exemption is to be given in writing, or if given orally, confirmed in writing within 2 business days.

187—Offence to release animals or plants

This clause creates offences relating to the release of certain animals (either within or outside a declared area). It also sets out an offence in relation to the release of certain plants within a declared area for that plant. There is a defence available where the circumstances constituting the offence were not the result of a wilful or negligent act on the part of the defendant, however the defence does not apply where an authorised officer furnished the defendant with a notice warning the defendant of specified matters. The clause also provides that the certain costs incurred as a result of a contravention of the clause can be recovered. An authorised officer may, subject to any specified conditions, exempt a person from complying with a requirement of this clause.

188—Notification of presence of animals or plants

This clause requires an owner of land within a declared area to notify within a prescribed period, the regional landscape board for the area in which the land is situated of the presence of certain animals and plants. The clause further requires a regional landscape board to notify the Chief Executive within 48 hours in the event that the board becomes aware of the presence of certain animals and plants within a declared region within its region (other than by notification under subclause (1)). If the Chief Executive becomes aware of the presence of certain animals or plants on land within a declared area for that animal or plant, other than by notification under subclause (2), the Chief executive is to notify the relevant regional landscape board for the area within 48 hours of that fact, and the locality at which the animal or plant was last seen or found.

189—Requirement to confine certain animals or plants

This clause requires the owner of land within a declared area to comply with the instructions of an authorised officer in relation to the keeping or management of certain animals and plants in the person's possession, with the penalties linked to the category of animal or plant.

190—Owner of land to take action to destroy or control animals or plants

This clause requires the owner of land within a declared area to destroy certain animals and plants on that land. The clause also requires the owner of land within a declared area to control, and keep controlled, certain animals and plants on that land. An owner of land within a declared area for certain animals or plants must take such prescribed measures or measures specified by a relevant authority for the control of those animals or plants, or to subject the animals or plants to specified treatment. A relevant authority may, subject to any conditions, exempt a person from those requirements. Breaching a requirement under this clause does not, in itself, make the person liable to civil action, but the person is subject to the operation of the requirements under clause 191 and Pat 10 in relation to action orders. The clause also requires a regional landscape board to carry out proper measures for the destruction or control of certain animals and plants on road reserves within a declared area for those animals or plants.

191—Action orders

This clause enables a relevant authority to issue to a land owner in breach of clause 190(1), (2) or (3), with an action order. An action order must specify the animals or plants to which it applies, the land or area to which it applies, and the action that is required to be taken to destroy or control the relevant animals or plants. It must also specify the period within which that action is to be taken. It is an offence for a person to fail to comply with an action order. A relevant authority may carry out appropriate measures in view of the failure of the person. The clause confers certain powers on the relevant authority, and reasonable costs and expenses may be recovered from the person to whom the order was issued.

192—Boards may recover certain costs from owners of land adjoining road reserves

This clause allows a regional landscape board, under certain circumstances, to recover costs and expenses for the destruction or control of certain animals or plants on road reserves from owners of land adjoining the road reserve. An unpaid amount may be recovered (with interest) as a debt against the owner, and may also be remitted in whole or in part by the regional landscape board.

193—Destruction or control of animals outside the dog fence by poison and traps

This clause allows an owner of land bounded by and inside the dog fence to lay poison or set traps in accordance with approved proposals on adjoining land immediately outside the dog fence for the purposes of destroying or controlling animals pursuant to this Division. The clause sets out the process for the approval of a proposal.

194—Ability of Minister to control or quarantine any animal or plant

This clause allows the Minister, by notice in the Gazette, for the purpose of controlling, or preventing the spread, of certain animals or plants, or the spread of any disease that may be carried by such an animal or plant, to declare a portion of the State to be a quarantine area. The clause sets out the requirements and prohibitions that a notice under this clause can contain. The Minister may, subject to any conditions, grant an exemption from the operation of a notice, or certain provisions of a notice, under this clause. It is an offence to contravene or fail to comply with a notice or a condition of an exemption.

Subdivision 2—Permits

195—Permits

This clause allows the relevant authority to issue a permit to a person authorising the movement, keeping, possession or sale of certain animals and plants to allow an act, activity or circumstance that would otherwise not be permitted under Subdivision 1. A permit may be subject to conditions. However, a permit may not be issued if a provision of Subdivision 1 acts as an absolute prohibition of the conduct for which a permit is sought. In issuing a permit, or imposing any conditions of a permit, a relevant authority must take into account any relevant provisions of a landscapes affecting activities control policy, and seek to further the objects of the *River Murray Act 2003* and the *Objectives for a Healthy River Murray* under that Act to the extent they are relevant. The clause also sets out consultation requirements for certain circumstances. It is an offence to contravene or fail to comply with a provision or condition of a permit.

Subdivision 3—Related matters

196—Animal-proof fences

This clause provides that a certificate of the Minister is admissible as proof of certain matters in relation to the *Fences Act 1975*.

197—Offence to damage certain fences

This clause creates an offence for a person to interfere with an animal-proof fence except with the permission of the owner of the land on which the fence is situated. The court may order a person convicted of an offence under this clause to compensate the owner.

198—Offence to leave gates open

This clause creates an offence for a person to leave open a gate in an animal-proof fence except for as long as is reasonably necessary, or with the permission of the owner of the land on which the fence is situated.

199—Protection of certain vegetation and habitats

This clause creates an offence in relation to the clearance of native vegetation in taking measures to control animals or plants under this Part. A person must take all reasonable steps to ensure that clearance is not done except in accordance with the guidelines under the *Native Vegetation Act 1991*, and that damage or destruction to other vegetation is kept to a minimum. The clause also requires compliance with certain requirements set out in a landscapes affecting activities control policy or prescribed by the regulations relating to the protection of certain native animals and their habitats.

Part 10—Enforcement

Division 1—Authorised officers

200—Authorised officers

This clause provides for the Minister to appoint persons to be authorised officers.

201—Identity cards

This clause requires authorised officers be issued with identity cards. Before exercising powers under the measure, an authorised officer must, on request, produce their identity card for inspection.

202—Powers of authorised officers

This clause sets out the powers of authorised officers under the measure. These include powers of entry, inspection, seizure, and the giving of directions. The exercise of powers in relation to residential premises requires the authority of a warrant or that the officer believes on reasonable grounds that a Category 1 or 2 animal (as declared under clause 183) is present on the premises.

203—Provisions relating to seizure

This clause sets out provisions applying when a thing has been seized in the exercise of powers under clause 202.

204—Hindering etc persons engaged in the administration of this Act

This clause creates certain offences relating to persons engaged in the administration of the measure.

Division 2—Civil remedies

Subdivision 1—Orders issued by landscape boards

205—Protection orders

This clause enables a regional landscape board or an authorised officer to issue a protection order to secure compliance with the requirements of the general statutory duty under clause 8, or with a duty under clause 108 in relation to damage to a watercourse or lake. It may also be used to secure compliance with the requirements of Part 8 Division 6, clause 190, a management agreement or any other prescribed requirement. The clause sets out the requirements and procedures in relation to making such an order. A protection order may be appealed to the ERD Court within 21 days. An authorised officer may issue an emergency protection order orally in certain circumstances, but must then confirm the order in writing. It is an offence to refuse or fail to comply with an order.

206—Action on non-compliance with a protection order

This clause allows a relevant authority (that is, a regional landscape board or the Chief Executive) to take the action required by a protection order in the event that the requirements of the order are not complied with. The authority may recover, as a debt from the person who failed to comply with the order, the reasonable costs and expenses incurred in taking action under this clause.

207—Reparation orders

This clause enables a regional landscape board or an authorised officer to issue a reparation order if satisfied that a person has caused harm to a natural resource by contravention of the requirements of the general statutory duty under clause 8, or with a duty under clause 108 in relation to damage to a watercourse or lake. It may also be issued if the board or officer is satisfied harm has been caused due to a contravention of the requirements of Part 8 Division 6, clause 190, a management agreement or any other prescribed requirement. A reparation order may require specific action be taken, or certain payments to be made, or both. The clause sets out requirements and procedures in relation to making such an order. A reparation order may be appealed to the ERD Court within 21 days. An authorised officer may issue an emergency reparation order orally in certain circumstances, but must then confirm the order in writing. It is an offence to refuse or fail to comply with an order.

208—Action on non-compliance with a reparation order

This clause allows a relevant authority (that is, a regional landscape board or the Chief Executive) to take the action required by a reparation order in the event that the requirements of the order are not complied with. The authority may recover, as a debt from the person who failed to comply with the order, the reasonable costs and expenses incurred in taking action under this clause.

209—Reparation authorisations

If satisfied that a person has caused harm to any natural resource by contravention of the requirements of the general statutory duty under clause 8, or with a duty under clause 108 in relation to damage to a watercourse or lake, a relevant authority may issue a reparation authority under which authorised officers or other authorised persons may take specified action on the authority's behalf to make good damage to the natural resource. A reparation authority may also be issued in relation to a contravention of the requirements of Part 8 Division 6, clause 190, a management agreement or any other prescribed requirement. The clause also sets out procedures and requirements in relation to making such an authorisation.

210—Related matter

This clause provides that a person cannot claim compensation from the Crown, a regional landscape board, the Chief Officer, an authorised officer or other authorised person in respect of a requirement imposed by or under this Subdivision, or an act or omission undertaken or made in good faith in the exercise of a power under this Subdivision.

211—Registration

This clause allows the relevant authority to have the Registrar-General register an order or authorisation issued under this Subdivision relating to an activity carried out on land, or requiring a person to take action on or in relation to land. Such an order or authorisation is binding on each owner and occupier from time to time of the land. The Registrar-General must, on application by the relevant authority, cancel the registration of such an order or authorisation and make appropriate endorsements to that effect.

212—Effect of charge

This clause sets out the priority of a charge imposed on land under this Subdivision.

Subdivision 2—Orders made by ERD Court

213—Orders made by ERD Court

This clause sets out the orders that the ERD Court can make, on application, in relation to this measure, and the requirements and procedures in relation to such orders. These orders include orders that may be in the nature of restraining a person from engaging in particular conduct that is in contravention of this measure, or requiring a person to take particular action.

Part 11—Appeals

214—Right of appeal

This clause sets out specific rights of appeal to the ERD Court. An appeal will, in the first instance, be referred to a conference under section 16 of the *Environment, Resources and Development Court Act 1993*.

215—Operation and implementation of decisions or orders subject to appeal

The making of an appeal will not, in itself, affect the operation of any decision, order, direction or restriction to which the appeal relates. However, the Court, or the relevant authority that has made the decision or other action to which the appeal relates, may suspend the operation of the decision or other action if it thinks fit. A suspension may be granted subject to conditions.

216—Powers of Court on determination of appeals

The Court will have a range of powers on the hearing of an appeal, including to confirm, vary or reverse any decision, or substitute any decision, to order or direct a person or body to take such action as the Court thinks fit, and to make consequential or ancillary orders or directions.

Part 12—Management agreements

217—Management agreements

The Minister will be able to enter into a management agreement relating to the protection, conservation, management, enhancement, restoration or rehabilitation of any natural resources, or any other matter associated with furthering the objects of the Bill. The management agreement will be entered into with the owner of the land. The agreement will not have any force or effect under the Bill until a note relating to the agreement is entered on the relevant instrument of title or against the land.

Part 13—Miscellaneous

218—Avoidance of duplication of procedures etc

This clause will allow an authority to accept a document or recognise a procedure under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth for the purposes of this measure.

219—Native title

Nothing done under this measure will be taken to affect native title in any land or water, unless the effect is valid under a law of the State or the *Native Title Act 1993* of the Commonwealth.

220—Service of notices or other documents

This clause provides for the service of notices or documents.

221—Publication of notices by Minister

This clause provides that if the Minister is authorised to publish a notice under the measure, the Minister should consider the effectiveness of the method that will best bring the notice to the attention of those who will be directly affected by the notice.

222—Money due to Minister

Money that is due to the Minister or another authority may be recovered as if it were unpaid levy.

223—Compulsory acquisition of land

This clause confers on the Minister a specific power to acquire land under the *Land Acquisition Act 1969* for the purposes of the measure.

224—Compensation

This clause provides for the payment of compensation in certain circumstances.

225—Immunity from liability

This clause provides specific protection in relation to an owner of land, the Minister, a person engaged in the administration of the measure, or another authority or person who destroys an animal or plant, captures or removes an animal, or takes other action in relation to the control of animals or plants.

226—Vicarious liability

For the purposes of this measure, an act or omission of an employee or agent will be taken to be an act or omission of the employer or principal unless it is proved that the person was acting otherwise than in the course of the employment or agency.

227—False or misleading information

It will be an offence to provide false or misleading information under the measure.

228—Interference with works or other property

This clause sets out offences relating to interference with infrastructure, works and other property.

229—Criminal jurisdiction of Court

Certain offences prescribed by the regulations will lie within the criminal jurisdiction of the ERD Court.

230—Proceedings for offences

This clause provides for the commencement of proceedings for offences against the measure to be within five years of the date on which the offence was alleged to have been committed, and sets out who may commence those proceedings.

231—General defence

This clause provides for a general defence to a charge of an offence under this measure if the defendant proves that the offence was not committed intentionally and did not result from any failure of the defendant to take reasonable care to avoid the commission of the offence.

232—Offences by bodies corporate

These clauses are standard clauses.

233—Additional orders on conviction

This clause will allow a court on recording a conviction under the measure to require a person to take specified action to rectify the consequences of any contravention of the measure or to ensure that a further contravention does not occur, or to pay to the Crown an amount assessed by the court to be equal to any financial benefit that has been gained, or can reasonably be expected to be gained, as a result of the commission of the relevant offence.

234—Continuing offence

A person convicted of an offence will be liable to a penalty with respect to any continuing act or omission.

235—Constitution of Environment, Resources and Development Court

This clause deals with the constitution of the ERD Court when it is exercising jurisdiction under the measure.

236—Evidentiary

This clause provides for the proof of certain matters and the application of various presumptions.

237—Determination of costs and expenses

This clause makes it clear that the costs of an authority under the measure are the full costs that could be charged by an independent contractor.

238—Minister may apply assumptions and other information

The Minister will be able to apply various assumptions for the purposes of the measure.

239—Landscape Scheme Register

This clause requires the Minister to keep a register (the *Landscape Scheme Register*) of water management authorisations, forest water licences, permits, action plans and other prescribed matters. There will be a part of the register that relates to entitlements under Part 8 of the measure as set out in Schedule 4 to be known as *The Water Register*.

240—Confidentiality

A person engaged in the administration of the measure will be required to keep certain information confidential unless the person is acting in the performance of official duties or as required by law or authorised by the Minister.

241—Damage caused by non-compliance with a notice etc

A person who suffers loss as a result of a failure on the part of another person to comply with a requirement relating to an action plan, or an action order or an order issued by a regional landscape board under Part 10 Division 2 Subdivision 1, may recover damages from that other person.

242—Recovery of technical costs associated with contraventions

This clause will allow a specified authority to recover costs and expenses in taking samples or conducting tests, examinations or analyses, in the course of investigating a contravention of the measure.

243—Delegation by Chief Executive

This clause provides that the Chief Executive may delegate a function or power under this measure to another body or person.

244—Incorporation of codes and standards

A notice or regulation under the measure may apply, adopt or incorporate, with or without modification, any code, standard or other appropriate document.

245—Exemption from Act

This clause provides that the Governor may make regulations with respect to exemptions from the operation of the measure.

246—Regulations

This is a general regulation-making clause.

Schedule 1—Regulations

This Schedule sets out various matters for which regulations may be specifically made.

Schedule 2—Activities control policies

This Schedule sets out the provisions that relate to landscapes affecting activities control policies and water affecting activities control policies, including the review, preparation, amendment and approval of such policies.

Schedule 3—Classes of wells in relation to which a permit is not required

This Schedule sets out classes of wells that are exempt from the requirement for a permit.

Schedule 4—The Water Register

This Schedule sets out provisions that relate to the keeping of The Water Register. These include matters relating to the recording of information and management of the Register, the registration of entitlements under Part 8 of the measure, special arrangements in relation to specified transfers, and the registration of security interests.

Schedule 5—Related amendments, repeals and transitional provisions

This Schedule sets out related amendments to other Acts. The *Natural Resources Management Act 2004* is to be repealed. Part 30 of the Schedule sets out various provisions addressing a number of transitional issues associated with the enactment of this new legislation.

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

At 18:23 the council adjourned until Wednesday 19 June 2019 at 14:15.

Answers to Questions

KANGAROO ISLAND

In reply to **the Hon. T.A. FRANKS** (21 March 2019).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. Kangaroo Island has a multi-agency Emergency Operations South Major Incident Plan. This document details resources available should there be a major incident, including landing strips, ports/jetties, machinery/vessel/vehicle availability and support services/agencies contact details.

Individual agencies have their own Emergency Management Plans i.e. SAPOL, SES, CFS, SAAS, Airport, Coast Guard and the Kangaroo Island Health Service.

The Kangaroo Island multi-agency emergency services meeting that involves all of the above agencies meets on a bi-monthly basis to discuss and plan for emergency related incidents.

Emergency Management Plans related to the Kangaroo Island Health Service are current and include Business Continuity Plans which facilitate alternative arrangements in the event that Kangaroo Island could not be accessed by sea. In the event of a major incident, support for Kangaroo Island is provided through the activation of statewide multi-agency emergency management arrangements as required, including SA Health and Country Health SA consistent with the SA Health Disaster Resilience Policy Directive and Emergency Management Framework.

2. Kangaroo Island Health Service forms part of the Barossa Hills Fleurieu Region within Country Health SA which has an emergency management sub-group that oversees emergency management preparedness, planning, response and recovery strategies across the region. Maintenance and review of these strategies are the domain of the Barossa Hills Fleurieu Region, in concert with the SA Health Emergency Management Unit.

3. The Emergency Management Unit, SA Health provides strategic leadership and direction for SA Health in preparing for, responding to and recovering from emergencies, disasters and business disruption incidents that occur across South Australia.

In line with this, the Emergency Management Unit has recently reviewed and updated SA Health policies to consolidate into a single policy titled the Disaster Resilience Policy Directive that provides for consistent application across disaster, emergency and business continuity management arrangements, including governance, planning, training and exercising. This policy was approved recently, is available on the SA Health website, will apply to all of the local health networks, and will be reviewed every three years.

POLICE STATION OPENING HOURS

In reply to **the Hon. T.A. FRANKS** (14 May 2019).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has been advised:

South Australia Police (SAPOL) advised the Family Law Courts of the changes to police station front counter opening hours on 24 August 2016.

SAPOL considered the safety of any person attending a police station outside of front counter opening hours and as a result, in September 2017, all police stations in the metropolitan area, that do not have 24/7 front counter services had emergency telephone intercoms installed which provide persons with immediate access to police assistance via direct line to '000'.

The metropolitan area is serviced by 14 police stations, of which five are open 24/7. Police stations that do not provide 24-7 front counter service have signage advising of the nearest 24/7 police station, along with contact numbers for police. In November 2018 the opening hours of Norwood, Henley Beach and Glenelg police station front counter services were reviewed and extended.

GAMBLERS REHABILITATION FUND

In reply to **the Hon. C. BONAROS** (14 May 2019).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

1. During 2017-18, approximately $5.8 million was spent on the provision of front-line Gambling Help Services (GHS) to assist South Australians with gambling addictions. The current service model requires services to provide flexible face-to-face and online therapeutic responses for those impacted by problematic gambling, including online gambling.

In 2017-18, an additional $52,000 was provided by the Gamblers Rehabilitation Fund (GRF) for the National Gambling Help Online service to support South Australians impacted by problematic gambling behaviours.

It is not possible to quantify the funding actually spent assisting people impacted by online gambling behaviours, as the overall funding for front-line services is provided to address all forms of gambling addiction. It is commonplace for gambling clients to access front-line services with issues related to multiple forms of gambling, including online gambling.

2. In the six months from July 2018 to December 2018, $2.9 million was spent on front-line services to assist people impacted by gambling behaviours, including those with online gambling addictions. In addition, a further $26,000 was provided for the provision of the National Gambling Help Online service.

3. The GRF funds 28 GHS across South Australia, which are divided into two streams to ensure services are provided for targeted population groups and across all metropolitan and country areas.

The following sixteen targeted GHS provide gambling support for specific cohorts:

Culturally and Linguistically Diverse (CALD) GHS

- Cambodian GHS (Relationships Australia)
- Chinese GHS (Overseas Chinese Association)
- Multicultural GHS (Relationships Australia)
- Vietnamese GHS (Vietnamese Community in Australia—SA Chapter)

Aboriginal GHS

- Aboriginal Gambling Therapy Service (Southern Adelaide Local Health Network)
- Berri/Barmera Aboriginal GHS (Aboriginal Family Support Services)
- Ceduna Aboriginal GHS (Ceduna Koonibba Aboriginal Health Service)
- Murray Bridge Aboriginal GHS (Aboriginal Family Support Services)
- Northern and Western Metropolitan Aboriginal GHS (Flinders University)
- Port Augusta Aboriginal GHS (Aboriginal Family Support Services)
- Port Lincoln Aboriginal GHS (Aboriginal Family Support Services)
- Southern Metropolitan Aboriginal GHS (Flinders University)

Other Targeted GHS

- Criminal Justice GHS (Offenders Aid and Rehabilitation Services)
- Intensive Therapy GHS (PsychMed Pty Ltd)
- Lived Experience Gambling Program—peer support (Relationships Australia)
- SA Gambling 24-7 Helpline (Eastern Health)

Metropolitan and country targeted GHS are funded to enable greater geographical coverage to ensure that South Australians impacted by gambling have access to front-line service delivery.

The 12 services are delivered by:

- Relationships Australia—Adelaide Hills GHS, Murray Mallee GHS, Eastern Adelaide GHS, Fleurieu and Kangaroo Island GHS, Southern Adelaide GHS, Barossa GHS, Northern Adelaide GHS and Western Adelaide GHS
- Lifeline South East—Limestone Coast GHS
- Uniting Country SA—Far North GHS, Yorke and Mid North GHS and Eyre and Western GHS.

The Department for Human Services, through the Office for Problem Gambling, will be consulting with stakeholders (GHS, government agencies and the gaming industry) about the results of the 2018 South Australian Gambling Prevalence Survey, and the sorts of programs and treatment programs that are needed in this area.

LAND ZONING

In reply to **the Hon. J.A. DARLEY** (15 May 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Planning has provided the following advice:

1. The rezoning of land for a particular purpose is not just about the 'highest and best use' of land in financial or economic terms, but also about the strategic management of South Australia's growth and change.

Within South Australia, the majority of rural areas are zoned for primary production. This zoning encourages a range of land uses with a focus on the establishment and long-term continuation of economically sustainable primary production.

2. Allowing for the diversification of economic land uses and in particular 'value-adding' is important for our long-term economic sustainability and the Minister for Planning has formally written to the State Planning Commission asking that these issues be addressed in the development of the Planning and Design Code.

The Planning and Design Code will ensure opportunities for rural value adding to land through a policy framework that does not unreasonably restrict growth and efficiency of primary producers, while protecting rural land from fragmentation.

It should also be noted, that as part of the transition to the code, the primary production zone will be replaced by a new rural zone in recognition that rural areas are not strictly only for production, and in many cases land in these areas is not viable and may be better suited to other development or activities.

Particular emphasis is being placed upon removing procedural hurdles (i.e. non-complying triggers) to enable more flexibility and certainty for rural landowners, including owners of land which may be 'non-viable' from a production perspective.

Most development with the proposed rural zone will be 'performance assessed' or 'deemed-to-satisfy' with minimal uses to be included as 'restricted development'. Removing these procedural barriers will enable greater opportunities for enterprise and best use of the land.

KANGAROO ISLAND FERRY

In reply to **the Hon. C. BONAROS** (16 May 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

SeaLink's current licence to operate a ferry service expires in July 2024. The Department of Planning, Transport and Infrastructure (the department) is currently working through the early planning stages of the procurement process and options for future operating models to support an appropriate ferry service tender release time frame to market. All options for the provision of future Kangaroo Island ferry services are still under consideration.

The tender assessment criteria will be outlined in future tender documents. Value for money for Kangaroo Island residents is a key consideration of any future procurement process.

The department will fulfil its obligation under the Department of the Premier and Cabinet Circular PC27—Disclosure of Government Contracts. The department will not release information deemed commercially sensitive.

ROAD TOLL FORUM OUTCOMES

In reply to **the Hon. J.A. DARLEY** (4 June 2019).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has advised:

The meeting brought together key industry stakeholders, including industry experts, to address road safety in South Australia. Topics of discussion during the forum included regional fatalities and penalties and enforcement.

Attendees of the forum were pleased to hear that the state government had secured more than $2 billion in federal government funding in the federal budget to fix South Australia's regional roads. Further to this, the Marshall Liberal government has just announced that it will be injecting more than $1 billion to address the state's regional roads which were left neglected by the previous government.

Penalties and enforcement were raised as an important strategy to tackle high-range speeding offences and other reckless behaviour on South Australian roads.

Speeding fines act as a deterrent to speeding and that's why the Marshall Liberal government recently announced that it will come down harder on high-range speeding offenders and reckless driving behaviour by increasing fines for those who thumb their nose at the road laws.