LEGISLATIVE COUNCIL

Thursday, 7 July 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:16 and read prayers.

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Conference

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:17): I move:

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

Motion carried.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Budget Paper No. 1—Budget Overview 2016-17
Budget Paper No. 2—Budget Speech 2016-17
Budget Paper No. 3—Budget Statement 2016-17
Budget Paper No. 4—Agency Statements—Volume 1 2016-17
Budget Paper No. 4—Agency Statements—Volume 2 2016-17
Budget Paper No. 4—Agency Statements—Volume 3 2016-17
Budget Paper No. 4—Agency Statements—Volume 4 2016-17
Budget Paper No. 5—Budget Measures Statement 2016-17

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

Reports, 2015—
Flinders University
University of South Australia Annual Review

Ministerial Statement

NAIDOC WEEK

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:18): I seek leave to make a ministerial statement about NAIDOC Week.

Leave granted.

The Hon. K.J. MAHER: I rise today to speak about NAIDOC Week. NAIDOC Week is a chance for all Australians to celebrate Aboriginal and Torres Strait Islander people in recognition of their culture, history and achievements. It has been a celebrated week on the national calendar for close to 80 years and can be traced back to the trailblazers of the Aboriginal Rights Movement in 1938.

The theme of 2016 NAIDOC Week is Songlines: The Living Narrative of our Nation. Songlines are an incredibly important part of Aboriginal culture; they recall the travels of ancestral

spirits who 'sung' the land into life and have been recorded through traditional songs, stories, dance and art.

The world's oldest living culture has thrived for tens of thousands of years through the sharing of Songlines from one generation to the next. Preserving Aboriginal culture is an exceptionally important part of continuing Songlines, as is celebrating the many achievements of individuals who do so much for their community.

I would like to acknowledge some of the hardworking South Australian people who have received NAIDOC awards this week. The 10th year of the Premier's NAIDOC Award saw an amazing field of finalists, including Mia Fantasia-Copley, Paul Vandenbergh, Zaaheer McKenzie, Aunty Ellen Trevorrow and Associate Professor Wendy Edmondson. The outstanding contributions that these finalists make not just in the Aboriginal community but in the whole South Australian community in the fields of health, education, sport, and youth work is truly inspiring. I certainly do not envy the selection panel who had to decide on just one winner.

Last night, I was proud to present the 2016 Premier's NAIDOC Award to an outstanding woman who has dedicated 38 years to Aboriginal health and education, Associate Professor Wendy Edmondson. Also, in my home town of Mount Gambier, the Pangula Mannamurna South's NAIDOC Awards again fielded individuals of the highest calibre. The Female Elder of the Year was awarded to Aunty Val Brennan, and the Lifetime Achievement Award went to Viv Maher.

I know that many other regions across the state have recognised people in their local community with NAIDOC Week awards, and I congratulate all winners and finalists for the work they do in their community. Tomorrow is the annual NAIDOC SA March from Victoria Square to Parliament House, and I encourage all those in the chamber to attend if they are able.

Question Time

ICE ADDICTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Police—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: —not you, the Minister for Police—a question about illicit drugs in South Australia.

Leave granted.

The Hon. D.W. RIDGWAY: Former premier Mike Rann announced in the lead-up to the 2002 election that he would hold a drug summit, if elected. Following the summit, he then said the government had fulfilled an electoral promise to hold such a forum, and that did not mean the government would accept the decisions arising from the forum. He made it clear that proposals which did not fit with ALP policy would not be accepted.

There is perhaps no worse drug than ice. What ice can do to a person, a family and community is well documented. Unfortunately, according to the final report of the National Ice Taskforce 2015, South Australia had the second highest proportion of people using ice at 1.4 per cent, compared to the national average of 1.1 per cent. That is nearly 40 per cent higher than the national average. Further, according to the findings from the Illicit Drug Reporting System into SA drug trends in 2013, it was reported that the most common use of methamphetamine was ice/crystal at 57 per cent, followed by speed at 40 per cent, and then base at 31 per cent. It also reported significant increases in the median number of days in which they used ice. In 2013, participants used:

- powder on a median of 48 days, compared to 13 days in 2012. That is a 35-day increase in a matter of about a year;
- base on a median of 48 days, compared to 12 days in 2012; and
- amphetamine liquid also increased to a median of 24 days (versus five days in 2012).

Yesterday, in answer to a question from the Hon. Dennis Hood on this issue, the minister rattled off a few statistics and gave a very general flavour of what SAPOL has done—to use the minister's words. The honourable member must realise now, as minister going forward, he is ultimately responsible for this issue. My questions to the minister are:

1. What is the minister doing to reduce the consumption of ice in South Australia?

2. What specific initiatives has the minister established under his watch to tackle this overwhelming and insidious problem?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:25): I thank the honourable member for his question. He is right about my reference to my answer to the Hon. Mr Hood's question the other day regarding drug use generally. Let me be a bit more specific regarding the drug that the Hon. Mr Ridgway has referred to, in respect of ice. I share his concern around ice consumption. Ice is well recognised as being a particularly insidious drug that is consumed all too much within the community at the moment.

Let me go about informing the Hon. Mr Ridgway regarding what work SAPOL is currently doing in respect of ice specifically and then I will answer the second part of his question. In August 2014 the police started Operation Atlas in response to the prevalence of all methylamphetamines throughout South Australia including the drug ice. As at the end of September last year, Operation Atlas had:

- seized almost seven kilograms of methylamphetamine and 6,000 ecstasy tablets;
- made 272 arrests;
- had over 1,600 positive drug-driver detections; and
- uncovered 30 drug labs.

SAPOL is working with the Attorney-General on legislative responses aimed at:

- reducing the diversion of chemicals used in drug production;
- reviewing laws involving the trafficking of precursor chemicals; and
- enhancing sentencing provisions to protect children from exposure to clandestine illicit drug laboratories and other forms of drug manufacture often established in domestic premises.

SAPOL is also working closely with Australian customs and border police force (as I also referred to the other day) and has also increased the targeting and amount of drug-driving tests conducted.

The National Ice Taskforce was established in April 2015. The report was handed down in December last year and outlined 36 recommendations. A number of those recommendations are of particular interest to SAPOL including:

- funding for up to 220 new community drug action teams;
- the development of new evidence-based online resources and targeted communication activities;
- the international supply disruption strategy to strengthen cooperation with key source and transit countries;
- greater national consistency on controls on precursor chemicals and equipment used to manufacture ice, including the development of a national electronic end user declaration system;
- the pilot of infrastructure to inform the enhancement of intelligence sharing by development of a national crime intelligence system;
- continued work on a national cooperative scheme on unexplained wealth;

- a national Dob in a Dealer campaign to encourage public reporting on drug manufacture and distribution within the community. I understand that has been successful;
- disruption of the supply of ice into regional and remote communities;
- a national review of drug diversionary programs to inform best practice approaches; and
- increasing the quality of population data on illicit drugs and expanding data collection monitoring alcohol and other drug misuse and overdoses to assist with early detection of emerging drug trends.

That is just an insight into the work that SAPOL is currently undertaking regarding illicit drug use, and specifically ice. Regarding government policy, things that are in the sphere of influence of the minister as distinct from the operational concerns day to day from the police commissioner, what is this government doing?

At the top of the list is making sure that SAPOL has all the resources that it possibly needs to be able to get on with the job. We all know, from remarks that I have made previously in this chamber, that this government's track record in investing in SAPOL to make sure that it has the resources that it needs to be able to keep our communities safe so that it can focus on ongoing and new challenges, including the ice epidemic around our nation, is that we are providing SAPOL with all the resources that it needs. For instance, we have made sure that SAPOL has more police than ever before. We have made sure that the police budget is larger than ever before.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: Only when we have a state government that is committed to community safety as much as this one is, are we making sure—

The Hon. D.W. Ridgway: 40 per cent above the national average. It's a disgrace.

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —that SAPOL has the resources it needs to be able to make the operational decisions that it needs to make to be able to ensure they are addressing the challenges in regard to drug consumption. I have outlined a comprehensive strategy that SAPOL has to deal with the drug issue here in South Australia. It is of concern to any member of the community, particularly those with young children who are becoming more challenged by the issue of drug use as they become older. Any member of the community is concerned about the statistics that the Hon. Mr Ridgway refers to. That is exactly why we need to make sure that we support SAPOL in having the resources that it needs to be able to get on with the job. And I am very proud that this government is doing that and I am very confident it will continue to do it into the future.

ICE ADDICTION

The Hon. K.L. VINCENT (14:30): A supplementary: is the minister aware of any research done by SAPOL, or any other body, as to why ice use appears to be more prevalent here than in any other state? Are there any particular reasons?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): I am not aware of any such research. I think SAPOL is very focused on getting on with the job of trying to crack down on illicit drug use and, just as importantly, drug consumption. I am not aware of any specific research along those lines. Like I said, this is an issue that we do take seriously. The government and SAPOL take this issue seriously which is why, as I outlined, we are putting a number of strategies in place to make sure it is dealt with.

The Hon. D.W. Ridgway: After 14 years we lead the nation in more people using drugs here, illicit drugs, than in any other state. We lead the nation.

The PRESIDENT: Order! I call the Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order! Minister, do not get hooked on the bait they are throwing you. You answered the question quite well, let's leave it at that. The Hon. Ms Lensink.

The Hon. D.W. Ridgway: What do you mean? Are you the umpire?

The Hon. J.S.L. DAWKINS: Point of order, Mr President. I did raise with you earlier this week about making political statements from the Chair and I would ask you to not continue to do that.

The PRESIDENT: I think more of a travesty in this place is the constant interruptions of ministers trying to give answers. This is question time.

The Hon. J.M.A. Lensink: Yes, by their own.

The Hon. J.S.L. Dawkins: And it's not statement from the Chair time.

The PRESIDENT: Right through the minister's contribution you interrupted.

The Hon. D.W. Ridgway: Only the last little bit.

The PRESIDENT: No, you did it all the way through. And the minister ought to answer the question, sit down and let me get on to the Hon. Ms Lensink.

The Hon. J.S.L. Dawkins: And it doesn't need a commentary from you as to how good it was.

The PRESIDENT: The Hon. Ms Lensink.

SOUTH AUSTRALIA POLICE

The Hon. J.M.A. LENSINK (14:32): Thank you Mr President. I seek leave to make a brief explanation before directing a question to the Minister for Police on the subject of training in domestic violence.

The Hon. S.G. Wade interjecting:

Leave granted.

The PRESIDENT: The Hon. Mr Wade, your colleague is trying to ask a question. Give her the respect.

The Hon. J.M.A. LENSINK: In relation to the tragic Zahra Abrahimzadeh case, the government released in October 2014 a number of initiatives, including one which is under the heading of SAPOL's responses, and it includes a quote:

> Enhanced domestic violence training programs which include a full day visit to a metropolitan domestic violence service to provide cadets with a more direct and personal understanding of the issues facing victims in families of domestic abuse.

Under freedom of information I actually sought to access the number of police officers who had completed that particular training program, and the response came as follows:

> It is determined that as at 17 June 2016, 47 police officers have completed the Domestic Violence Investigators Course. It should be noted that the Domestic Violence Investigators Course commenced on 2 May 2016.

My questions for the minister are:

1. Are these two separate programs? I was somewhat confused about that.

2. Perhaps he could outline to the chamber what the range of training programs are for police, and update us with numbers for each of those?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34): I thank the honourable member for her question. I will have to take part of that question on notice and I will endeavour to get an answer back to the honourable member as quickly as possible. What I can say is that I am aware of the fact, I am advised of the fact, that SAPOL is very committed to making sure that SAPOL officers, particularly on the front line, dealing with domestic violence disputes, are well trained. There are, as I understand it, as I have been advised, unique skills that can be deployed in respect of dealing with domestic violence disputes.

We are already aware—I think it has been discussed widely—of the substantial spike that we have seen in the number of callouts that SAPOL is responding to that are characterised as being of a domestic violence nature. I know that the police commissioner is very committed to ensuring that his front-line police officers who are responding to those callouts have the training and the skills that they need in order to be able to defuse those disputes and deal with them proactively.

In terms of specific courses, I am aware of some of the statistics that the Hon. Ms Vincent referred to. Regarding the question of whether they are two distinct courses, I will have to take that question on notice. I am more than happy to get an answer as soon as I possibly can.

The PRESIDENT: Supplementary, the Hon. Ms Lensink.

SOUTH AUSTRALIA POLICE

The Hon. J.M.A. LENSINK (14:35): Can the minister advise the chamber what the basic training is for all police officers at this stage, as in how many days or hours or modules would all police be required to undertake?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): I advise that SAPOL not too long ago made a rather significant operational decision to increase the amount of training that cadets receive before they become sworn police officers. I am advised that that course used to be six months in length and now it is 12 months. That decision, I understand, was made to ensure that the training that officers in SAPOL receive is of a far higher level and of a more detailed nature to make them more prepared for all the challenges they now have to deal with. Domestic violence is one of those challenges. Regarding how many specific hours or modules of the current 12-month training package for a new cadet is devoted to domestic violence specifically, I will have to take that on notice.

SOUTH AUSTRALIA POLICE

The Hon. K.L. VINCENT (14:36): He may need to take this on notice, but could the minister also elaborate on the nature of the training around domestic violence? Is it interview techniques? Is it recognising the signs of domestic violence? What does it include?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37): As I undertake to get the Hon. Ms Lensink information on the detailed nature of the specific training package that deals with the question of domestic violence, I will endeavour to get that information and share it with the Hon. Ms Vincent as well.

APY LANDS

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation relating to the Amata pool.

Leave granted.

The Hon. S.G. WADE: On 8 December last year, I asked the minister a series of questions in relation to the Amata swimming pool and the annual funding provided by the Aboriginal Affairs and Reconciliation Division of the Department of State Development to cover the pool's operational costs. On that occasion, in other words 8 December 2015, the minister give a commitment to seek that information and bring back an answer. When on 9 February this year an answer had not been provided and the Amata pool had been closed for over four months, I again brought the matter to the attention of the minister.

On that occasion, my questions to the minister focused on whether any of the annual allocation for operating the pool had been redirected for the purpose of providing alternative recreation activities for the children of Amata, particularly during the school holiday period, and whether any of the allocation not spent by 30 June this year, including unspent wages, would be returned to the Aboriginal Affairs and Reconciliation program, or whether it would be handed back to Treasury.

Once again, the minister said that he was happy to take that on notice and bring back a reply about any unspent funding. As I said, that was on 9 February. Almost five months later a reply has not been provided to either question. My questions are:

1. On how many days was the Amata pool open last financial year?

2. How much of the funding that the Aboriginal Affairs and Reconciliation program allocated to the Amata pool for the 2015-16 financial year was spent on other activities, and what were those activities?

3. How much of the annual allocation remained unspent as at 30 June and was this money returned to Treasury?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:39): I thank the honourable member for his question in relation to the Amata pool. I will double-check this, but if my memory serves me correctly, the day-to-day running of the pool is done through the education department. I will get that double-checked. In relation to the amount of spending, I am certain that the answers to the questions that the honourable member has previously asked are being investigated, but now that we are at the end of the financial year, once end of financial year figures are known, I will make sure they are incorporated into an answer that is brought back with the previous question the honourable member has asked.

APY LANDS

The Hon. S.G. WADE (14:40): Supplementary: considering the minister basically has not answered any of today's questions, could he give an undertaking that when he brings back the answers to today's questions could he also bring back the answers to last year's December questions and this year's February questions?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:40): That is exactly what I said: I will bring back an answer once the end-of-year results are known to that and the questions you have previously asked about it. That is exactly what I said.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gazzola has the floor.

Members interjecting:

The PRESIDENT: The honourable minister: desist. The Hon. Mr Gazzola has the floor.

ADELAIDE GIG CITY PROGRAM

The Hon. J.M. GAZZOLA (14:40): My question is to the Minister for Science and Information Economy. Can the minister update the chamber on the government's excellent Gig City initiative and what this may mean for South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:40): I thank the honourable member for his very important question. I am sorry to inform the honourable member that Gig City does not refer to a rock and roll band playing in pubs. The honourable member is referred to by other members of this chamber as 'John Gazzola the ayatollah of rock 'n' roll,' but he needs to be referred to as the Hon. John Gazzola because it would be unparliamentary not to do so. In this case, Gig City refers to a gigabit city; that is, a city that has both uploads and downloads of one gigabit capabilities.

Last week, we announced the Adelaide Gig City program. This will make Adelaide the first gig city in Australia, connecting businesses and start-ups within Adelaide's key innovation precincts to extremely fast broadband speeds of one gigabit per second or higher—both upload and download speeds. This is a major announcement for South Australia. The state government is investing almost

$5 million in this ultrafast internet. It has the potential to be a game-changer for some areas of the South Australian economy, attracting new high-tech companies, disruptors and cultural creatives to our state.

The Gig City network will offer businesses located in Adelaide's innovation precincts internet speeds of up to 100 times faster than the national average speed and approximately 10 times faster than the download speeds of the National Broadband Network. Gig City has the capacity to drive significant economic development and job creation opportunities and will help cement South Australia as the centre of innovation and entrepreneurship in our region.

Ultrafast broadband speeds of one gigabit per second and up to 10 gigabits per second, if businesses invest in additional end-user technology, will be delivered to our innovation precincts. This will enable the development of cutting-edge, data-intensive businesses that depend on the use of high-definition videoconferencing, image processing, simulation, big-data analysis or cloud computing. Our state's emerging high-tech sectors, such as biotech, advanced manufacturing and film post-production are set to benefit from this significant investment.

We have received much positive feedback since the announcement. For example, I would like to share with the chamber the views of Matthew and Luke Wilson from Novus Res, which is located in the St Paul's creative innovation building, who said:

> We were very pleased to learn of this announcement. Virtual reality and 360 video in particular rely on large files and big data streams so this new high speed internet is going to have a big impact on our business significantly reducing file transfer times saving hours every week for our developers. In addition this initiative will provide us with the level of internet connectivity we need to continue the local development of our real time 360 VR camera system which relies heavily on good internet access.

I also met, in the last week, with Jonathan Soong from Makers Empire, who said:

> The new Gig City initiative is fantastic! At Makers Empire we are pursuing overseas opportunities and are video calling China and the USA daily. Fast internet [speeds] at St Paul's means we can develop our inside sales team on-site.

Also, from the Made in Katana business that I again met with over the last week or so, Adam Callen said:

> Our creative capabilities are now truly only limited by our own imaginations; our heads are spinning with ideas for creating VR experiences…amongst countless other pieces of content and technology for our clients including Warner International, Capitol Records, Universal Music and Foxtel.
>
> It's no secret that all states have been engaging in a lot of talk, meetings and workshops about innovation, but this is the first time we've seen an action that represents a tangible difference not just to our business, but the entire state. We've always been proud to boast the fact that we create world-class creative technology in Adelaide and this latest news has well and truly highlighted why.

We are committed to building the infrastructure that is needed for the future, driving the growth of innovative and high-tech businesses in this state. The Adelaide Gig City project will be delivered using the existing SABRENet network, which is owned by the state government and our three universities, very significantly reducing the cost that otherwise would have been associated with building such a network from scratch.

SABRENet is an optical fibre telecommunications network running across metropolitan Adelaide that currently connects the state's research and educational sites across the city. Over the coming weeks, the government's SABRENet will consult with industry and the market about end-user connections and services, and I look forward to informing the chamber of these developments as they occur.

Also, we are currently negotiating with US Ignite, a US based not-for-profit organisation that promotes the development of applications and services for ultrafast broadband networks. A partnership with the US Ignite network will deliver significant opportunities for Adelaide-based Gig City businesses, enabling them to collaborate and share information with their US counterparts.

We are committed to supporting innovative businesses and such businesses in high-tech industries that will underpin the economy and create jobs of the future. We know from other cities that have gone down this path, like Chattanooga in the US that also invested in its own fibre-optic

cable network and high-speed interconnection, that there are potential huge benefits, economic, social benefits and job creation possibilities.

Adelaide is already perfectly placed to be the region's testbed for new ideas and new businesses. Now Adelaide Gig City will help make South Australia the most connected place, certainly in our region and possibly in the Southern Hemisphere, coupled with the increasing vibrant culture in our CBD, the default location for Australia's best and brightest to start a new high-tech company.

ADELAIDE GIG CITY PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:47): Supplementary: can the minister advise whether a Mr Tom Hajdu, who is the chief executive of a company called Disrupter, has any involvement in the gigabit city project, whether he is being employed directly by the government or whether his company is a consultant to the state government?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:47): In the development of the gig city project, there have been dozens and dozens of people who have contributed ideas and involvement, and certainly I have met Mr Hajdu a number of times. He is in Australia on a distinguished talent visa and has been providing his ideas as dozens and dozens of others have been. I will check. I am not aware, in the development of the gig city project, that he has been employed as a consultant, but I will double-check that for the honourable member.

ADELAIDE GIG CITY PROGRAM

The Hon. A.L. McLACHLAN (14:48): Supplementary arising out of the minister's answer: how many new jobs have been projected by the government as a consequence of this initiative?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:48): I thank the honourable member very much for his very incisive question. He is looking more 'leadership-ish' every single day with every single question and every single supplementary.

Members interjecting:

The PRESIDENT: Order! The minister is trying to answer the question.

The Hon. K.J. MAHER: The answer to that is: as many as possible. I think, as the honourable member knows, because he has such an interest and such a deep understanding in this area, that is part of the field in this innovation space. It is very hard to predict just how far this will go and just how many jobs might be created. The honourable member is probably aware, because of his great interest in these areas and his very diligent research, that, as an example, Chattanooga—generally recognised as the world's first gigabit city—when they invested in that city, a city of only 171,000 people, they credited their gigabit fibre network with creating over 3,000 new jobs.

Members interjecting:

The Hon. K.J. MAHER: In a city of under 200,000.

METROPOLITAN FIRE SERVICE

The Hon. R.L. BROKENSHIRE (14:49): I am very excited about the 3,000 new jobs, at least. I seek leave to make a brief explanation, because I want to be getting back to something serious again here, sir, before asking the Minister for Emergency Services—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire has the floor. Allow him to ask his question in silence.

The Hon. R.L. BROKENSHIRE: Thank you for your protection, Mr President. I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the treatment of injured Metropolitan Fire Service personnel.

Leave granted.

The Hon. R.L. BROKENSHIRE: I have received complaints that MFS members are being pressured to resign, against their will, following an injury. Reports I have received include incidents of bullying and harassment, with individuals being segregated and isolated when they return to work following a long-term injury, in particular, but also general injuries. They are being told that they are not wanted and are being pressured to resign. Other reports include individuals being sent to psychiatrists to prove they are a risk to themselves or others.

This type of archaic behaviour is unacceptable in any workplace and the idea, or even the fear, that you may be labelled a risk is sure to act as a disincentive to our brave metropolitan firefighters to reach out for help in dealing with the type of traumas they see on the job. My questions to the minister are:

1. Is the minister aware of pressure put on injured MFS staff to accept redundancies by anyone in the MFS, in government departments or even by the union that is supposed to protect their interests, or has he been briefed on the numbers?

2. Can the minister advise how many injured members of the MFS have been made redundant over the past five years (he can take that on notice)?

3. Is the minister willing to investigate these claims and take appropriate action against any members of the government, the MFS or the United Firefighters Union who are found to be in breach of laws surrounding the Equal Opportunity Act or in breach of codes of conduct in relation to harassment, bullying and loss of dignity?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): I thank the Hon. Mr Brokenshire for his questions. I am very grateful to be receiving a question from a member of Family First in the context of their unwavering commitment to workers' rights. Having some familiarity with the return to work legislation in this state, and the substantial amount of effort that both ReturnToWorkSA and the state government have put in to make sure that the balance we have between the interests of injured workers and their recovery and, of course, businesses writ large is the right balance, I can say, with a high degree of authority, that it is very much my expectation of all parties to the Return to Work Act—whether that be ReturnToWorkSA itself or the state government, in this case, as an employer, the UFU as representatives of firefighters, or indeed injured workers themselves—that that law is complied with. There is a range of provisions within the Return to Work Act which protect injured workers.

I do not think any worker, injured or otherwise, should be subjected to any form of bullying. I have not been made aware, and I certainly cannot recall being made aware, in recent times of any individual complaints from workers regarding bullying within the MFS. My experience with the MFS is that it has a very good culture within it. Naturally, when you employ hundreds of people there will always be points of tension, but I am not aware of a culture of bullying or anything that suggests it.

There are individual incidents that have arisen, and there is a whole range of avenues available to those workers to be able to make a complaint through the appropriate channels if they think they have not been dealt with in a way that is fair or, indeed, consistent with the law. What I would say to those individual workers—or for that matter anyone else if they are making a complaint—is to use the appropriate channels available to them to ensure that their grievance is dealt with in a way that is consistent with the law.

METROPOLITAN FIRE SERVICE

The Hon. R.L. BROKENSHIRE (14:54): A supplementary: based on the minister's answers, will he come back to the house and advise how many injured members of the MFS have been made redundant over the past five years?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54): I don't have them at hand, but I have seen statistics and reports in the time that I have been minister regarding the number of lost time injuries that occur within different agencies, and that would obviously be a good indicator of compensatable injuries. I am happy to get that information and share it with the honourable member, if it is appropriate to do so. Regarding the number of redundancies, I have not seen a report with that specific number, but I am more than happy to chase it down. Unless there is any impediment to share it, I am more than happy to do it.

METROPOLITAN FIRE SERVICE

The Hon. T.A. FRANKS (14:55): Supplementary: the minister noted that he engages with the UFU as the representative union of firefighters. Does he also meet with the CPSU which is also a representative union for firefighters in this state?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): I am a great believer in the role of the trade union movement to ensure a fair workplace in any sector and, of course, I would be willing to meet with the CPSU. I haven't as yet, but if I receive a request to do that, of course, I will do that gladly.

CORRECTIONAL SERVICES, VETERANS

The Hon. A.L. McLACHLAN (14:55): My question is for the Minister for Correctional Services. How many ex-service personnel and veterans of operational service are currently in the correctional service system?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): I have made that inquiry recently. I met with a gentleman from Veterans SA recently who drew my attention, along with the Minister for Veterans' Affairs, to the fact that there may be a number of people who find themselves incarcerated who are former veterans and the concerns around what might have contributed to a veteran finding themselves in the criminal justice system or, the worst case scenario, incarcerated. I have subsequently asked for the department to do some work around numbers on that.

I can inform the house that I have also asked the Department for Correctional Services to see if they can implement a system, if they do not currently, to collect those statistics and what can be done to ask that question during admission to be able to find out. I am advised that that work is underway and, once I have some results on that, I am more than happy to share it with the honourable member.

CORRECTIONAL SERVICES, VETERANS

The Hon. K.L. VINCENT (14:57): Supplementary: the minister may have said, but does that work also look at the reasons that lead to former veterans being incarcerated or is it just the number of veterans identified?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): The question that I have asked and the request that I have made of the department in regard to that work is specifically looking at the number. The department for veterans is, as I understand it, the responsible department to be asking questions about why or how a veteran has found themselves incarcerated. I think it is fair to say that someone who has served our country in the defence forces is not a person who you would naturally associate with someone who is inclined not to obey the law—quite the opposite.

There would be a whole range of issues that would contribute to a veteran finding themselves in the criminal justice system, but that work and that analysis, as I understand, would be undertaken by the Department of Veterans' Affairs federally and also locally. The work that I have specifically asked for the department to undertake is an analysis of exactly who and how many, with the view of being able to share that information where it is appropriate to do so.

CORRECTIONAL SERVICES, VETERANS

The Hon. K.L. VINCENT (14:58): Supplementary: given that, does the minister intend to work alongside the Department of Veterans' Affairs to find out the reasons, as I respectfully submit that you probably cannot deal with the number unless you understand the reasons why people would end up as part of that number?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): No, I do not have any intention to do that simply because it is not the role, as I see it, of the Department for Correctional Services to be able to deal with issues that might relate to stress factors that have led to veterans finding themselves in the criminal justice system, whether it be PTSD or otherwise. That is the responsibility of veterans-related organisations, as distinct from the Department for Correctional Services.

What is my expectation is that if there is any information that Corrections does collect, should collect, would be of assistance if it did collect at the point of admission to prison, or indeed throughout the course of a veteran's time in custody, then, of course, I think that the Department for Correctional Services should be taking that responsibility on board and facilitating an exchange of information if it is appropriate and beneficial to do so.

CORRECTIONAL SERVICES, VETERANS

The Hon. K.L. VINCENT (14:59): Further supplementary: forgive me if I am wrong, but the department of corrections provides rehabilitation programs for offenders or former offenders, so I am not sure where the minister sees the delineation, given that he provides rehabilitation for offenders who are not former veterans yet seems to believe that it is not his responsibility to do so for former veterans. Can he explain the delineation?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): Maybe I have not been clear in what I am saying. When asked whether the department of corrections is doing an analysis or work around what has contributed towards a veteran going from being in the service of our country to being a citizen who breaks the law to the extent that they are incarcerated, are they doing that piece of work, to the best of my knowledge the answer to that is no, and it certainly is not my expectation that they do.

That is a separate issue from looking at ways we can rehabilitate offenders generally, and where it is appropriate to do so have specific programs for specific cohorts of offenders to make sure that prisoners are getting appropriate rehabilitation services or programs catered to their specific needs to be able to maximise the chance of their being rehabilitated and not reoffending. Yes, that piece of work is very much the responsibility of the department of corrections.

If it turns out, through an analysis of numbers, that there is a significant cohort of prisoners within the corrections system who are veterans, who may have unique needs, then, of course, I would be engaging with and looking to the department of corrections to see whether there is a need and a demand for a specific service tailored to veterans' needs. However, they are two different things.

I am not in any way trying to be dismissive of the question or the issue: I am simply saying that I see a distinction between analyses and pieces of work that should be done that speak to the factors that contribute to a veteran going to prison versus what needs to be done to rehabilitate them once they are in the custody of DCS.

REGIONAL CAPABILITY COMMUNITY FUND

The Hon. G.E. GAGO (15:02): My question is to the Minister for Emergency Services. Can the minister update the council on the latest round of successful applicants for the Regional Capability Community Fund?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I absolutely can. I am very grateful for the question from the Hon. Ms Gago, because I know she takes an interest in what we

are doing in the emergency services portfolio to better enhance the capability of those people in regional communities who are faced with issues such as bushfires, for instance.

As members may recall, back in March I updated the council about the announcement of the latest round of grants from the Regional Capability Community Fund during my visit to Port Augusta and the Northern Flinders Ranges for country cabinet. To remind members about this fantastic initiative, the government has committed $2 million over four years to assist individuals and organisations in our rural and regional communities to purchase equipment, such as mobile fire fighting units, bulk water storage tanks and safety equipment, to respond to local emergencies.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. P. MALINAUSKAS: On Friday 24 January 2016, I, along with my predecessor the member for Light, the Hon. Tony Piccolo, visited the Kingsford property—

The Hon. J.S.L. Dawkins: He's not that complimentary about you!

The Hon. P. MALINAUSKAS: I'm not sure about that—of farmer Tony Fotheringham to announce the successful recipients of the 2016-17 round of the fund. I was pleased to announce that the latest round of the fund has delivered $470,000 in grants to farmers, landowners, organisations and local councils. Mr Fotheringham was a successful grant applicant in 2015, and he told how he had used the funding to upgrade the pump on his farm fire unit, which he subsequently used to fight the Pinery fire.

Tony Piccolo, probably one of the best local members within the state parliament and, of course, the person who initiated this fund during his time as minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: —told us that some of the local farmers who received funding in the latest round were directly affected by the Pinery fires, and that the funding will be of great benefit to them in the future.

This year's co-contribution model allows for successful applicants to claim half the price of approved purchases, up to a maximum of $2,500. The net result of this government's investment in our regions and rural areas is more than $1 million in equipment, to strengthen the response capability of our emergency services sector and the collective resilience of our state. To break down the more than $1 million in additional resources and upgraded equipment, we are talking about:

- 159 farm firefighting units;
- 92 bulk water storage tanks with interoperable fittings;
- 62 high-volume water pumps;
- personal protective clothing;
- UHF radios;
- vehicle-mounted beacons; and
- other safety equipment.

We do not have to look too far back to realise the invaluable assistance and support these grants will make as winter fades and the heat of summer approaches. Examples, such as Sampson Flat and the Pinery fires in particular, remind us that while we often recognise the stellar work of our paid and volunteer firefighters, it is often private landowners who find themselves at the front line as first responders, and this is particularly true in our rural and regional areas. That is why this state government believes the Regional Capability Community Fund grants program is both valuable and effective for our state's preparation.

This year, I am advised that SAFECOM received more than 550 applications for funding, with grants awarded based on criteria such as value, location, existing capability, access and distance to emergency services, and other risk factors unique to individual properties. While some may have missed out this year, the Regional Capability Community Fund will be back next year, and I encourage them to reapply.

I have to say that having had the chance to meet some recipients of this grant, and seeing firsthand the gratitude they have for the state government's assistance in this regard, I think it goes a long way to showing the state government's appreciation for the incredible work that not just our volunteers do within emergency services but what other people do to assist their local communities. The sense of community in our rural and regional areas in the state is profound and they are very keen to make sure they are assisting each other, and I think funds and grants programs like this go a long way to acknowledging that community spirit and their endeavour in taking on challenges such as bushfire.

GREYHOUND RACING

The Hon. T.A. FRANKS (15:07): I seek leave to make a brief explanation before addressing a question to the Minister for Sustainability, Environment and Conservation, or whoever is representing that minister in this chamber, on the topic of euthanasia rates of greyhounds in this state.

Leave granted.

The Hon. T.A. FRANKS: Members would be aware that today the news came from New South Wales that the greyhound racing industry is to be shut down in that state from next year. We also had another good call in this state, with the announcement today, that under the new Dog and Cat Management Act we will see reduced euthanasia rates of dogs and cats and, indeed, an eradication of puppy farms, through new measures introduced in this state.

I cannot help but reflect that, while we are reducing the numbers of dogs and cats in this state that are unnecessarily euthanased if they are pets, we continue to see with greyhound racing, and, in particular, Greyhound Racing SA—as was disclosed in an internal memo dated April 2015 issued between Greyhound Racing SA and Greyhound Racing Australasia that was uncovered and then published by the very special commission of inquiry in New South Wales into greyhound racing that today saw the demise of the industry in that state—that:

- the industry is responsible for the unnecessary deaths of between 13,000 and 17,000 healthy greyhounds each year;
- rehoming programs sponsored by the industry, inclusive of Greyhound Racing SA's GAP program, rehome only 6 per cent of pre-raced and retired greyhounds;
- 7,000 greyhounds per year do not make it to the track (that is 40 per cent of all greyhounds whelped); and
- it was noted in that internal memo, signed off by Matt Corby of Greyhound Racing SA, that, 'The culture of the industry is defined by animal deaths being acceptable and necessary and where profits come before welfare.'

My questions to the minister and, indeed, to this government are:

1. What number of greyhounds designed for racing are euthanased in this state each year?

2. If you do not have an answer, why do we not know?

3. Will you support an inquiry to ensure that those figures become transparent?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for her questions. On behalf of the relevant minister—I am not sure whether it's the Minister for Environment, Sustainability and Conservation or perhaps the Minister for Racing, but I will pass

those questions on to the relevant minister and make sure a reply is brought back to the honourable member

IGA WARTA

The Hon. T.J. STEPHENS (15:10): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the Iga Warta land dispute.

Leave granted.

The Hon. T.J. STEPHENS: The minister would be aware of the Iga Warta Homelands Aboriginal Corporation and its commendable tourism venture on Adnyamathanha country in the Northern Flinders Ranges. He would also be aware of the ongoing dispute that Iga Warta has with the Nepabunna community and the Aboriginal Lands Trust. Iga Warta have identified two possible mechanisms which would allow them to operate without hindrance. They are the granting of freehold title to the Iga Warta Corporation or the transfer of ownership to the Adnyamathanha Traditional Lands Association which is a native title body corporate with custody over the Iga Warta area. My questions to the minister are:

1. What is his understanding of the dispute, and does he believe the Iga Warta have a reasonable claim to title over the land it currently subleases?

2. Does the minister have the power to grant freehold title or to transfer ownership of the land to the ALTA?

3. If not, does the minister have another way to resolve this long-running dispute?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:11): I thank the honourable member for his questions and his interest in these matters generally. The answer is, yes, I am aware of the quite legitimate ambitions of the community at Iga Warta. Two or three months ago I stayed at Iga Warta and had very in-depth discussions, as I have had with Vincent and Terrance and a number of people who are at Iga Warta, not just over the last year and a half but certainly I can remember discussions in a former life as a chief of staff to a former minister for Aboriginal affairs on issues—not exactly the same issues but certainly issues around Iga Warta and Nepabunna.

Certainly I appreciated the opportunity to have quite a number of hours to go through a whole range of issues as well as indulge in some very tasty kangaroo lasagne and quandong ice cream when I stayed there. So, yes, I am aware of the issues. I have had a number of meetings, whether it was in Adnyamathanha country or in Adelaide, with representatives from Iga Warta. I also met with the council at Nepabunna last time I was there to talk to them.

In relation to my powers to intervene, I will double-check but I am pretty sure that I don't have a power to unilaterally intervene and overturn a lease or insert myself into a lease that has been granted under the Aboriginal Lands Trust Act. I suspect that would require an intervention by the parliament to amend the Aboriginal Lands Trust Act for me to intervene in a lease that has been properly granted. I will double-check to see if that is not the case but I am pretty sure that it is.

I think the third question related to the merits of Iga Warta's ambition in terms of control over their own land. Certainly Iga Warta do a very good job. I have been there a number of times and stayed at Iga Warta a number of times. They have successfully run a tourism and cultural awareness venture for many years. I think their ambitions are not unreasonable. We have been working with Iga Warta and the Aboriginal Lands Trust, having numerous conversations certainly over the last 12 months, and we will continue doing that to try to make sure that Iga Warta can realise their reasonably held aspirations and, at the same time, take into account the needs and desires of Nepabunna.

I know the honourable member is aware that there are no easy answers in a dispute like this and this dispute in particular, where there are two very closely located groups, one that from quite some time ago has a headlease from the Aboriginal Lands Trust, and the other that has a sublease of that headlease. We have been working with the groups and we will continue to do so.

IGA WARTA

The Hon. T.J. STEPHENS (15:15): I have a supplementary question. Thanks for your answer, minister. We all understand that this issue is reasonably complex, but are you confident that you are going to be able to lead some sort of resolution to actually move the situation on? We have all been talking, at different times, about this for more than a decade and it is a bit frustrating when we go there and it is the same issue. Can you move it forward, and how can you do that?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:15): I thank the honourable member for his supplementary question. I am confident that we can find a solution. It is not going to be easy, but I am confident that we can find a solution. It won't satisfy every element of what everyone wants but some sort of middle ground to resolve most parties' legitimate ambitions.

VENTURE DORM GRADUATION

The Hon. T.T. NGO (15:16): I have a question for the Minister for Manufacturing and Innovation. Can the minister tell the house about the recent Venture Dorm graduation?

The Hon. R.L. Brokenshire: That's a great question, Tung.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:16): I thank the honourable member for his question. As others have interjected, it is a great question. The Hon. Tung Ngo often asks great questions. The state government believes very strongly in the transformative potential of innovation and entrepreneurship, as I touched upon in a previous contribution on the Gig City initiative in Adelaide.

We are keen to support local innovators wherever and however we can. That is why I was incredibly excited recently to attend the eNVIes awards. The eNVIes are the New Venture Institute Venture Dorm Graduation Awards ceremony. It was pleasing to see, a couple of weeks ago at these awards, a number of members of this parliament: the member for Newland was there, the member for Mitchell was there, and we had a good chat, and the former member for Chaffey, Karlene Maywald, was also in attendance. The New Venture Institute has attracted more than half a million dollars in investment, created 136 micro-businesses and start-ups, employing more than 50 people.

Members interjecting:

The PRESIDENT: The honourable minister has the floor and he is trying to answer a question. Minister, proceed.

The Hon. K.J. MAHER: Thank you, Mr President. Venture Dorm is an important part of what the New Ventures Institute (NVI) at Flinders University does: offering first-class mentorship and assistance for its participants to take an idea to ready for investment stage in less than 12 weeks.

Unfortunately, they did not have a company that was printing new 3D titanium shoulders for me, but the finalists delivered some truly remarkable pictures on the night in relation to products that they had come up with; for example, the SmartBBQ, which allows the user to control the cooking and the done-ness of meat from their iPhone, or the Common Sense Surf Company that has created a shark-repelling surf wax.

I think everybody at the eNVIe awards was particularly impressed with the gold eNVIe winner, Daniel Lauterio's Warm'n'Ready, a portable battery-powered and temperature-controlled thermos designed to keep water warm, at an exact temperature, to mix with baby formula. I know if my kids were just a few years younger, something like that would have been exceptionally handy, and it is certainly something that I am sure many new parents, including those in this chamber, would be very interested in: a thermos that keeps water at about 44 degrees to mix with infant formula.

The Hon. R.L. Brokenshire: My cows are interested too.

The Hon. K.J. MAHER: The Hon. Robert Brokenshire's cows are interested in being kept at a constant temperature, for some reason, I think. There were some great prizes on offer that evening.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The gold eNVIe winner, Daniel Lauterio, received a $6,500 cash travel scholarship SXSW Accelerator Award, $10,000 in-kind services from News Corp, $8,000 in-kind prototyping services from Flinders NVI innovation centre, a $7,200 Brilliant Brand workshop from Algo Mas, $2,500 crowdfunding and social media services from Joey Crowd, $1,000 PR services from NewsMaker, $1,000 business mentoring services from BDO, $500 for coaching sessions from Andrew Leunig and Associates, and 12 months' free co-working at NVI at Tonsley.

The People's Choice Award that night went to Alex Tolson and Alex Pearce with the SmartBBQ product, where your iPhone controls the temperature and how much your meat is cooked as it is on the barbecue. They received $7,500 in corporate identity design and data visualisation from Komms-Haus, a BDO gift pack and six months' free co-working space at NVI at Tonsley.

I would like to place on record a thanks to all the sponsors who provided support in prizes and all the judges on the night who judged the pitches that people made. These inspiring and promising entrepreneurs are playing a great role in transforming our economy. Each idea that becomes a thriving and successful business initiative will help to create new jobs and continue to build that critical mass of innovation to drive our economy.

Many Venture Dorm graduates are already going on doing exciting things. There is Scanswap, the team that developed sophisticated software to allow radiologists to share films for analysis. Scanswap was able to work with clinicians at Flinders University as they developed their software, getting end users to apply the technology very early on in their journey and tweak it to suit the needs of clinicians. They already had over $100,000 in funding and more than 200 customers during the 12 weeks of the Venture Dorm program.

During the Venture Dorm program, Scanswap was introduced to a prominent radiologist, one of the business mentors in the NVI network, and investment and customers have flowed from that connection. There are businesses like Populize, a unique user rating tool driven by unique algorithms, which allows users to view any experience anywhere, anytime. Populize was developed with the assistance of researchers in mathematics and computer science at Flinders. The Populize team worked with one of the NVI business partners to develop the app and web interfaces at a significantly discounted rate. They already have customers and over $50,000 in revenue, and are currently seeking further investment.

I congratulate Flinders University's New Venture Institute for its Venture Dorm eNVIe awards, and in particular its director, Matt Salier (who is in his spare time a very keen visitor of South Australia's big things tourist attractions), and his team at NVI. I look forward to being able to update the chamber on more successful stories from NVI and Venture Dorm start-ups.

HIGHGATE PARK DISABILITY SERVICES

The Hon. K.L. VINCENT (15:23): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Disabilities about the future of Highgate Park.

Leave granted.

The Hon. K.L. VINCENT: On Tuesday, I asked questions about Highgate Park, and given the minister representing the Minister for Disabilities seemed confused about what Highgate Park is, for the record Highgate Park is a residential facility or home in the suburb of Highgate, which was previously known as Julia Farr. I believe it is just a couple of kilometres away from where the honourable Minister for Police was educated. It is just off Fullarton Road, and I would be happy to take him there one day, if he would like.

Notwithstanding, clients of Highgate Park have multiple complex health and disability related needs. With the changes of the NDIS coming, many of the clients at Highgate Park are anxious about their futures, as they have noticed cuts to staff and services in recent times at Highgate Park. I also note that Highgate Park, through DCSI, has been advertising, as I understand it, to employ support workers. My questions to the minister are: does the minister understand that clients transitioned onto NDIS plans prior to their 65th birthday will remain on NDIS plans, and if she understands that, why did she say that only clients under 60 years of age would be transitioning onto the NDIS?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): I thank the honourable member for her question. I also thank her for her explanation. I have to confess that I did not quite understand her when she asked her question the other day and maybe misheard, but I nevertheless thank her for drawing my attention to the information she has provided to me. That will facilitate my capacity to get a speedy response when I refer the question to the responsible minister in the other place for a response.

Bills

REFERENDUM (APPROPRIATION AND SUPPLY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 March 2016.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:27): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

REFERENDUM (DEADLOCKS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 March 2016.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:27): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 June 2016.)

The Hon. T.A. FRANKS (15:28): I rise on behalf of the Greens today to speak to the government's Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill 2016. Of course, this bill seeks to amend the APY Land Rights Act. What I would say is that this bill has been put as priority number one by this government for this week, this NAIDOC week. Today, for the third time, for the third sitting day in a row, we have a red arrow on our running sheet indicating that the government wishes to push this through today to a final vote. I find that offensive. I find the process of demanding that we pass, yet again, another APY land rights amendment bill through this place in a rushed manner offensive.

I commend the opposition and the crossbenchers for refusing to take that course of action. We will debate this bill and, indeed, the Greens will support many parts of this bill, but we will debate this bill in the way that it should be debated: with consultation and with consideration. The Greens will support sections of this bill. We will support the intention to create an electoral system for the APY Executive Board that will see half of those elected being men and half of those elected being women. We will support that.

That is no surprise in this piece of legislation before us today. It was consulted upon prior to the previous piece of legislation being rushed through the parliament, initiated by the Layton-led review. It has been consulted on in several rounds and in many consultations, and I commend the government for that, that this feature of the bill is supported by those stakeholders who are most affected and indeed by the Greens.

The Greens would love to see this place mandate fifty-fifty representation for men and women. Indeed, the Greens have one male and one female in this place so we do have what the government here aspires to for Anangu.

The Hon. S.G. Wade: Two males.

The Hon. T.A. FRANKS: The Greens.

The Hon. S.G. Wade: No, but he said you were a male earlier.

The Hon. T.A. FRANKS: Indeed. Thank you, Mr Wade, for the clarification that previously today, in question time in this place, I was referred to both by another woman's name and as a male. That is because females in this place are in the minority and not seen as the standard.

The Hon. S.G. Wade: Gender normative, it's called.

The Hon. T.A. FRANKS: Thank you for your interventions there, Hon. Mr Wade. I note that the last time we debated this bill I asked that it be titled the 'APY land rights intervention act', so offensive was the process around the last piece of legislation. I think that last piece of legislation needs to be revisited as we debate this bill. The last piece of legislation that we supported in this place, that indeed the Greens and the crossbenchers opposed, gave the minister the absolute ability, for any reason that the minister saw fit, to dismiss the executive board of APY and appoint an administrator. That, of course, was subject to the opposition moving a sunset clause on that provision.

Indeed, the Greens would have had a sunset clause of 12 months, but that did not win the day. The numbers were there for a sunset clause of some three years on that provision. The Greens say that that provision should never have been supported and needs to be removed as we debate this bill. It never had the consent of the APY. It was not consulted upon as we brought this piece of legislation to this place, and it should not be there. There should be due process. We are here with the bill saying that this is the way for good governance. This is a model that this chamber should therefore also adopt.

We will also raise our concerns about the changes to the way the conciliator is treated. The conciliator, as a way to resolve disagreements in this piece of legislation, is something that the Greens support. It is something that the Greens raised some several ministers ago when the Aboriginal Lands Parliamentary Standing Committee kept receiving complaints from Anangu about things that were happening on the lands. In one committee meeting I asked, 'Why don't you go to the conciliator rather than come to us because the conciliator in the APY Land Rights Act is the person designed to resolve these disputes' only to discover, at that time, that a conciliator had not been appointed by a succession of Weatherill Labor government ministers. They had failed to appoint a conciliator under this act.

That was, as I said then, a dereliction of their duties. It was a dereliction of their responsibility to ensure that there was good governance on the lands. Had there been a conciliator appointed under those various ministers I do not think we would have seen some of the cases that we saw hit the papers, particularly *The Australian*, leading to some discomfort and lack of consensus in decision-making on the lands.

We support there being more than one conciliator, and we support moves to clarify that that is able to be done under this act. That is how it is operating now. The wording changes, to ensure that that is clear, are supported by the Greens. What is not supported is the way the government intends that a conciliator will be able to be appointed and able to be removed.

Again, the minister seeks to be able to remove the conciliator for any reason that the minister sees fit; again, the conciliator has a change in the wording to say that it may only be appointed under this government. Well, we know already that we cannot trust this government to appoint conciliators unless we ensure that they must appoint conciliators, so the Greens will be moving to ensure that the conciliator is as independent as possible, that that process is as consulted with APY and that, once appointed, should a conciliator be dismissed by a minister, the parliament will have some regard to and review of that process.

I also note that when I moved a sunset clause on the previous occasion, I believe, offensive increase of the powers of the minister over the APY Executive Board, to dismiss them for any reason the minister saw fit without due process, without appropriate reasons, at the time I sought advice on that sunset clause the Greens would have moved. That advice noted that should my amendment for the 12 month sunset clause have been successful, I would have needed to come back with the following piece of legislation within that 12 months of the sunset clause to ensure that when the sunset clause expired it addressed what I believe is probably still an issue for this piece of legislation; that is, that with the sunset being placed in section 13O(1), after the first anniversary it would have been (or indeed after the third anniversary, under the successful opposition amendment) that the practical effect of that sunset clause would be that the minister would have no power to suspend the board after that date.

However, what would not have happened, and what I understand still does not happen, is that we revert to the previous reasons for suspension and the previous processes for suspension then applying. I was advised at the time, by parliamentary counsel, that it would be necessary to bring back another piece of legislation to enact a new section 13O(1), either restoring what was currently the case prior to December 2014, doing away with that sunset clause, or enacting some new scheme.

The Greens will seek to enact a scheme similar to that which existed before December 2014. That is that the minister, should they choose to go down the path of sacking an APY Executive Board and appointing an administrator, would need reasons to do so and would have to follow a process, that the minister would not be able do such a thing for any reason they saw fit but would have to provide reasons and would have to follow a process. That is good governance, that is due process, that is something we should be modelling here and ensuring is afforded to those on the APY executive board.

I certainly support changes that would enable the election of those to the APY executive board not just to be gender balanced but, indeed, for votes to be cast by those who are not on the community of the day of the election. We will see changes in this bill to the current electoral system. I have some concerns and I will raise questions—and I put the minister on notice of that now—about the way the electoral role will operate. I ask the minister whether we can be provided with the number of people currently on the APY land rights electoral role as opposed and compared to the state electoral roll—

The Hon. K.J. Maher interjecting:

The Hon. T.A. FRANKS: Okay, that is alright; I would like these things on the record, minister. Everyone is having a bit of a chat to me today, but that is fine. I have some concerns as well about the wording of the three-month residential requirements and how that will operate. I think perhaps that by putting things on the record some of that lack of clarity I have at the moment, and that many others in the community might have, about how it will operate will be assuaged.

The Greens appreciate that this minister has been far more proactive and far more interested in APY than any minister in my time in this place, which is since 2010. I commend the minister for much of his work, but I say, 'Please do not rush processes.' When we rush processes we make mistakes that have unintended consequences; I think even with that small one about the sunset clause I possibly uncovered something that I would certainly like a response on from government ,

and ensure that we are not back in the next 12 months to fix yet another part of this act that should have been addressed in this particular debate.

In this, the NAIDOC week, I look forward to good governance on the APY lands. I look forward to a debate here that is informed and that has input from the appropriate stakeholders, both those who are Anangu and those from the legal profession, those who know about the electoral systems and can advise us to make sure that we get this right the very first time so that we do not come back here in 12 months' time trying to fix up yet another process, and so that where there are disputes we have a very healthy and robust conciliation system to address those so that this parliament does not hear sides of various stories in our committee processes.

I look forward to prosperity and a positive future for all on the APY lands. I think this is a step in the right direction. With those few words, I commend much of the bill, and look forward to a very detailed and robust committee stage.

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

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (QUALIFICATION FOR APPOINTMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 June 2016.)

The Hon. A.L. McLACHLAN (15:41): I rise to speak on the Judicial Administration (Auxiliary Appointments and Powers) (Qualification for Appointment) Amendment Bill. I speak on behalf of the Liberal members of the chamber. The Liberal Party maintains its opposition to this bill. Its view remains unchanged from the debate in the other place. It remains unconvinced there is any necessity for this bill. It is also concerned that the passage of this bill has the potential to impose foreign judges upon unwilling litigants. We will support the second reading of the bill and explore the impacts of the bill at the committee stage. The Liberal Party's primary opposition to this bill is that it has been presented to the chamber with no cogent rationale from the government for it to have been drafted.

The provisions of the bill are simple. The bill seeks to amend the Judicial Administration (Auxiliary Appointments and Powers) Act 1988. Our courts have occasionally needed to appoint auxiliary judges to hear certain cases. The need may arise where there is a conflict of interest or to cover the leave arrangements of judicial officers. The act sets out the categories of individuals who are eligible to be appointed as an auxiliary judge. Included are retired High Court judges, retired or currently sitting Federal Court judges, interstate Supreme or District Court judges and judges from the Supreme Court or Court of Appeal from New Zealand.

The intent of our parliament was clear when enacting this legislation. Auxiliary judges should only come from a limited class of individuals who have the requisite experience and competence to ensure the satisfactory administration of justice to our citizens. The bill before us, if enacted, will expand the categories of individuals who are eligible for appointment as a judicial officer to those who hold judicial office in a jurisdiction outside of Australia. It should not be lost on the members of this chamber that, if this bill is enacted, the appointment of auxiliary judges from overseas can occur without further reference to this parliament. Appointments will be by the Governor on advice, with the concurrence of the Chief Justice. No other state or territory has this provision.

The Attorney-General's rationale for this bill is twofold. Firstly, it is that it will facilitate a judicial officer from another jurisdiction with particular expertise, perhaps of a technical nature, to be appointed to hear a case. The Attorney-General has confirmed in a letter to the shadow attorney that over the past five years only two appointments have been made from outside of South Australia. This raises the serious question of why this legislation is required, as there has been such limited need for such appointments to date. Even if a foreign judge has certain expertise, they would also have to be very conversant with our laws as well as the practices and procedures of our judicial system, together with the culture and expectations of our people. This rationale by the Attorney-General is fanciful and has all the hallmarks of a retrofitted justification for a misguided moment of blue-sky thinking.

The second rationale proffered by the Attorney-General is that it will facilitate judicial exchanges in certain circumstances. The appropriate circumstances—and that is the term used—remain very unclear. I would like to know what circumstances are envisaged by the government to be set out in the summary of the second reading debate so that they may be examined at the committee stage.

It is suggested by the government, in keeping with the fantasy theme, that the exchanges may assist in improving our processes and procedures. I request that the minister also set out how the value to the state of such exchanges will be measured or assessed. Will the judicial officer be required to submit a travel report? What legislative or other requirements are available to require a judicial officer to provide an account of any exchange?

The Attorney-General has made it very clear in the debate in the other place that this legislative proposal was not conceived by him. I quote the Attorney-General from *Hansard*:

> I got a letter from the Chief Justice. I have read the letter. I thought, 'Well, okay, let's try to help the chief,' and I have prepared a bill (which is a pretty simple little bill), which does just what the chief has asked. I have brought it here. I hope it passes, but I am not here doing my own business. I am here as an emissary of the court. That is it.

That is not what I would call an inspiring and rousing piece of advocacy for this bill. I remain unpersuaded that this bill has any value to anybody, other than a few judges seeking exciting overseas experiences.

It is also difficult to see if it would contribute in any positive way to the lives of our citizens. It appears to be bereft of any obvious redeeming features. The Attorney-General has set out in the other place that the Chief Justice is, in turn, responding to a proposal of the Bar Association, which related to forging closer ties with the nation of Singapore. It appears that the conception of the need for the bill came from a conga line of positive thought bubbles. I remind members in passing that it is my understanding that the judicial system of Singapore still accommodates the death penalty.

Further, even if exchanges are arranged, it is unclear what matters a foreign judge would be hearing. Surely South Australians have a right to an experienced judge versed in our law. Will the foreign judge seek the consent of the litigating parties before he or she hears a matter? What skill gaps do our judiciary have? In my view, our judges are held in high esteem by the community and I believe they are world class.

Why should South Australians have their matter adjudicated as part of an exchange program? Surely our citizens should be spared being guinea pigs for a judicial version of time share, where their difficulties are used to assist in the learning for foreign judges, but the litigants themselves do not get the benefit of an experienced local judge. We should not seek to use our citizens as the subjects of legal experiments. The rights of our citizens should not be abrogated or diminished, simply to allow an international judicial class to have some exchange time.

The only other information I can garner on the operation of this bill, if enacted, is from the comments of the Chief Justice on ABC radio. His stated reason for the legislation dramatically differs from the Attorney-General's rationale in the other place, as well as the minister's second reading speech in this chamber. Listening to the chief's comments placed me in an even greater state of confusion as to why this legislation is necessary.

From what I understand from hearing the interview, the following is pertinent: the Chief Justice has ambitions that the Supreme Court will be able to deal with high-value commercial litigation, which has an international aspect. In managing consulting circles, this would be considered a blue-sky concept. My question to the government is: what deficiencies exist in our extant arrangements that prevent the Supreme Court from handling such cases today? The Chief Justice went on to acknowledge that there are no actual plans in place for an international judge to sit on cases of that kind.

My question for the government is: what would be the definition of an international judge? Is it simply a judge from another jurisdiction, or would they be required to have specialist skills and experience? The Chief Justice said the exchange will allow our judges to sit on well-known international courts around the world. My question for the government is: what is the title and the jurisdiction of the well-known international courts? Do these courts currently allow South Australian judges to sit on them?

The Chief Justice indicated, if I understood his comments correctly, that he wanted international disputes involving South Australian exports to be arbitrated in South Australia, that the courts would support our export industries by becoming international. I ask the government to set out what will be required to set up an international commercial court in this state. I further ask what the projected cost would be to undertake this endeavour? The Liberal Party does not accept that the government has provided sufficient or adequate justification for the passage of this bill through the chamber.

The second reading of the minister appears at odds with the comments of the Chief Justice. The cruel irony is that at the same time as seeking to provide a legislative framework for judicial exchange—or as has been suggested by others, an opportunity for judges to escape the ravages of the winter months—our core buildings are crumbling and their systems antiquated. The bill is a very ugly symbol. It encapsulates all that is wrong with this tired government, which is seemingly no longer capable of summoning up the energy to disguise its contempt for the administration of justice in this state. I think it is apt to quote Julius Cohen from an article he wrote in 1956 for the Cornell Law Review on legislative law. He stated:

> That the legislative process reflects its share of the irrational in man, no one can doubt. There is, to be sure, a great deal of selfish 'logrolling' and 'back-scratching'; many legislative judgments are unmistakably visceral and on-the-spot; much of the formal machinery for deliberation is facade; there are, undoubtedly, legislators who equate 'public policy' with private group interest no matter how narrow or selfish it might be—there is, in other words, a darker side to the picture. But it is unreal to assume that in the operation of the process one can find no evidence of thought and deliberation, no effort to obtain reliable information with which to illumine and guide policy decisions, no soul-searching or zeal for the just settlement of conflicting claims within the framework of larger community goals. Fortunately, there are lawmakers who do not share Thurman Arnold's hyperbole that 'the best government is that which we find in an insane asylum', and that its aim should be 'to make the inmates of the asylum as comfortable as possible, regardless of their respective moral desserts.'

I submit to honourable members that, at present, we do not have any coherent public policy imperative to support this legislation. We should never legislate for the sake of it. Every time this parliament passes legislation it either empowers individuals or restricts their rights and entitlements. To legislate without good reason is the wide path for the legislator. We must never legislate simply on a false or weak premise.

In respect of this bill, we are being asked to pass legislation that is justified by an unclear vision that is not founded on a rational and considered plan, nor is it supported by strong financial footings. We are starved of information and are expected to legislate on merely conjecture and hunch. For this reason alone, honourable members should consider not passing this bill. As I have indicated, I seek to have the answers to my questions incorporated into the minister's second reading summing up. I anticipate I will have more questions on the operation of the bill during the committee stage. I am unable to commend the bill to the chamber, but the Liberal Party will support the second reading.

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

RETIREMENT VILLAGES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 June 2016.)

The Hon. S.G. WADE (15:53): As the shadow minister for ageing, I rise on behalf of the Liberal team to support the second reading of the Retirement Villages Bill 2016. South Australia has led the nation in the development of the retirement village industry. I understand that about 8 per cent of South Australians who are over the age of 65 live in retirement villages, compared with a 5 per cent figure nationally. The majority of accommodation options in a retirement village are independent living units, with only about 7 per cent of units being serviced apartments.

Retirement villages are an important option for people and support active ageing. To try to get a real feel for the role that retirement villages play in empowering people to make choices about their retirement years, I would draw the council's attention to the findings of the McCrindle Baynes Villages Census Report 2013.

The survey found that the top three reasons recent purchasers of retirement village residents gave to leave their previous home was, first, to downsize while they could, and that was about 84 per cent of respondents; secondly, their home was becoming too big to manage (62 per cent of respondents); and the third reason was concern about their future health (60 per cent of respondents). In terms of health, retirement villages proved to be a tonic for many: 46 per cent of residents stated that their mental wellbeing improved after moving from their family home to the village, and 32 per cent of residents said that their physical health had also improved.

Our evidence base is continuing to evolve. Researchers from the Centre for Housing, Urban and Regional Planning at the University of Adelaide, in conjunction with ECH, are undertaking a seven-year study which is based on comparative and annual surveys comparing retirement village residents with people in the community. The McCrindle Baynes report, in contrast, is fundamentally a self-assessment. Amber Watts, one of the researchers from the University of Adelaide study, noted:

> People living in the community were more likely to report their health as excellent or very good while ECH residents were more likely to report just good or poor health.

Both groups scored very highly in terms of quality of life indicators, with no significant statistical difference between them. Ms Watts said that, while a perceived social support was high for both groups, ECH residents reported undertaking more social activities more often than community dwelling participants but still perceived themselves to be less socially connected and supported. Ms Watts also said:

> We need to start to unpick what is underlying this. I am wondering if perhaps it is something to do with the fact that we have such a high proportion of single people and people who come to us after the death of a partner.

I think that highlights the fundamental challenge of comparing self-assessment with the University of Adelaide work. You need to understand, if you like, what factors lead people into retirement villages in the first place. The fact that people in retirement villages might have a lower state of health may reflect the fact that the reason they are in the village in the first place is that they have a lower state of health. Ms Watts said:

> The new ECH residents were [found by the University of Adelaide study] also slightly more likely to report markers of social isolation and loneliness, which was important to monitor longitudinally to determine if that changed after they settled in.

Given that this bill is significantly about consumer protection, I think that it is important to note that the retirement village industry has a good reputation generally. According to the McCrindle Baynes report, 94 per cent of recent purchasers were satisfied that their expectations had been met. Operators seem to be reasonably effective in giving people a fair idea of what retirement living would be like. Only 2 per cent stated that they were not satisfied at all.

Of course, even where expectations are met not all living arrangements work for people. However, 75 per cent of residents reported that they were happy with their decision to move into their village and would make the decision again. On a financial basis, 93 per cent of recent purchasers thought that their decision to move into a village had been a good financial decision. Interestingly, the report does highlight concern about exit fees: 93 per cent of recent purchasers regarded the deferred management fee as unreasonable and 13 per cent stated that they did not understand it. The report explicitly states:

> This clearly identifies that new residents are not achieving a clear understanding of the contracts they enter when joining a village—with the consequence that conflict and increased regulation is likely with the increase in consumer advocacy from the upcoming Baby Boomer generation.

Perhaps this bill is something of that consumer advocacy reaction from the baby boomer generation. The Liberal team considers that this bill is to be welcomed if it can support the transparency of transactions, the provision of consistent information and consumer understanding. I think one of the fundamental problems in this regard in terms of promoting consumer understanding is the variety of titles that people are offered within retirement villages.

As I understand it, the main types of arrangements offered are, firstly, strata title or community title; a licence to occupy, where you pay a contribution in the form of an interest-free loan; a leasehold, where you pay a lump sum for a leasehold; and rent, where you pay a periodic payment. So, it may not be easy for people to identify what in fact they are buying. It is very difficult to have a

well-functioning market when people can look at a range of products and not be clear what the strengths and benefits are of each. In that regard, the disclosure statement proposed in this bill may be a useful step in promoting community understanding.

Personally—and I am only expressing a personal view rather than a party view—I suspect that the licence to occupy as a product will become less popular over time and that people in the marketplace might be more interested in a community title approach. In reference to the statement from the McCrindle Baynes report, I suspect that the bad experiences of the children of current residents may well undermine confidence in the licence-to-occupy product and that the market may move away from it.

We need to recognise that, unlike the heavily regulated and heavily commonwealth-funded aged-care system, the retirement villages industry is a private sector industry. It relies on private investment by operators and private funding by residents. We need to make sure we balance the interests. A legislative regime which is unfair to either group runs the risk of destroying the industry and fundamentally hurting consumers.

Consumers have rights, but the first amongst them surely is to have their consumption demands met. There is little point in having rights under a contract if there is no provider willing to offer you a contract for the services you seek. We need to make sure that our laws do not discourage entities from providing the services that consumers want, both now and in the future.

I would like to turn now to provide some data on the state of the industry in South Australia. During 2014-15, there were 526 registered retirement villages across the state. Those 526 villages were operated by 149 companies, groups or organisations. The number of registered retirement villages has increased from 459 in 2007-08, which is a 14 per cent increase in seven years. There are 18,093 residences in those 526 retirement villages, with an estimated residency of 25,330 persons. The vast majority of retirement villages offer independent living units only. Only 9 per cent offer serviced apartments.

In terms of the metropolitan-country split, of the 526 retirement villages, I understand that 92 of them are in rural and remote South Australia. In terms of the total number of residences, which is 18,093, my understanding is that there are 2,412 in rural and remote South Australia. That means that 17 per cent of villages are in rural and remote South Australia, with 13.3 per cent of residences. Clearly, the rural and regional supply of retirement village units is significantly below the per capita population, and I think it is very important that this council and this parliament is alert to the potential impact on rural and regional South Australians.

In terms of the non-profit sector mix, I am advised that, of the 526 registered retirement villages, 393 of those are operated by not-for-profit operators and 136 by for-profit operators.That means that 74 per cent of our villages are operated by not-for-profit operators. I think it is very important that the council is aware of that. There are those who would cast this industry as heavily skewed towards the big end of town but, as I will show by further data, this is significantly a not-for-profit industry and it is significantly participated in by relatively small operators.

In terms of industry representation, there are two major representative bodies: the Property Council, and Aged and Community Services. I thank both those organisations for supporting me in getting a better understanding of the industry and the impact that this bill would have on their industry. In terms of residents, the key residents' representative body is the South Australian Retirement Villages Residents Association. Likewise, I thank the office-bearers of that organisation for spending time with me to help me understand the impact on residents.

In terms of the relative mix, the Aged and Community Services organisation represents 55 operators with 333 villages. The Property Council represents 21 operators with 112 villages, and there is some dual membership. Aged and Community Services tends to represent the not-for-profit sector and, as I said, the Property Council tends to represent the for-profit sector.

I think it is important, as we consider this bill, that we appreciate that the not-for-profit sector is more likely to be cash-flow poor and, considering that 74 per cent of the sector is not-for-profit, we need to be alert to the fact that the not-for-profit sector is less likely to be able to cope with changes in the regulatory regime.

I think it is important that we appreciate the diversity of the industry. The minister has kindly provided me with a spreadsheet with the details of operators from which comes the following analysis. There are 164 villages with less than 10 independent living units: that is, 31 per cent of the villages in this state, almost one-third, are small operators. Only 80 of the 526 villages, or 15 per cent, have more than 50 units, and I would call even 50 units a medium-size village, not a large one.

A number of operators operate only one village. Seventy of the 149 operators maintain less than 50 units across all their villages. That means that almost half the operators are small operators, and the small operators are disproportionately not-for-profit and regional. We need to be careful that we do not legislate as though we are just legislating for large cashed-up corporate entities. Some of the elements of this bill particularly threaten small operators and this parliament needs to ensure that we do not drive small and not-for-profit operators out of the market. Less market diversity and less competition are not in the interests of consumers.

Further, I think it is really important that we ensure that we support continued growth in this sector. The 526 registered retirement villages across the state in 2014-15 represent a 14 per cent increase in the number of villages in the seven years from 2007-08. Unlike the honourable member for Heysen in another place, I personally think that we will see continued growth in the retirement village sector as the baby boomers go into the age bracket where such a move is more relevant.

I certainly think the product will change. Operators will need to be more attentive to privacy, services and the fairness of the product, but I am confident that that will happen. This is a competitive market and, if the market does not adjust for those consumer demands, it will not grow. But it is a competitive market and, if it continues to respond to the market, I expect the product will continue to evolve and demand will continue to grow.

We live in the most ageing mainland state. I think one of the issues that we need to be alert to in considering this bill is the number of retirement villages that we may need in the future. We have had a 14 per cent increase in the last seven years. What might we need in the future, and will this legislation help or hinder achieving that goal?

The latest ABS population projections I could find indicate that in 2016, 290,000 South Australians were over the age of 70. Most people enter retirement villages in their 70s. In 10 years, the number of South Australians over the age of 70 will rise to 282,000—that is a 35 per cent growth in 10 years. If we have had a 14 per cent growth in retirement village units in the last seven years and we are expecting a 35 per cent growth in the cohort that is most likely to want retirement villages, we need to not just maintain the current rate of growth, but increase it.

In 20 years, there will be 347,000 South Australians over the age of 70; that is a growth of 66 per cent. On the basis of 8 per cent of people over 70 living in retirement villages and about 1.4 residents per residence, we would need over 7,730 more retirement village residences in the next 20 years. That is a 43 per cent increase in the supply of retirement village residences in the next 20 years. We as a parliament need to make sure that we are not only mindful of the needs of current residents but also the needs of future residents.

A key risk for future residents is that changes to the sector could curtail the supply of units at the very time they need us to significantly increase supply. I may need to declare an interest: by 2036, God willing, I will be in my 70s. I may be one of those purchasers looking for a unit. I and 347,000 other South Australians will not thank this parliament if insensitive reform now means that there is a shortage of retirement village units available to us in the future and we do not at least have the range of options that we have now.

In that context, I am very disturbed at the lack of a regulatory impact statement or a cost-benefit analysis in relation to this bill. How do we know what the impact will be on rural and regional retirement villages, on small or not-for-profit operators, on current residents or on future residents? We cannot and should not be legislating in such an important area without basic information such as this.

I turn now to the bill before us. The Retirement Villages Act was enacted in 1987 and reviewed by a select committee in 2013. In early 2015, the government released a draft amendment bill. An eight-week public consultation on the bill attracted more than 300 submissions. The most

contentious provision in the bill is clause 26, which requires an operator to pay a resident their exit entitlement if, after 18 months after ceasing to reside in the village or giving notice of same, their interest in the village is not sold.

The key provision relates to addressing the mischief of older South Australians wanting to leave their retirement village residence but being unable to access their exit entitlement until their interest has been sold. Significantly, the statutory repayment provision was not recommended by the select committee. The 2015 consultation draft bill proposed a 12-month statutory repayment provision. The provision offends the principle against retrospectivity of laws and the principle that the state should allow private parties to contract freely.

Of course, the principle against retrospectivity is not absolute. The benefit may outweigh the cost, but as I already stated, it is very important to assess the benefit and the cost. Our ability to assess that in this context is severely undermined by the lack of a regulatory impact statement and a cost-benefit analysis. The statutory buyback runs the risk of undermining the viability of current operators and discouraging future investment. Future potential residents of retirement villages may well pay the price if a statutory buyback is not properly designed.

In my view, the government has been reckless in its failure to undertake a regulatory impact statement and a cost-benefit analysis. The opposition is not in a position to do either of these pieces of work and, in the absence of this information, the opposition put a significant number of questions to the government and requests for documents.

In that regard I thank the minister and her office for the briefings that I and other Liberal members have received, and in particular the answers to the information requests that I put to her. She provided significant responses which I would like to read onto the record now. There were some omissions which I would like to highlight as I go through the questions and answers, and also some other matters that seem to have slipped through the net. As I said, I would now like to read the responses provided to me by the Minister for Ageing in relation to a series of questions on the Retirement Villages Bill 2016.

I asked, in relation to 'special resolution' on page 7 of the bill: will the government be putting in an amendment to clarify that where the act says the resolution must have been passed by a majority of not less than three-quarters of the number of residents, it is referring to households rather than individual residents? The answer is:

> No, the term 'residence' is a defined term and consistently used throughout the Bill. Section 32 deals with the proceedings at meetings, and specifies that where 2 or more people occupy the same residence only 1 may exercise a vote. This is to ensure that a single resident has the same voting right as a couple.

I asked the minister: what proportion of retirement village residents leave by transferring to an aged care facility or another village? The answer was:

> Unknown. Retirement village operators are not required to notify the Department of vacancies occurring or the reasons a resident may leave.
>
> Operators have not been willing to provide this information when approached.

I asked the minister: what is the average time that a retirement village resident lives in a unit? The answer given was:

> Unknown. Although the PwC/Property Council 2015 retirement census states, on average in Australia, 'the average length of stay of residents currently in the village is 7 years'. There is a scarcity of data available about much of the industry and its residents. While the individual peak bodies have commenced collecting some data from their member villages across Australia, much of their findings are not shared.
>
> There is no data which is South Australian specific and incorporates the variety of retirement housing available. The Office for the Ageing has engaged the University of Adelaide to undertake a census of all residents and operators of South Australian villages in late 2016 to fill the gap and contribute to knowledge generally about the ageing population.

I asked the minister: how many complaints were made to the Office for the Ageing last year or to the registrar? How many of those complaints related to retirement villages, and how does that compare with other retirement accommodation types? The answer I was given was:

There were 198 formal requests for assistance by residents and operators received by the Office for the Ageing from 30 June 2013 to 1 July 2015. This does not include…inquiries OFTA receives on a daily basis or matters where no action can be taken.

There were 94 requests for assistance, or 47%, relating to remarketing, exit fees and repayment of a premium. It is estimated that 36 or 18% of matters would have benefitted from the proposed repayment measures.

OFTA notes that many of these matters do not end up before the Tribunal for resolution as there is generally no recourse or action for a resident or for any representative in relation to accountable remarketing practices, or to require repayment of the exit entitlement.

OFTA has commissioned a client management system which will commence in July 2016, providing greater reporting opportunities on complaint types and trends.

I asked the minister another question which was in relation to the registrar's obligations: how independent is the registrar from the minister considering that the registrar is appointed by the minister? Can the minister, for example, instruct the registrar to classify something as confidential and not liable for disclosure under the FOI act under subclause (3). The answer I was given was:

The Registrar is an employee of the Public Service appointed by the Minister and must abide with the Code of Conduct in the Public Sector Act 2009. This includes the Code of Ethics and Values and Professional Conduct Standards.

The Registrar has an obligation to preserve the confidentiality of certain information if it could affect the competitive position of the operator or some other person, or is commercially sensitive for some other reason. Advice is sought on an individual basis from the Crown Solicitor's Office.

That is the end of the answer. I would like to ask the minister if I could have an answer to the original question. I appreciate the minister kindly answered the specific issue in relation to confidentiality, but I would like a more direct response to the issue of the registrar's obligations. How independent is the registrar of the minister, considering the registrar is appointed by the minister? I also asked the minister: does the bill apply to state government-owned entities? The answer I was given was, 'Yes, it does.' I asked the minister: will the definition of 'domestic partner' in the Family Relationships Act apply to people living in retirement villages? The answer I was given was:

Yes the definition in the Family Relationships Act will apply. The purpose of the definition is to provide clarity to incorporate the relationships of people who may live in a village which do not fit the classification of spouse (which is legally married). This is a standard definition used in the legislation to capture these relationships.

I asked the minister: why is this legislation retrospective, not just prospective? The answer I was given was:

The introduction of a prospective only statutory repayment period would not assist existing residents or those who have already left a village with no reasonable prospect of receiving their repayment. OFTA is aware of instances where residents have waited up to 5 years or longer for a residence to be relicensed and repayment of funds to occur.

Feedback was provided from residents and their estates through consultation that it was unfair that a resident was required to provide what is often described as an 'interest-free loan' in their residence contracts with no provision relating to when this money would be repaid to them. This imbalance is more pronounced when coupled with the fact that the operator often is solely responsible for relicensing the residence.

The next two couplets of questions and answers relate to clause 26. With all due respect to the minister, the information provided is interesting, but neither cluster addresses the questions. What I propose to do is to read on to the record each set of questions, hoping that the minister in this place might be able to provide a more direct answer. In relation to clause 26, I asked the following questions:

1. What protections are in place for small operators?

2. Has any analysis been done on the particular impacts on the regions—regional areas, metropolitan areas, inner suburbs, outer suburbs and low socio-economic areas?

3. What impact is there to be on the ability of small to medium operators to borrow money from banks?

4. Has the government undertaken a valuation impact statement of the proposed buyback scheme?

After that cluster of questions, the minister provides the following answer:

The Bill provides that operators who face legitimate difficulties in repaying a resident their exit entitlement at 18 months are able to seek an extension of this period through SACAT.

Of the 92 villages operating in regional SA, 60 repay within 12 months or less, 2 within 2 years and the others upon relicensing. (7 state that whilst their contract provides for repayment or relicensing, in practice they repay within 12 months or less).

There is a 5 year review period of the statutory repayment provisions built into the Bill. This will provide an opportunity to assess any impacts of the clause and to ensure that the application of the statutory repayment period has achieved the desired outcomes.

That is the end of the answer. I just pause to reiterate my original questions, because it is about assessing the impact of a bill before you legislate it, not looking back after five years and seeing how much damage you have done to the industry.

The second cluster of questions in relation to clause 26 was, firstly, how does the bill guard against operators being under pressure to sell by the buyback and selling at a suboptimal price? Secondly, could rushed sales affect the value of other residences of the villages? Thirdly, is there a risk that operators will contract to take a larger share of the capital gain of a unit if a buyback arrangement is in place? The answer given was:

Residents can elect not to receive payment at 18 months and await repayment based on the actual relicensing of the unit.

The market will dictate what retirement village offering will be accepted—there are existing villages which offer no capital gain to the resident but guaranteed repayment of their buy in price when they leave, others that share capital gain and provide a time of repayment and many variations in between. The disclosure statement will enable a prospective resident to shop around, understanding the fees and charges and terms on offer, and ultimately choose an offering that best suits them.

That is the end of the answer. Whilst I appreciate the minister's response, it does tend to focus on the information available when you are going into the residence, rather than some of the issues I was trying to raise in terms of what will be the impact on the market when, as people are exiting, there are potential statutory buyback impacts on the value of properties.

Moving beyond clause 26, I asked the minister: is there a move to compel owner-operators to become licensed real estate agents, or has the government considered owner-operators having to either appoint an agent of their own or from a panel of agents? The answer I was given was no. I asked the minister: has the government considered having a panel of agents who could be then used by residents as well if they are seeking to have a second opinion or another view? The answer I was given was:

No. If there is a dispute as to value of a village residence, an independent valuer can be appointed. There are specialist valuers in aged care and retirement housing. In past disputes the SACAT has ordered that the Australian Property Institute appoint a valuer.

I asked the minister: can you, perhaps between the houses, see if you can get some estimation of how many people transfer each year and the economic impact of that? The minister's answer was that the information is not available.

I asked the minister for a list of state government-owned retirement villages, including any within public hospitals. I thank the minister for providing me with that list. By way of summary, the list shows that there are seven retirement villages in rural areas owned and operated by Country Health SA Local Health Network. I asked the minister for a list of local government-owned retirement villages, including any within community hospitals. The minister kindly provided me with a list and it shows, in summary, that local government operates 22 retirement villages in both rural and metropolitan locations.

As I said, I certainly thank the minister for the information provided in response to those questions. I would just like to reiterate a few questions that perhaps got missed in the flow. Firstly, I asked for a copy of the regulation impact statement that was referred to in the other place on 24 May 2016. I surmise from the fact that it has not been provided, and from other comments, that perhaps it has not been done.

I also sought a copy of the core logic analysis and I would like to reiterate that request. I asked for a copy of the advice given by SACAT, including any advice on the interpretation of

clause 26(7). That advice was referred to in the other place on 25 May 2016. I asked for a copy of the submissions and advice received by the government from the banking industry on the original bill. That advice was referred to in the other place on 25 May.

In conclusion, I would indicate that, considering the government foreshadowed amendments on 24 May that are yet to be tabled, we are certainly keen to see what further amendments the government may be proposing to its own bill. I would indicate, on behalf of the opposition, that we are actively considering amendments of our own, and are keen to speak to other members, the government and stakeholders (both residents and operators) about how we can make this bill a better bill.

The Hon. K.L. VINCENT (16:39): I indicate that Dignity for Disability is happy to support the second reading of this bill. We thank the minister for the briefing on the bill that was provided to my office. We would also like to thank the various stakeholders who have written to us or otherwise been in touch with us about this bill: the Council on the Ageing (COTA); Aged and Community Services SA and NT; SARVRA, the South Australian Retirement Villages Residents Association; and others.

We do have concerns about, one, the length of the statutory repayment period being 18 months rather than 12 months, as I understand was originally drafted, as COTA has raised. If the government could explain why the period of time has been changed, that would be appreciated, given the obvious significant amount of concern. There is also SARVRA's concern regarding section 29, dealing with the move of a resident to an aged-care facility. I understand that the bill currently requires operators to pay a daily accommodation payment (DAP) to enable residents to secure their aged-care place. I understand that if their unit is not relicensed for 18 months, the resident will lose a substantial amount of their exit entitlement, reducing their capacity to use the refundable accommodation deposit (RAD) option if they have no other access to cash for the RAD.

I know that SAVRA also has a request before the parliament that we insert a clause to reflect the particular circumstances of their occupancy, since residents do not own their own homes in a retirement village but rather have a licence to occupy that home. Dignity for Disability also notes the points that COTA has made, both that the quality of regulations that are developed are important once the act has passed and that the manner in which the tribunal interprets the new act will have a significant operational impact. Any advice that the responsible minister could give on those points would be gladly received as well. With those brief words and hoping for some more clarity, I can indicate that at this stage we are happy to support the second reading of the bill.

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

HOUSING IMPROVEMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 May 2016.)

The Hon. K.L. VINCENT (16:42): We in Dignity for Disability will be supporting the Housing Improvement Bill and certainly thank, once again, the government members who have briefed us on this. We appreciate the sentiment and the thoughts behind the amendments moved by the opposition via the member for Adelaide (Ms Rachel Sanderson) in the other place, but unfortunately we have reached a position where we cannot agree with the opposition's perspective and cannot support the amendments that she has put forward.

We understand what she is trying to achieve in terms of allowing people to have some autonomy about the style in which they live. Unfortunately, given the examples that have been provided to us by the government through their briefing, where a person's particular choice might lead to neighbours being unsafe—for example, where a chimney might be about to fall off a house onto another property potentially, an example that was given to us in photographic evidence—we think it is appropriate that the government should have the power to step in and intervene in those sorts of circumstances where not altering the house could lead to significant wellbeing concerns, not only for the occupants of that house but for surrounding neighbours as well, as I have said.

For those reasons, unfortunately, although we appreciate and understand the spirit, if you like, in which the amendments have been moved by the opposition, given the information that we have been presented with by government we cannot support them at this stage and will be supporting the bill without amendment from the opposition.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:44): I understand that there are no further speakers on this bill. I thank all those who have contributed to the second reading debate. In response to some of the issues that have been raised, the role of the regulator is to ensure that all residential accommodation is safe and suitable. The opposition amendments seek to reduce the application of the legislation from its current ambit of all residential properties to only rental properties. The government will not be supporting the amendments and is not willing to water down the existing rights within the current act, and it will not accept the amendments to restrict the ambit of this legislation to apply to only private rental properties.

There are a number of reasons for that, which I will just put on the record now as we sum up the second reading. There are situations where walls are at risk of collapse, raw sewage is evident in backyards where children play, and unscrupulous landlords partition tiny rooms to house vulnerable individuals. It is not envisaged that any person in our community would oppose legislation that seeks to protect people from these situations. As was a case where a young child sadly died from the collapse of a fence, the regulator must have the power to intervene in cases where public safety is at risk.

Property owners, whether occupying their dwelling or renting it, who abide by minimum standards, have no reason to be concerned by this legislation. This bill is concerned with the safety and suitability of all housing. Health and safety protection from risks that may be present in poorly maintained residential dwellings are important for all members of our community, whether owner, tenant, neighbour or service provider attending the property.

I am advised that the bill now provides the ability, first, to liaise and negotiate with owners without issuing formal orders. While the majority of owners are compliant, some owners continue to ignore their obligations to provide safe and suitable accommodation. Where there is no meaningful response, the issue of orders (or enforcement of those orders) is for the benefit of the community. The Minister for Social Housing has had the opportunity to meet with key industry representatives in roundtable discussion, before introducing the bill before introducing the bill before parliament, to hear directly their views on the Housing Improvement Bill 2015.

This bill now includes amendments as a result of feedback received during early consultation, and I place on the record the government's thanks to all stakeholders for their contribution. In closing, I thank members for their constructive comments, and I look forward to this bill progressing in future quickly through the committee stage.

Bill read a second time.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Second reading.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:49): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the ICAC Act to further refine and improve its operation. The amendments are in large part a response to requests from the Independent Commissioner Against Corruption (the Commissioner) to address some operational matters. The Bill also addresses the recommendation by the Reviewer appointed under section 46 of the Act to provide a procedure for the making of complaints about abuse of the exercise of the powers of the Commissioner or misconduct by officers of the ICAC.

The Bill provides for provide for complaints to be made to the Reviewer directly and for the Reviewer to investigate complaints relating to alleged abuse of power, impropriety or other forms of misconduct on the part of the Commissioner or employees of the Commissioner or the OPI and other matters if requested to do so by the Attorney-General or the Committee.

In addressing the operational matters raised by the Commissioner the Bill removes the oversight of the Ombudsman by the ICAC, which will reduce the complexity and conflicting outcomes from the current referral process. A matter referred by the ICAC to the Ombudsman will be deemed to be a complaint under the *Ombudsman Act 1972* and will be dealt with exclusively by the Ombudsman. To streamline the assessment procedure, the Bill provides for the Office for Public Integrity to assess and refer matters directly to the appropriate Authority. Currently the OPI must, following the assessment of a complaint or report, make a recommendation to the ICAC about referral. In practise this has proved to be an unnecessary and cumbersome exercise. The amendment will streamline the referral and reporting process.

The Bill will also make clear what I understand is already the practice of the ICAC investigators when undertaking a search to secure documents over which a claim of privilege is made. It also provides clarity around the use of information obtained during an investigation under the ICAC Act. In rare circumstances there may be a challenge to the jurisdiction investigation undertaken using the powers under the ICAC Act and it is subsequently determined that the person under investigation was not a public officer at the time of the investigation. Information gathered in good faith that could lead to a prosecution for an offence will be able to be provided to a law enforcement agency. The amendment does not affect the ability of a court to rule such information inadmissible for any other reason.

Other amendments in the Bill to facilitate operational matters and clarify the jurisdiction of the ICAC include allowing for law enforcement officers involved in a joint investigation with ICAC officers to be named on a warrant permitting an investigator to enter and search a place or vehicle and seize items during that search and amending the definition of corruption to encompass the act of lobbying. The Bill will clarify that breaches by Members of Parliament of a Statement of Principles cannot be investigated by the ICAC and that a reference to a Privileges Committee for any misconduct of a Member of Parliament remains the exclusive responsibility of the House. This amendment addresses a recommendation of the Report of the Joint Committee and is supported by the Commissioner.

Finally, the Bill clarifies that the primary object of the Commissioner is to investigate serious or systemic corruption in public administration and to refer serious or systemic misconduct or maladministration in public administration to the relevant body. It does this by amending the Act to redefine the circumstances in which the Commissioner would investigate serious or systemic misconduct or maladministration in public administration and by providing a definition for 'serious or systemic' misconduct or maladministration.

The Bill reflects the Government's intention to ensure that the Act operates as effectively as possible.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Independent Commissioner Against Corruption Act 2012*

4—Amendment of section 3—Primary objects

This clause alters the statement of primary objects to reflect the changes to section 7.

5—Amendment of section 4—Interpretation

This clause changes the definition of inquiry agency to remove references to the Commissioner for Public Sector Employment and updates the definition of law enforcement agency. The section is also amended to define what constitutes 'serious or systemic' misconduct or maladministration in public administration.

6—Amendment of section 5—Corruption, misconduct and maladministration

This clause includes offences or attempted offences against the *Lobbyists Act 2015* in the concept of corruption in public administration and provides that a statement of principles applicable in relation to the conduct of

members of Parliament will not be treated as a code of conduct for the purposes of the statutory concept of misconduct in public administration.

7—Amendment of section 7—Functions

This clause amends the functions of the ICAC to reflect the fact that the ICAC will not be giving directions or guidance to the Ombudsman on referring a matter and specifies limits on the Commissioner's powers to investigate misconduct and maladministration in public administration.

8—Amendment of section 17—Functions and objectives

This clause allows OPI to refer complaints and reports to inquiry agencies, public authorities and public officers, and to give directions or guidance to public authorities, in circumstances approved by the Commissioner.

9—Amendment of section 24—Action that may be taken

This clause is consequential to clause 7.

10—Amendment of section 31—Enter and search powers under warrant

This clause amends section 31 to allow a warrant to be issued authorising a police officer or an investigator to conduct a search and also to allow a Judge of the Supreme Court to issue a warrant in relation to any premises or place. The clause also provides that new Schedule 3 (relating to claims of privilege) will apply to searches.

11—Amendment of section 36—Prosecutions and disciplinary action

These amendments provide that the power to refer a matter to the relevant law enforcement agency or public authority on completing an investigation or during an investigation applies regardless of the subject matter of the investigation and make it clear that the Commissioner can provide both evidence and information to the relevant law enforcement agency or public authority.

12—Amendment of section 36A—Exercise of powers of inquiry agency

This clause makes minor amendments to reflect the amendments in clause 7 and clause 9.

13—Substitution of section 37

Section 37 is substituted to remove provisions relating to oversight by the ICAC of a matter that has been referred to the Ombudsman.

14—Amendment of section 38—Referral to public authority

This clause amends section 38 consequentially to clause 8 and also to limit the Commissioner's power under current subsection (7) (now to be subsection (7a) under the proposed amendments) to situations where a referral of a matter included a requirement that the public authority submit a report or reports in respect of the matter.

15—Amendment of section 42—Reports

This clause broadens the Commissioner's power to report but includes a requirement that a report must not identify any person involved in a particular matter raising potential issues of misconduct or maladministration in public administration that is, or has been, subject to assessment, investigation or referral under the Act unless the person consents to being so identified. The amendment also provides that a report relating to a completed investigation must be provided to the public authority responsible for any public officer to whom the report relates and to the Minister responsible for that public authority (as well as to the Attorney-General and the Parliament).

16—Amendment of section 44—Public authority to assist with compliance by public officers

This clause makes a minor change to simplify the wording of the provision.

17—Amendment of section 45—Commissioner's annual report

This clause is consequential to clause 8.

18—Substitution of section 46

Proposed section 46 requires reviews to be conducted in accordance with new Schedule 4 (see clause 23).

19—Amendment of section 48—Commissioner's website

This clause is consequential to clause 18.

20—Substitution of section 54

This clause substitutes a new provision on confidentiality. The basic rule is that a person who is or has been engaged in the administration of this Act must not disclose information in relation to a matter that is the subject of a complaint, report, assessment, investigation, referral or evaluation under the Act, except as required or authorised by this Act or by the Commissioner. Proposed subsection (2) lists circumstances in which disclosure is authorised. Proposed subsection (3) deals with disclosure by a person who receives information knowing that the information is

connected with a matter that is the subject of a complaint, report, assessment, investigation, referral or evaluation under the Act.

21—Amendment of section 56A—Use of evidence or information obtained under Act

This clause clarifies that use that may be made of evidence or information obtained by the lawful exercise of powers under the Act and specifies that evidence or information will be taken to be obtained by a lawful exercise of powers under the Act notwithstanding a jurisdictional error in the exercise of those powers.

22—Amendment of section 59—Evidence

This amendment allows for proof by evidentiary certificate of the requisite suspicion for the purposes of section 5(2) of the Act.

23—Insertion of Schedules 3 and 4

This clause inserts new Schedules as follows:

Schedule 3—Search warrants and privilege

This Schedule makes provision in relation to claims of privilege when search powers are being exercised pursuant to a warrant.

Schedule 4—Reviews

This Schedule provides for the appointment of a reviewer and for the conduct of annual and other reviews in relation to the ICAC and the OPI.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 237—Definitions

This clause ensures consistency between the concept of a public officer in the *Independent Commissioner Against Corruption Act 2012* and the definition of that term for the purposes of offences in Part 7 of the *Criminal Law Consolidation Act 1935* (offences of a public nature).

Part 2—Amendment of *Judicial Conduct Commissioner Act 2015*

2—Insertion of section 29A

This clause ensures that a review under proposed Schedule 4 of the *Independent Commissioner Against Corruption Act 2012* (see clause 23) could consider also the conduct of the Judicial Conduct Commissioner if the ICAC were also appointed as the Judicial Conduct Commissioner.

Part 3—Amendment of *Ombudsman Act 1972*

3—Insertion of section 14B

This clause inserts a new section 14B providing that matters referred to the Ombudsman under the ICAC Act must be dealt with under the *Ombudsman Act 1972* as if a complaint had been made under that Act.

Part 4—Transitional provisions

This Part provides transitional provisions.

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

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:49): I move:

That this bill be now read a second time.

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

Leave granted.

The *Public Intoxication (Review Recommendations) Amendment Bill 2016* seeks to amend the *Public Intoxication Act 1984* to implement recommendations from the Review of South Australia's Public Intoxication Act 1984.

The *Public Intoxication Act 1984* provides for the apprehension and care of a person in a public place who is under the influence of a drug or alcohol and is unable to take proper care of himself or herself. It has operated without material amendment since its introduction in 1984.

Data from South Australia Police shows that approximately 3,000 people are apprehended under the Act each year. Fifty percent of those apprehended identify as Aboriginal and 50 percent are discharged from police custody to home, or to the care of a friend or relative.

The Government committed to reviewing the *Public Intoxication Act 1984* in response to the Deputy Coroner's findings delivered on 4 November 2011, from the inquest into the deaths of Kunmanara Kugena, Kunmanara Windlass, Kunmanara Peters, Kunmanara Kugena, Kunmanara Gibson and Kunmanara Minning, and in response to the findings from the Deputy Coroner's inquest into the death of Kunmanara Brown, delivered on 6 October 2011.

The review of the Act was conducted by public health law expert, Dr Chris Reynolds. The Review aimed to identify opportunities to improve the Act and its application, consistent with the Government's policy that public intoxication is not a criminal offence.

The Government released its response to the Reynolds Review in 2015, which included a commitment to make the legislative changes included in this Bill. The Bill amends the *Public Intoxication Act 1984* to:

- Expressly state the objects and principles of the Act;
- Provide an expanded definition of a drug for the purposes of the Act;
- Adopt a definition of 'public place' similar to that in the *Summary Offences Act 1953;*
- Extend the maximum period of detention by police to 12 hours but retain the 18 hour maximum period of detention for declared sobering- up centres;
- Protect people involved in the administration of the Act from civil liability, providing their actions are in good faith.

At present the Act is silent on its purpose, apart from its long title as 'An Act to provide for the apprehension and care of persons found in a public place under the influence of a drug or alcohol; and to provide for other incidental matters.'

The Review recommended that the Act should expressly state the objects and principles that articulate its scope and intentions. The Bill introduces Objects and guiding principles explaining that harm minimisation and protecting public health is the primary goal of the Act. They include that the primary concern is to be given to the health and well-being of a person apprehended under this Act and that a person detained under this Act should, where practicable, be detained in a place other than a police station.

The Review recommended that the reference to 'alcohol or a drug' as the cause of the intoxication should be replaced by a more general approach. It is enough that the person is simply intoxicated and by that fact incapable of taking proper care of himself or herself. Persons intoxicated in a public place who are unable to care for themselves should be protected from harm regardless of the intoxicating substance.

The Bill amends the definition of 'drug' to include alcohol or any other substance that is capable, either alone or in combination with other substances, of influencing mental functioning.

As a consequence, the Bill also removes the power to declare by regulation any substance to be a drug for the purposes of this Act. Expanding the definition of a drug within the Act makes such regulations unnecessary.

The Review recommended that the Act should apply to land or premises that are not necessarily public places, provided the owner or occupier of the land or premises does not object. The Bill inserts a definition of a public place that aligns with the *Summary Offences Act 1953*. A public place includes:

- a place to which free access is permitted to the public,
- a place to which the public are admitted on payment of money
- a road, street, footway, court, alley or thoroughfare which the public are allowed to use.

Currently, police officers are required by the Act to discharge a detained person when they have recovered and can take proper care of themselves, but before the expiration of 10 hours. SA Health addiction medicine clinicians consider that a person should be sufficiently recovered after 12 hours to take proper care of themselves. The Bill extends the maximum period of detention by police to 12 hours and retains the 18 hour maximum period of detention for declared sobering-up centres.

The Review recommended that the Act should protect those involved with its administration from civil liability, provided their actions are in good faith and done for the purpose of complying with the Act. The Bill introduces immunity for civil liability for authorised officers for an act or omission in the exercise or purported exercise of official powers or functions.

The Bill also introduces statute law revision amendments. The Act has operated without material amendment since its introduction in 1984. These amendments modernise the Act but have no material impact on its operation.

By implementing recommendations from the review of the *Public Intoxication Act 1984* carried out by public health law expert, Dr Chris Reynolds, this Bill aims to modernise the Act to protect the health and well-being of people found intoxicated in a public place.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Public Intoxication Act 1984*

4—Amendment of long title

This proposed amendment is consequential on the proposed insertion in section 4 of the definition of drug.

5—Substitution of section 3

New section 2 sets out the objects and guiding principles of the principal Act.

2—Objects and guiding principles

The object is—

(a) to promote the minimisation of harm that may befall a person in a public place as a result of a person's intoxication; and

(b) for that purpose, to confer appropriately limited powers—

(i) to remove an intoxicated person from a public place in which the person is vulnerable or may become a threat; and

(ii) to take the person to a place of safety until the person is recovered.

In the performance of their functions under the Act, the Minister, police officers, authorised officers and other persons or bodies involved in the administration of this Act are to be guided by the following principles:

(a) primary concern is to be given to the health and well-being of a person apprehended under this Act;

(b) a person detained under this Act should, where practicable, be detained in a place other than a police station.

6—Amendment of section 4—Interpretation

It is proposed to substitute the definition of *drug* to include alcohol or any other substance that is capable (either alone or in combination with other substances) of influencing mental functioning. This new definition will mean that it will no longer be necessary to declare, by regulation, substances to be drugs for the purposes of the Act. It is also proposed to insert a definition of *public place*.

7—Amendment of section 5—Administrative provisions

8—Amendment of heading to Part 2

These proposed amendments are consequential on the insertion of the new definition of drug in section 4.

9—Amendment of section 7—Apprehension of intoxicated persons

A number of the amendments proposed to this section are consequential on the insertion of the new definition of drug, while others modernise the language of the section. The amendment to subsection (4) increases the time in respect of which an intoxicated person may be detained in a police station from 10 hours to 12 hours.

10—Amendment of section 8—Application for declaration

The amendments proposed to section 8 are either consequential on the insertion of the new definition of drug or bring the language of the section up-to-date. For example, instead of referring to a court of summary jurisdiction, the substituted subsections refer to the Magistrates Court.

11—Substitution of section 14

It is proposed to repeal section 14 which is otiose and insert a new section that provides, in the usual terms, for certain immunity relating to official powers and functions.

13—Immunity relating to official powers or functions

New section 13 provides that, subject to this Act, no civil liability attaches to an authorised officer for an act or omission in the exercise or purported exercise of official powers or functions. An action that would, but for subsection (1), lie against a person lies instead against the Crown. This section does not prejudice rights of action of the Crown in respect of an act or omission of a person not in good faith.

Schedule 1—Statute law revision amendments

The Schedule makes provision for amendments to the principle Act that are of a statute law revision nature, by bringing the language up to current drafting standards. The amendments make no substantive change to the Act.

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

At 16:50 the council adjourned until Tuesday 26 July 2016 at 14:15.