LEGISLATIVE COUNCIL

Wednesday, 4 December 2019

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time and statements on matters of interest to be taken into consideration at 2.15pm.

Motion carried.

The Hon. R.I. LUCAS: I move:

That notices of motion and orders of the day, private business be postponed and taken into consideration immediately after statements on matters of interest.

Motion carried.

Bills

GAMBLING ADMINISTRATION BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: Can the Treasurer please respond to the questions that were raised in the second reading debate?

The Hon. R.I. LUCAS: I will provide some answers that have been provided here, and if I have missed any of the questions I am sure the honourable member will be kind enough to remind us of the ones that are not included. The first question was a request for roundtable stakeholders. My understanding is that this answer was emailed to the honourable member and other honourable members at 1.44pm on Tuesday, with an attachment. I am happy to quickly refer to that. In terms of the government sector, the roundtable stakeholders were: DHS, Treasury, Finance, Licensing Court, SAPOL, Licensing Enforcement Branch, Lotteries Commission, and the Office for Recreation and Sport. Of those, only two made a formal submission following the roundtable session, which were SAPOL and the Office for Recreation and Sport.

In terms of support services/researchers, that general category: the University of Adelaide, Centre for Economic Studies, School of Psychology, Aboriginal Family Support Service, Anglicare SA, Lifeline Mount Gambier, OARS Community Transitions, Overseas Chinese Association, PsychMed Pty Ltd, Relationships Australia, SACOSS, Statewide Gambling Therapy Service, Uniting Communities, Uniting Country SA, and the Vietnamese Community of Australia. Of those, Lifeline Mount Gambier, Overseas Chinese Association, PsychMed Pty Ltd, Statewide Gambling Therapy Service and Uniting Communities all made a formal submission following the round table.

In terms of industry stakeholders consulted: Adelaide Casino, Club One SA, Independent Gambling Corporation, Australian Hotels Association, Clubs SA, ClubSAFE, Greyhound Racing, Harness Racing, Responsible Wagering Australia, the South Australian Bookmakers League, Thoroughbred Racing, Tabcorp Holdings and Sports SA. Of those, Adelaide Casino and Club One,

the Australian Hotels Association, Clubs SA, ClubSAFE, Tabcorp and Sports SA made formal submissions following the round table.

I understand that in the second reading, again, these questions were evidently raised, and a whole series of others. Three pages of answers were provided to the honourable member and other honourable members and crossbench members. Another one that was repeated in the second reading was in relation to facial recognition studies and reports. The answer is that there were a number of harm minimisation reports conducted on the New Zealand facial recognition work. It states, 'Attached is detail about the New Zealand technology. See below articles also relevant.' I will not read the www. references but there are three separate references there that were provided to the Hon. Ms Franks and to other members.

As I said, those two were raised in pre-yesterday briefings and answers were provided, as I said, at 1.44pm on Tuesday. If the honourable member has other questions which she believes were raised in the second reading formally in this house and she wants the answers read into the record, I am happy to comply.

The Hon. T.A. FRANKS: In that briefing on Monday afternoon—and I must say I had negotiated a briefing much earlier than Monday. Through no fault of my office—because we were available on at least three other separate occasions much earlier than Monday for that briefing—we did not receive that briefing until Monday. We then actually joined the SA-Best briefing so that we could have it not at 5 o'clock in the afternoon but earlier, before the cross-party whipping meeting.

While I appreciate some of the responses that were provided within less than a 24-hour turnaround, my main question at the briefing that was unaddressed was regarding the round table. The first question is: on what date was the round table held? The second question is: of those who were consulted at the round table, who was asked for their opinion on note acceptors, EFTPOS in gaming machines and facial recognition technology?

If you could go through each of the government support services, researchers and industry stakeholders and what their consultation was, whether they were asked about EFTPOS in gaming machines, whether they were asked about note acceptors and whether they were asked about facial recognition technology.

I will say that we do not have this information in the crossbench because we asked for the written submissions and we were refused and told to go to the stakeholders ourselves. That was with a briefing less than 24 hours before the debate then commenced.

The Hon. C. BONAROS: Chair, could I add just one more request to that. In addition to the matters outlined by the Hon. Tammy Franks, can we also add social effect certificate tests?

The Hon. R.I. LUCAS: I am advised that the roundtable discussions were held very early in the piece, about February or March this year. So prior to bills being developed there were early discussions with a whole range of stakeholders, I think, in the context of when the budget measures bill moved the IGA functions to the commissioner. So there was a previous decision that members would be aware of in terms of the Independent Gambling Authority. Its functions were moved to the commissioner, and as a result of that the commissioner and others were involved in these particular stakeholder discussions.

My advice is that at that particular stage, whilst there was no bill it was probable that there was no discussion at all about note acceptors and facial recognition, although one cannot be definitive in relation to that. However, there was no bill being discussed at that particular time; it was an early discussion. They believe it is likely that there was some discussion about the social effects test or impacts test as a general issue at that particular stage, but at that stage there was no bill and it was a roundtable discussion earlier on in the whole process.

The Hon. T.A. FRANKS: Can the Treasurer clarify that not a single stakeholder at that round table in February or March this year was consulted on note acceptors?

The Hon. R.I. LUCAS: All I can do is based on the advice I am given, and the recollection is that there was no discussion about note acceptors, facial recognition and whatever was the third issue the honourable—

The Hon. T.A. Franks: EFTPOS and gaming machines.

The Hon. R.I. LUCAS: EFTPOS and gaming machines, but there was—

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: Can I just finish? In relation to the Hon. Ms Bonaros, it is possible that there may well have been discussion about the social impacts test as a general issue.

The Hon. T.A. FRANKS: Does the Treasurer feel comfortable then that this round table can be linked to discussion of these bills as relevant consultation for this piece of legislation and the accompanying ones?

The Hon. R.I. LUCAS: In the interests of being collaborative, as we always are in this chamber, I am advised that on 7 February, the day after that roundtable discussion, a note went out from Consumer and Business Services to all people who participated, and in that was a summary of the discussions. That confirms the social effect inquiry process was discussed at that meeting, and an email or a note has gone to all of those stakeholders, which they would have, dated February, in relation to it. In relation to the honourable member's question, do I feel comfortable about the process? I am very comfortable.

The Hon. C. BONAROS: Will the Treasurer table a copy of the summary that went to those groups in relation to that meeting?

The Hon. R.I. LUCAS: I am happy to get a copy and provide it to members.

The Hon. T.A. FRANKS: In the briefing on Monday of SA-Best and Greens MLCs and their staff, we requested copies of the written submissions made as part of the consultation process. I understand, according to the table, that SAPOL Licensing Enforcement Branch; the Office for Rec and Sport; Lifeline Mount Gambier; Overseas Chinese Association of SA; PsychMed Pty Ltd; Statewide Gambling Therapy Service; Uniting Communities; Adelaide Casino; Club One (SA) Limited; Australian Hotels Association SA/Gaming Care; Clubs SA, Club Safe; Tabcorp Holdings; and Sport SA all made written submissions. We were refused access to these submissions. On what grounds was refusal made to members of the parliament debating this piece of legislation being able to access written submissions that purportedly formed the basis for this piece of legislation?

The Hon. R.I. LUCAS: I have answered this question before in relation to other bills. The government's position is that if those individuals, like Tabcorp and others, want to share their submissions with honourable members, it is perfectly their entitlement to do so, but as members were advised yesterday or whenever the briefing was—Monday—they can take those issues up with the individuals who made the submissions.

The Hon. T.A. FRANKS: Which of these stakeholders who made this engagement with government refused permission for their submissions be released further?

The Hon. R.I. LUCAS: That is entirely up to the member. If the member has asked and they refused, she would know whether they refused it or not.

The Hon. T.A. FRANKS: With respect, these were submissions made to the government. My understanding was, during the Weatherill era, we changed the processes around the making of submissions for government processes that led to the formation of legislation. Has something changed so that SAPOL's submission to government on gambling cannot be released to members of parliament; that the Office for Rec and Sport's submission on gambling cannot be released to members of parliament; that Lifeline Mount Gambier's submission may not be released; that the Overseas Chinese Association's submission may not be released; that PsychMed's submission, which attended the crossbench round table after the announcement of these bills and were very happy to share their opinions there, cannot be released; that Statewide Gambling Therapy Service's submission must somehow be kept secret from parliamentary debate; and that Uniting Communities' position cannot be known by members of parliament when we are debating this piece of legislation?

Regarding the Adelaide Casino; Club One (SA); Australian Hotels Association; Clubs SA, Club Safe; Tabcorp Holdings; and Sport SA, did any of those groups specifically ask that their

submissions not be released to members of parliament for the information in support of debate in this chamber?

The Hon. R.I. LUCAS: I cannot add much more than I have added at the moment. As I said, if Tabcorp or Lifeline Mount Gambier agree to provide their submissions to the Hon. Ms Franks they are perfectly entitled to do so. They are their submissions. As to what the process was under the former Weatherill government or indeed any former government, we are always happy to look at what the processes may or may not have been. I am not aware of the particular processes to which the honourable member refers, but I am not proposing to delay the proceedings to do that investigation at the moment.

I am happy to take on advisement and discuss with the Attorney-General and others about general processes of submissions but, in general terms, if a non-government organisation such as Tabcorp or Lifeline Mount Gambier want to make a submission and provide a copy to crossbench members or members of the opposition or indeed anybody else to release it publicly, they are perfectly entitled to do so.

The Hon. C. BONAROS: My understanding from the list provided by the Attorney's office is that Gaming Care provided a submission. The inquiries made by my office indicate that Gaming Care did not provide a submission. Can you confirm for the record whether indeed Gaming Care has provided a submission or not?

The Hon. R.I. LUCAS: All I can share is the information I have been provided from the Attorney-General's office. Under the 'industry group' it has 'Australian Hotels Association of South Australia/Gaming Care' and next to that 'Made a formal submission following the roundtable session'; it says 'Yes'.

The Hon. C. BONAROS: Can we confirm for the record whether Gaming Care provided a submission at those round tables? Can we get an answer during the course of the debate as to whether Gaming Care provided that submission?

The Hon. R.I. LUCAS: That is all I can share with the honourable member. That is the information I have been provided with; that is, Australian Hotels Association of South Australia/Gaming Care made a formal submission following the roundtable session.

The Hon. C. BONAROS: I do not see, given that we have access to the individuals who are advising on this issue, why we cannot get confirmation that is conflicting to the advice that is provided to members. Gaming Care have said explicitly that they did not make a submission. They were at the round table, but they did not make a submission. The advice coming from the Attorney is that they did provide a submission. Can we get some clarity as to whether a submission was provided or not?

The Hon. R.I. LUCAS: I can take it on notice, but all I can share is the information that I have, which is as I have described it twice. I do not propose to describe it again.

The Hon. C. BONAROS: Is it correct that the Treasurer has said that following the initial round table, the same groups were then consulted in relation to the issue specifically concerning the matters that the Hon. Tammy Franks has referred to, including note acceptors, EFTPOS and ATMs, and what was the outcome of that round table?

The Hon. R.I. LUCAS: No, it is not correct.

The Hon. C. BONAROS: At the briefing that we attended on Monday, the advice provided to us was that there were round tables both before and after. Note acceptors specifically were not canvassed at the original round table, but the advice provided to us at the briefing was that then there was a subsequent consultation with those same groups and that note acceptors were canvassed during that consultation period. Is that correct, or is the advice provided to us in the briefing incorrect?

The Hon. R.I. LUCAS: I did not have the wonderful privilege of being at the briefing on Monday, so I am not aware as to what was provided to the honourable member or what the honourable member believed she was provided with at that particular meeting. But her first question was: is it correct that the Treasurer's response to the question indicated that, and my answer to that was, no, I did not indicate that.

The Hon. C. BONAROS: Can the Treasurer, then, get some clarification from the advisers that the advice provided to us at the briefing was correct or incorrect insofar as the information provided to us was that there were round tables both before and after the announcement regarding note acceptors?

The Hon. R.I. LUCAS: I am advised that the roundtable discussions were in and around about the same time: February. One was for industry stakeholders and the other one was for support services, researchers, providers, etc. So the two round tables to which the honourable member is referring on the Monday referred to the two round tables that were conducted in February of this year, but they were on the same set of issues. One was to a group of stakeholders, which involved industry stakeholders, and the other was to that separate group I referred to earlier called support services and researchers. They were the two round tables.

I am advised that we are not aware of any other round table involving all those groups subsequent to those round tables; therefore, the answer to the honourable member's question is that there was no subsequent round table where issues like facial recognition or note acceptors, etc., were canvassed.

The Hon. C. BONAROS: Does 'round table' include consultation around note acceptors? According to my thorough notes from the meeting on Monday, the question asked was, 'Were note acceptors raised at that initial round table?' The response was no. We then asked, 'When was that issue raised, if at all?' The response was, 'When it became policy.' The next question was, 'What has been the feedback in relation to that policy?' The answer to that was that there was a consultation period that took place post the announcement regarding note acceptors. If that is the information that we are relying on from a briefing, then I would like to know whether that is correct or incorrect.

The Hon. R.I. LUCAS: My advice is that there was no subsequent round table.

The Hon. C. BONAROS: Does that include consultation? That was the other part of my question.

The Hon. R.I. LUCAS: I am not sure. Clearly, when the bill was introduced, I am advised that there were submissions made—I assume both for and against, but I do not know—in relation to the bill. That may or may not have included, I assume, issues such as note acceptors and others, but there was no subsequent round table at which there was a discussion about note acceptors and the like.

The Hon. C. BONAROS: I have a problem with the answer that has been provided, because we rely on the briefings and the information that is provided at those briefings. I have documented the notes that were provided at those briefings. I have explained those, and they are very clear. The response was, 'When it became policy, we consulted on the issue of note acceptors.' My next question at that briefing was, 'What was the feedback in relation to that?' I have been waiting for a response on that. If we are waiting for a response on what the feedback was in relation to that consultation, then I would expect that the response given to me at the briefing was correct at the time. I would like that clarified for the record.

The Hon. R.I. LUCAS: If that is an accurate recollection—I was not there, therefore I cannot claim the accuracy of the honourable member's recollection of the events—then I accept the word of the people who have given you the briefings, and that is that there was consultation. I am not in a position to indicate anything other than that there was no further round table in relation to this. If the honourable member had the view that there was another round table where—

The Hon. C. Bonaros: It was not my view.

The Hon. R.I. LUCAS: I am just saying that, if that was the view, that is not correct. There may or may not have been. If the honourable member was told, on behalf of the Attorney-General, that there was further consultation, ultimately that is an issue for the Attorney-General. I am not in a position to indicate anything further than the information that I have.

I cannot give the honourable member any further information other than, clearly, when the bill was released, note acceptors were there. Everybody's position in relation to these issues is pretty clear. The honourable member's colleague and others read at length the views of those groups who

oppose note acceptors. We heard a 5½-hour filibuster from the Hon. Mr Pangallo and others last night outlining the concerns that various groups, organisations and individuals have about note acceptors and the like.

I think it is quite clear as to who opposes note acceptors. It is also quite clear who supports note acceptors. More importantly, it is also quite clear who in the parliament supports note acceptors, and that ultimately the decision-making body is the parliament. The views of interested stakeholders, both for and against, are of great interest, but ultimately the decision rests with members of parliament duly elected, and that is what this process is about.

The Hon. C. BONAROS: Indeed it does, and so if we are going to vote on issues, including note acceptors, then I expect that, in order for us to make an informed decision on these issues, we have available to us—

The Hon. R.I. Lucas: You oppose it.

The Hon. C. BONAROS: It does not matter what I do. It is your position that that is the issue that we should make an informed decision on, and I will be informed by whomever I like. But my position is that I asked a very specific question, 'What was the feedback in relation to that consultation that your government told us took place?', and I am still waiting for a response. We are debating the bill now, and I expect that we would have an answer to that as we work through this debate.

The Hon. R.I. LUCAS: The expectations the honourable member has, she is perfectly entitled to have. They may or may not coincide with the expectations of the majority of members of this particular committee, but I am not going to disabuse the honourable member of any expectations she might have as to how the debate will be conducted. She is entitled to ask her questions, and I will answer the questions to the best of my ability. I indicate that I will die with my legs and hands in the air if the Hon. Ms Bonaros changes her position in relation to note acceptors on the basis of any evidence in relation to note acceptors. If the honourable member is purporting to indicate that, on the basis of the merits of the argument or stakeholders' views, she might change her position, as I said, I will die with my legs and feet in the air.

The honourable member's position on note acceptors and gambling generally is understood, is respected, etc. It just happens to be a minority view that exists in the parliament. She is entitled to prosecute her view, and we will listen, as we have, to herself and her colleagues speak, as I said, in a 5½-hour filibuster or whatever, but ultimately it will be a decision of this chamber.

I am not in a position to indicate anything more than I have on behalf of the government; that is, it is clear who opposes note acceptors in the community, because they have been quoted at length. It is also clear who supports the note acceptors in the community, but more importantly, the issue is decided by 22 members in this chamber and 47 members in another chamber, and it is their views, quite rightly, that will prevail.

The Hon. C. BONAROS: I take exception to the Treasurer's suggestion that my honourable colleague was filibustering yesterday when we were given no opportunity whatsoever to prepare for this debate as reflected at Monday's whips' meeting. So in order to prepare for today's committee stage debate, in order to prepare for our questions and the responses that we are seeking, we needed someone to take the floor and allow us to do some work so that we could be here and debate this. My question to the Treasurer again is: has there been any feedback in relation to note acceptors post the announcement of the government's bill?

The Hon. R.I. LUCAS: Yes.

The Hon. C. BONAROS: As reflected at the briefing on Monday, will the Treasurer provide the chamber with a summary of that feedback?

The Hon. R.I. LUCAS: No.

The CHAIR: Have we exhausted clause 1, or do members require a few moments to collect their thoughts?

The Hon. T.A. FRANKS: On a slightly different note, I think we have now clarified that not a single person at the round table was consulted on note acceptors. It appears that not a single person in this sector, regardless of whether they are industry, academic or government, was

consulted on facial recognition technology, although I do note that the Casino already does have facial recognition technology and that the responses from government with regard to the questions raised in the second reading pointed to the New Zealand technology as evidence for us to pursue. The questions are: what brand of facial technology is the government seeking to pursue? What brand has been referred to in New Zealand? What brand is used in the Adelaide Casino?

The Hon. R.I. LUCAS: Mr Chairman, being such a cooperative Treasurer as I am, can I seek leave to table copies of the Consumer and Business Services email—this was their 7 February response, or whatever date it was, to stakeholders on the reform of South Australian gambling laws that went to the gambling help service providers workshop, which was one session—and then the reform to SA gambling laws CBS industry workshop issues paper.

Leave granted.

The CHAIR: The Hon. Ms Franks.

The Hon. R.I. LUCAS: Sorry, can I continue?

The Hon. T.A. FRANKS: Chair, it would facilitate discussion if we could get copies of that document.

The CHAIR: My apologies, Treasurer. Please go on.

The Hon. R.I. LUCAS: In relation to the Hon. Ms Bonaros's question, she asserted that Gaming Care had told her that they had never made a submission. I have been shown, on that little wonderful thing called an iPhone, a copy of the actual submission. The letterhead actually has the letters 'AHA' on the left-hand side, and on the right-hand side it has 'Gaming Care'. So the honourable member can assert what she wishes in relation to them not making a submission, but I have seen a copy of the letterhead of the submission, which on the letterhead shows 'AHA' and 'Gaming Care' in the top corners.

In relation to particular brands of facial recognition, etc., no particular brand has been selected. I am advised that this will be the subject of regulations. It will apply, as the honourable member knows, to venues of 30 or more. I think, as the honourable member has referred to, there was publicity in the last week that indicated that the Casino was already using facial recognition technology on its site. In relation to the requirement, should this legislation pass, it will be the subject of regulations that will have to be developed in relation to the type of technology that would be required.

This is not my area, obviously, but I would be surprised if, in these areas, one would mandate a particular brand. The bill may well mandate, I presume, particular facilities or requirements, etc., in terms of what it should do and what it should not be able to do. However, that will be the subject of regulations, should the bill pass the parliament.

The Hon. C. BONAROS: Chair, can I let the record reflect that, as the Treasurer indicated, if submissions are not going to be made available to us, we are going to do a ring around and make requests for those submissions. The advice offered to my office from the individuals at Gaming Care was that no submission was made. So that was not an assertion by me; that was advice given to my office. My question was seeking clarification in relation to the advice provided to me by Gaming Care.

The Hon. R.I. LUCAS: All I can give you an indication on is that we have a copy of the actual submission. I have seen a copy of the letterhead, and 'Gaming Care' is clearly visible at the top. I do not purport to speak on behalf of Gaming Care, but if they have advised the Hon. Ms Bonaros of one set of circumstances and the evidence is to the contrary, the Hon. Ms Bonaros might want to take that up with Gaming Care.

The Hon. C. BONAROS: Can the Treasurer advise on what basis the threshold for facial recognition technology was landed on?

The Hon. R.I. LUCAS: This was a question raised by one of the honourable members at the briefing on Monday and the answer that was sent to the honourable member at 1.44pm on Tuesday of this week reads as follows. The question was, 'Why 30 machines specifically for facial recognition to be in place?' The answer provided to the honourable member was:

By setting the figure at 30 machines, there is a greater likelihood of compliance of venues utilising this product. These are venues [with] higher capabilities, and with greater number of machines. By requiring venues with more than 30 machines, any of which have a note acceptor, to install facial recognition, over 75% of all gaming machines will be covered.

The Hon. T.A. FRANKS: Is the Treasurer sure that it's 7 per cent or is it 75 per cent?

The Hon. R.I. LUCAS: 75 per cent.

The Hon. T.A. FRANKS: In regard to the facial recognition technology, can the government provide how accurate facial recognition technology has proven in use in casinos and gaming rooms across the globe? What percentage is correct and what percentage is incorrect?

The Hon. R.I. LUCAS: I would love to be able to assist the member but, no, I do not have that information.

The Hon. T.A. FRANKS: Can the Treasurer clarify whether it is well established that for facial recognition technology in regard to this purpose, the evidence so far is that it is pretty accurate with white men but not very accurate with people of colour?

The Hon. R.I. LUCAS: As someone with a slightly yellow tinge to my skin, I am not sure about that. No, I cannot provide any information to the honourable member along those particular lines.

The Hon. T.A. FRANKS: Can the Treasurer elucidate how facial recognition technology will only be employed in our state to protect against gaming harm and address those who are barred and not be used to cultivate gambling itself, which is the other purpose that can be employed in gaming rooms for facial recognition technology?

Just to elaborate on that, for example, welcoming back regular patrons and letting them know that their favourite beverage is waiting for them at the bar are attractive uses of facial recognition technology for the gaming industry and uses that are already employed across the globe. What protections do we have so that, in fact, this Labor deal, supposedly providing the protection of facial recognition technology, will not actually be used to increase gaming and gambling harm rather than protect those who have already suffered?

The Hon. R.I. LUCAS: I cannot offer too much more other than in relation to an answer to the earlier question. That is, these may or may not be some of the issues that the commission will have to look at in terms of the development of regulations. Clearly, the intention of the government, and ultimately the parliament, should the amendment be supported, is to achieve the former purpose rather than the latter, that is, to assist in terms of the management of problem gamblers. I do not think even the honourable member would be suggesting that the intent of the government or the opposition in the parliament is to do anything other than that.

The honourable member is raising genuine questions about other purposes and how you guard against them. That will be an issue for the commissioner and others. If there are to be regulations, they are disallowable instruments, so honourable members in this chamber and in the other chamber will have the opportunity, as they occasionally do, to decide whether they support them or do not support them.

I think everyone would agree the intention of this is an intention for good: it is not an intention for bad or for evil. The issue is: how do you in achieving the good ensure to the extent that you can that bad or evil does not occur? I agree with the tenor of the honourable member's question, but I do not have any better answer than what I am able to share with her at the moment. It will be a challenge for the commissioner by way of regulation and, ultimately, as I said, if it is a regulation, then it will be an issue for the parliament to either agree or disagree.

The Hon. T.A. FRANKS: I think the Treasurer very much summed up the basis of my concerns being expressed here. This has been something that has not been well consulted in regard to these pieces of legislation, which I would consider a package, to be treated similarly in the debate. A deal has been done for facial recognition technology to be introduced in exchange for accepting note acceptors. It is the case that facial recognition technology is not 100 per cent accurate; in fact, in some cases, it is significantly inaccurate.

It is the case—well established—that in jurisdictions where the predominant demographics of the population are what you would call 'Anglo-Saxon Celt white' they are very inaccurate with people of colour. I certainly have concerns with several academic papers that have been produced on this technology that show high rates of error. I say that not because barred persons will slip through the net—that is a concern—but facial recognition technology also has the tendency to racially profile people who are of colour.

What safeguards there are to ensure that, for example, Aboriginal people are not unduly harassed because of mistaken facial recognition technology IDs is of concern. What potential those who have these gaming machines may see to use facial recognition technology not just to minimise harm but, indeed, to increase custom is of concern. When deals are done without due consideration, without appropriate consultation, which look more to a headline in *The Advertiser* to save face of a party that has done a deal but does not want to own up to it, then I think there will be unintended consequences.

I raise my grave concerns that while it is all well and good to say that it will be solved in the regulations—and I have every faith in the commissioner doing a good job, and I actually have every faith in the Attorney-General doing a good job—I raise those concerns and put on the record that facial recognition technology is not the silver bullet of protection that it is being portrayed to be by the Labor opposition. It is a convenient excuse to vote for note acceptors and it is an excuse that is being put forward to this parliament without a nuanced, informed debate that may well have those unintended consequences.

The Hon. C. BONAROS: In relation to the issue of facial recognition technology, one of the questions asked at the briefing was whether we had an average cost in relation to that technology. The advice provided was that in New Zealand the set-up cost was around $20,000 and one of the individuals present went on to also offer that there was a one-month trial currently being undertaken in New Zealand in casinos. Can the minister confirm for the record that the decision to exclude venues with fewer than 30 machines had nothing to do with affordability of facial recognition technology?

The Hon. R.I. LUCAS: I am not in a position to give a definitive answer to the honourable member's question in relation to that. I guess all issues in relation to harm minimisation issues, gambling issues, requirements on venues to do certain things, in the end have some element of affordability in them. Whether they are a very small and insignificant part of the consideration or a more significant part of the consideration I guess might vary.

Having debated these issues for 20 or 30 years, I know there have been a number of cases in the past where affordability issues in relation to gambling harm minimisation have been part of the consideration of the parliament's deliberations. I cannot immediately think of an example, but I know there have been examples. The direct answer to the honourable member's question is, no, I am not in a position to be able to provide a definitive answer to the honourable member's question.

The Hon. C. BONAROS: Can the Treasurer provide data in relation to the revenue of those venues with less than 30 machines, compared to a set-up cost of $20,000, and whether that would be reasonable in the circumstances?

The Hon. R.I. LUCAS: I am not in a position, in the process of this particular debate, to provide information along those lines. I am happy to take the question on notice and see what, if any, information might be either available publicly or might possibly be able to be made publicly available. I do not think there is any doubt, however, in terms of where the honourable member might be heading with the question—having been a regular attender at Clubs SA functions over many years—that there are a number of smaller country venues that do have 10 or 20 machines. The amount of revenue they are generating from those machines—I cannot say it is less than $20,000, but $20,000 would be a very large impost on some of those small country venues.

I am sure, as the honourable member gets around to regional communities, the country clubs would indicate that they are making precious little money out of the machines. In days gone by, when they could sell the machines at a reasonable level, a number of them did and got out of the machines. However, these days, given what has occurred with the gaming industry, the value of the machines has plummeted and, in many cases—and also because of the age of the machines—there is not

much of a market to actually purchase the old machines that are 10 or 20 years out of date. There is not much of a demand for the machines they have, even at the prices that are being quoted, and so for them, I am sure, a $20,000 impost, if that was it, would be a very significant hit on some small country clubs.

I am sure the honourable member would be aware that there are certain venues, in particular those smaller regional clubs—and, frankly, having been to the regions, some of the very small regional hotels which bought machines would probably be in a similar position as well. I think they would probably view it as an unreasonable impost on them should they be required to spend $20,000, or whatever it is, for the limited number of people who come through their venue.

The Hon. C. BONAROS: This may very well be the only thing the Treasurer has said during this debate that I will agree with him on. For the Treasurer's information, I do make my way around to regional areas and I also make sure that I visit the sorts of places that he has just described when I make those visits. However, what this is a reflection of is not whether or not it is affordable, it is a reflection of the failure of the trading scheme in relation to poker machines. What I am trying to get to the bottom of is how we landed on the magic number of 30. I am sure if the opposition was kind enough to assist us during this debate, they could shed some light on how we arrived at that number of 30.

I do have a question, which I am hoping the Acting Leader of the Opposition will respond to, given that facial recognition technology was their amendment in the lower house, and that is: what consultation was undertaken by the opposition in relation to the implementation of facial recognition technology?

The Hon. C.M. SCRIVEN: First of all, I just remind the chamber that these are government bills. I am not the person responsible for drafting or managing the process of the opposition amendments that were moved in the other place. The bill was passed on 13 November—that is three weeks ago—in the other place, with those amendments forming part of the bill that has come to us. There have been three weeks for honourable members to perhaps seek a briefing from the shadow treasurer, who was responsible for drafting and managing the process of the amendments in the other place.

In terms of the specific question, my understanding is that the commissioner was comfortable with the idea of facial recognition being brought in. Other than that I do not have any further information.

The Hon. C. BONAROS: I would be keen to do a word count on that and see if that is longer than the acting opposition leader's contribution on the bill itself. Given this was an initiative put forward by the opposition, I think it is only reasonable that an explanation is provided as to whether—it is a very simple question—any consultation was done in relation to the implementation of that facial recognition technology, irrespective of whether the debate took place three weeks ago or the bills were introduced three weeks ago, or if it was dealt with in the lower house.

I was not in the lower house. I am in this house, and this is the opposition in this place. So my question, again, is: was any consultation undertaken with any of the stakeholder groups in relation to facial recognition technology? You owe it to members in this place to provide a response to that.

The ACTING CHAIR (Hon. D.G.E. Hood): Do you have anything further to add, the Hon. Ms Scriven?

The Hon. C.M. SCRIVEN: Simply that I have provided the information I have to hand.

The Hon. T.A. FRANKS: Could the Acting Leader of the Opposition provide an explanation of how the select committee the Labor Party negotiated as part of its deal to support this legislation will operate?

The Hon. C.M. SCRIVEN: The select committee would operate in the same way as other select committees in this place operate.

The Hon. T.A. FRANKS: The member is saying 'in this place'. Will it be a select committee of the upper house?

The Hon. C.M. SCRIVEN: My understanding is that it will be a joint house select committee. When I referred to 'this place' I meant the parliament, and my understanding is that it would operate in the same way as any other joint select committee.

The Hon. T.A. FRANKS: What will the membership of this joint select committee look like? Will it be Labor or Liberal only or will crossbenchers be involved in it?

The Hon. C.M. SCRIVEN: That would be determined when the committee is established, as it is in all other establishments of joint select committees.

The Hon. T.A. FRANKS: So the Acting Leader of the Opposition is confirming that crossbenchers could potentially be locked out—yet again—from important discussions about gambling, and Labor and Liberal will have a cosy arrangement amongst themselves. With regard to facial recognition technology, why was the venue number of 30 gaming machines chosen by the Labor Party?

The Hon. C.M. SCRIVEN: I again reiterate that these amendments were moved in the other place, and they are part of the bill that has been sitting, having come up to us. It was passed three weeks ago. Perhaps I could ask the crossbenchers whether they sought a briefing from the shadow treasurer, who was responsible for advocating for these changes: have they sought a briefing from him in the three weeks since the bill passed?

The Hon. T.A. FRANKS: I would love a briefing from the shadow treasurer on this issue. I would love some justification on who—

The Hon. I.K. Hunter: Did you ask for one?

The ACTING CHAIR (Hon. D.G.E. Hood): Order!

The Hon. T.A. FRANKS: The crossbenchers did ask for one.

The Hon. I.K. Hunter: Did you ask for one?

The Hon. T.A. FRANKS: We were working together on consultation—

The Hon. I.K. Hunter: Yes; of course you were.

The ACTING CHAIR (Hon. D.G.E. Hood): Order! The Hon. Ms Franks has the call.

The Hon. T.A. FRANKS: Of course we were. We would like a briefing from the Labor Party on facial recognition technology and the deal you did with the government to support note acceptors in poker machines across South Australia.

The Hon. I.K. Hunter: You couldn't be bothered asking for one.

The Hon. T.A. FRANKS: There is no 'couldn't be bothered'. We only wanted a joint briefing; we did not want separate briefings from the Labor Party. We wanted a single briefing on this, and we would not have to ask for a briefing at all if the details were actually provided by the Labor opposition either in the other place or in this place. Nobody would need a briefing if you actually came in with information about where you had got your harebrained scheme from that was more to save the face of the Labor Party so that they could do a dodgy deal with the government on note acceptors in poker machines, and pretend and wring their hands as if they cared when they put no thought whatsoever into whether or not this technology could actually do more harm than good.

The Hon. C.M. SCRIVEN: The honourable member refers to something she calls a 'hairbrained scheme'. I would just remind the chamber that the commissioner is comfortable with the idea of facial recognition being brought in, so I do not think the commissioner is generally in favour of 'hairbrained schemes'. Could the Hon. Ms Franks provide details of when she requested a briefing from the shadow treasurer, as I do not have any record of that occurring and nor does the shadow treasurer?

The Hon. T.A. FRANKS: I did just answer that question and say that had information been provided in the chamber, there would be no need for a briefing. That would be preferable; on the public record is actually the preferred way to get information, but if the Labor opposition wants to provide the briefing, bring it on.

The Hon. C.M. SCRIVEN: I am sure if the Hon. Ms Franks would like to contact the shadow treasurer and seek a briefing, he would be more than happy to do so; however, in the three weeks since the bill passed, that request has not been forthcoming. Perhaps I could ask the Hon. Ms Bonaros if she has also sought a briefing from the shadow treasurer in the three weeks since it has passed, apart from perhaps today.

The Hon. C. BONAROS: I have not just asked today. The minister responsible for dealing with this bill in the lower house is the Attorney-General. The shadow attorney-general is absent. It is clear that a deal has been done by the two major parties, so I thought I would take my requests for a briefing directly to your leader, the Leader of the Opposition. I think to date, for your knowledge, I have met with him on three occasions in relation to this. I think at both of the first two meetings, we discussed at length the issue of facial recognition technology.

I did request information about consultation on those occasions, in addition to a number of other matters, and I would have thought that the acting shadow attorney-general in this place, the equivalent of the minister responsible in the lower house, would have had those answers available if they are going to be sitting in that chair and providing responses and debating this bill here. So, yes, I have sought my briefings, yes I have attended at least three meetings with the Leader of the Opposition.

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Ms Scriven, before I give you the call, I would indicate that we have been on clause 1 for a little over an hour now and I am keen to put the question in the relatively near future. Much of what we have been debating can be teased out as we progress through the bill. I will give you the call, the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: Thank you, Mr Acting Chairman. I am glad the Hon. Ms Bonaros has placed on the record that the Leader of the Opposition has met with her on a number of occasions about this, and also that it has now been established that neither the Hon. Ms Bonaros nor the Hon. Ms Franks sought a briefing from the person who is responsible—

The ACTING CHAIR (Hon. D.G.E. Hood): Point of order, the Hon. Ms Scriven, from the Hon. Ms Bonaros.

The Hon. C. BONAROS: I think I have made it quite clear that the minister dealing with this legislation, the minister responsible for this legislation, is the Attorney-General, so when I sought my meeting—

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Ms Bonaros, that is not a point of order. You can continue the debate after the Hon. Ms Scriven has made her point, so I will go back to the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: The shadow treasurer has responsibility for this bill in the other place and was involved in advocating for the amendments which were passed, and he would have been more than happy to receive a request for a briefing in the three weeks since the bill passed the other place. That did not occur.

The Hon. C. BONAROS: Does the Acting Leader of the Opposition in this place have no faith in the leader of her party providing briefings on matters regarding gaming reforms?

The Hon. C.M. SCRIVEN: I do not think that comment deserves a response.

The Hon. T.A. FRANKS: Can the opposition please explain why crossbenchers need to seek a private briefing with a member of the other place and they cannot answer questions about Labor amendments to this legislation made in the other place? Were they briefed on the facial recognition technology deal? Do they understand the facial recognition technology deal? Why did they not provide any detail whatsoever in their second-reading contribution to this debate?

The Hon. C.M. SCRIVEN: The amendments were moved in the other place, and the bill has come up to us after it was passed three weeks ago. Therefore, there was ample opportunity to seek additional information. I reiterate this is a government bill. I was not the person responsible for drafting the amendments. It has come up to us as a bill, and that is what we are debating. I have not moved any amendments.

The Hon. C. BONAROS: I am going to remember these comments on a number of other debates that we are going to have in this place. Can the Acting Leader of the Opposition in this place confirm the advice offered that note acceptors was the deal done for facial recognition technology being implemented in the bill?

The Hon. C.M. SCRIVEN: The question is not clear. I am not sure what advice the honourable member is referring to.

The Hon. C. BONAROS: Can the Acting Leader of the Opposition—

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Ms Bonaros, can I ask you to wait until I give you the call, please. The Hon. Ms Bonaros.

The Hon. C. BONAROS: Can the Acting Leader of the Opposition confirm that facial recognition technology was what the opposition offered in order to allow note acceptors to be implemented as part of this package of reforms?

The Hon. C.M. SCRIVEN: The opposition sought amendments that were moved in the other place and accepted by the parliament in the other place.

The ACTING CHAIR (Hon. D.G.E. Hood): I think it is time to put the question. These matters can be teased out as we progress through the bill.

The Hon. C. BONAROS: I have one final question of the Treasurer. Can the Treasurer confirm why the decision was made on this occasion not to deal with this bill as a conscience vote?

The Hon. R.I. LUCAS: It was a decision of our party room.

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Mr Pangallo, I am keen to put the question.

The Hon. F. PANGALLO: I do have a question to ask of the Treasurer. Just in relation to the enforcement of regulations and these machines, can the Treasurer please tell us how will the regulator, which I imagine will be the office of liquor and gaming, monitor that transactions, including note acceptors and on-screen messages, are carried out in accordance with regulations, and how often, in particular also with EFTPOS? Can the Treasurer provide some figures on how many times the regulator has detected any abnormalities in this area; for example, cash transactions that have exceeded what is in the regulation?

The Hon. R.I. LUCAS: I am not in a position to provide that information, but I am happy to refer the honourable member's question to the commissioner and see what information he might be able to make available.

The Hon. F. PANGALLO: Also, why does the government not think it is necessary to reveal venue level data on a regular basis?

The Hon. R.I. LUCAS: This question was asked on Monday, and answers were provided to some crossbenchers. I am not sure whether it went to the honourable member's office. The explanation provided at 1.44pm on Tuesday was as follows:

> The government does not propose to require disclosure of in-venue specific data. The Commissioner for Consumer and Business Services receives this data, which is appropriate. While there are broader concerns around the commercial confidence of separate venues' earnings, there is also community safety interests to ensure venues are not specifically targeted by crime groups. Venue staff and patron safety may be at risk here. Victoria is the only other state to publish this information.

The Hon. F. PANGALLO: Can the government provide statistics about what is happening in Victoria with the release of that venue data; for instance, crime statistics, perhaps, that have been linked to the release of that information?

The Hon. R.I. LUCAS: No, I am not in a position to be able to provide any further information as to what happens in other jurisdictions such as Victoria other than the advice I have, which is that Victoria is the only other state to publish this information.

The Hon. C. BONAROS: That is a question I raised during that briefing. I asked for a response as to whether there had been any request from this government, or any inquiries made by

this government, of any other jurisdiction that may publish such data. I note that they have indicated that Victoria is the only other jurisdiction. Did the government seek any advice as to how that has operated in that jurisdiction and whether it has resulted in the sorts of problems that have been highlighted as the reason for maintaining a commercial-in-confidence arrangement?

The Hon. R.I. LUCAS: I am advised that information along the lines the honourable member has requested has not been sought.

The Hon. F. PANGALLO: Can the government provide any details on the note acceptor technology? Who would be providing that?

The Hon. R.I. LUCAS: I am advised that gaming machine manufacturers already manufacture machines with note acceptors on them, and they are used in every other jurisdiction. What happens in South Australia is that they actually have to be disabled. The note acceptors are on the machines, but they are disabled, if that is the correct technological description; they are made inoperative. The issue in relation to the type of note acceptor is that they are the ones that will be on the gaming machine manufacturers' machines, which are currently being used in other jurisdictions. The machines are already here and the note acceptors are there. They will just be enabled as opposed to disabled.

The Hon. F. PANGALLO: Will there then be more stringent enforcement of regulations requiring on-screen messaging?

The Hon. R.I. LUCAS: It is a complicated answer. The only requirement for online messaging for hotels and clubs is if they have cashless gaming—that is, ticket in, ticket out. I am advised that at the moment there are not any hotels and clubs that have cashless gaming—ticket in, ticket out. Under the existing legislation, not under the proposed bill, they can apply to the commissioner to have cashless gaming, so that is not something new.

Hotels and clubs can apply for cashless gaming—or ticket in, ticket out—if they wish, under the existing legislation. It is not something you are being asked to vote on here: it is in the existing law, so I am advised. If they were to do that, then there is a requirement for online messaging, but it is only in relation to cashless gaming that that is a particular requirement.

I am told that the Casino does have cashless gaming, and therefore they have to have online messaging. I think one of the honourable members in the very long contributions last evening talked about online messaging in some venues. It is the Casino where that might have been seen or where it occurs, because they do have cashless gaming—ticket in, ticket out—which is allowed under the existing law. So there is nothing new, so I am advised, that is being introduced in terms of this legislation.

The Hon. C. BONAROS: Perhaps if I can be a little bit more specific: is that technology also the subject of an enabling versus disabling scenario? I note, of course, that last week in this place we voted on a disallowance motion regarding the same matter, and the extension that was being sought—and it is in law; you are quite correct—was in relation to having to implement and make operational the use of that legislation that was supposed to come into effect, I believe, in December 2018. My question is: is that also a matter of enabling or disabling that technology?

The Hon. R.I. LUCAS: My advisers are experts in a whole range of areas, but in relation to the technology in relation to this issue, it is not their area of expertise. Do not take this as the definitive answer, but our best understanding is it is likely to be new software. To the question, 'Is this an enabling/disabling thing?', we think the answer is probably no. We think the answer is probably you have to get new software commissioned or incorporated, etc., but we will take advice on it and I am sure we will be able to, at a later stage, provide an answer to the honourable member's question.

The Hon. F. PANGALLO: Consumer and Business Services has indicated that it wants to legislate for new payment technologies. The Treasurer has just told us that these machines are actually quite adaptable and the note acceptor software is actually turned off. In that case, will these note acceptor machines also be able to be adapted to accept tap-and-go cards?

The Hon. R.I. LUCAS: I am advised that when we get to the companion bill, that is actually addressed in the companion bill. There is actually a specific prohibition included in the companion bill to prevent the installation of tap and go. The honourable member will be able to agree furiously,

I suspect, with that toughening requirement by the government in the companion bill, but it is not addressed in this bill.

The Hon. C. BONAROS: Can I just ask a question in relation to the social effect inquiry process. I note the response provided by the government following the briefing—the advice provided yesterday at 1.44pm. One of the lines in that advice is:

> Indeed, since the introduction of the Social Effect Inquiry Process in 2011, no new gaming licences have been granted.

Did the government take the opportunity to consider the decision of the Cheltenham Park community and sporting club—that is, the SAJC case—in relation to the changes to the social effect inquiry process and the reasons outlined in that, insofar as they relate to the lack of new gaming machine licences granted since the implementation of that test?

The Hon. R.I. LUCAS: Could the member clarify what her question is in relation to that?

The Hon. C. BONAROS: There was an SAJC test case, which has provided a precedent as of 29 December 2016. That precedent has resulted in no further gaming machine licences being granted. The response given at the briefing was that no gaming machine licences have been granted since that test was implemented in 2011. My question is: when the government considered the changes to the social effect test, did they take into consideration the comments or findings of the commissioner in the SAJC case?

The Hon. R.I. LUCAS: Again, I am very happy to respond, but this particular issue is in the other bill. However, in the interest of expediting debate in the other bill, I am happy to respond to all questions in relation to this particular bill. I think the correct answer to this is that, inevitably, all the issues relating to the requests from various parties—they appeared mainly to be clubs, but there might be some hotels; I am not sure—were about moving machines, such as the SAJC case.

The Hon. Ms Bonaros has limited it to only the SAJC case, but, with my Treasurer's hat on, I am familiar with complaints from, I think, Harness Racing, which wanted to move their machines from one side of what they believed to be their property to another side. I also know that various football clubs have wanted to move their machines to different locations. I think, and I might stand corrected on this, that the South Australian National Football League may or may not, at some stage, have explored the possibility in relation to the West Lakes development. I also think there was a regional club, perhaps in one of the Spencer Gulf towns, such as Port Pirie.

Having been a regular attendee at Clubs SA events, I know there have been complaints about the challenges of being able to work within the previous legislation to do what, in their view, they would believe to be a reasonable proposition—and I am not purporting that the Hon. Ms Bonaros would agree—to move their existing licences from one part of their property to the next, or down the road, or whatever it might happen to be. They have certainly argued, to anyone who is prepared to listen to them, that the current arrangements are unfair and unreasonable and that the government, or any government at some stage, should seek to address them. This is the government's response.

The answer to the question is that I am sure that the issues relating to the SAJC would have been one factor in consideration, but that factor would not have been the defining factor. There are many other examples that have been raised—certainly with me, and I am not the minister responsible—with members over the years.

The Hon. C. BONAROS: Having been involved in a number of the matters the Treasurer has just referred to, I can confirm that it is not my view, but it has been the view of the commissioner and has also been the view espoused by our courts in challenges that have been had in relation to that social effect test. I am happy to canvass that further when we get to the accompanying bill on this issue.

My other question specifically relates to the briefing that we attended on Monday. I am grateful for the breakdown provided in terms of the number of machines in venues and the breakdown in relation to 30 machines or less. Specifically, in relation to the number of inspections and compliance issues, I think I also asked for a breakdown in relation to the number of prosecutions that have occurred, noting, of course, that there is one on foot at the moment (for the last couple of years).

So I specifically asked for stats in relation to the number of prosecutions that have also occurred for breaches of obligations by venues.

The Hon. R.I. LUCAS: I refer the honourable member to the answer to the question on 'Penalties for contravention of barring orders under new s47(2) which has been migrated from s15F of the current act'. The answer the honourable member was provided, which certainly answers part of the honourable member's question, is:

> Since the Commissioner assumed responsibility for the administration of the current act (post 1/12/2018)—

so 12 months—

no prosecutions have been pursued for a breach of this section, however advice has been received that at least two cases are currently being considered for prosecution, as was advised yesterday.

So there are two cases being considered but at this stage, in the first 12 months, no prosecutions have been pursued.

The Hon. C. BONAROS: Thank you for the response. Can we also confirm, perhaps even for the same period, the number of expiation fees that have been issued as opposed to prosecutions?

The Hon. R.I. LUCAS: I will take that question on notice and provide some sort of response.

Clause passed.

Clauses 2 to 14 passed.

Clause 15.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

> Page 13, lines 10 and 11 [clause 15(4)(c)]—Delete paragraph (c)

Amendment No. 1 [Bonaros-1] is actually consequential on amendment No. 2 [Bonaros-1], but I understand I have to move amendment No. 1 [Bonaros-1], so I will speak to them together. Effectively, these amendments relate to the issue that we were just discussing in relation to expiation fees being payable as opposed to prosecutions. It is SA-Best's position that despite the ability for an officer to go in and offer an on-the-spot fine as a deterrent—so the deterrent effect, perhaps, of an expiation fee—over an actual prosecution, it was noted that the penalties for those expiation fees are significantly low compared with the maximum penalties that would be applicable for an actual prosecution. I note, also, that we have sought to increase the penalties for those prosecutions.

If we look at some of the sorts of offences that we are talking about, this would require us to go to the Gambling Codes of Practice. We then look at the offences that are listed A, B, C and D—I will just chose one of them as an example, which I gave to the government—the penalties that would apply for breaches which would be otherwise considered significant breaches are very low if an expiation fee is provided, as opposed to a maximum penalty under a prosecution. It is not so much that the expiation fees apply in all circumstances, but it is the amount that has been attributed to those expiation fees. They are significantly low but they do deal with significantly important issues insofar as they deal with breaches by venues of their obligations when it comes to providing a safe gambling environment.

As the Treasurer indicated, there are two cases on foot at the moment which highlight how significant these breaches can be. It is SA-Best's position that, whilst I appreciate what the commissioner has at his disposal in terms of being able to provide an expiation fee as a deterrent and perhaps a warning to a venue, there are a number of matters outlined in the code which I do not think should be subject to an expiation fee rather than a prosecution, or at the very least those expiation fees should be a lot higher than what they are. In fact, our position would be that those maximum penalties should be increased from the current penalties that are set in the act. It is for those reasons, that we are moving amendments Nos 1, 2 and 3.

The Hon. R.I. LUCAS: The government opposes the amendment. I think the honourable member has partially explained the government's position on that; that is, the government believes that in relation to disciplinary issues, the range of potential punishments—including expiation and

prosecutions and the like—ought to be available to the commissioner in terms of trying to manage poor behaviour. For those reasons, the government opposes it.

In part, regarding the earlier question in relation to prosecutions, even though two prosecutions have been considered, the fact that there have been zero at the moment may well mean that, as the honourable member is a lawyer, based on legal advice, the issue is the chances of successful prosecutions, the seriousness of the offence.

There may well be, in the judgement of the commissioner, a range of offences which are more meritorious of being financially penalised, up to $1,200 in terms of category A expiable offences, and that may be more useful than either proceeding with a prosecution and being unsuccessful or, ultimately, in the commissioner's judgement, deciding that it is not worthwhile proceeding with the prosecution, for whatever purpose that might be. For those reasons, the government opposes the amendment. We believe there should be a range of punishments available, including expiation.

The Hon. C.M. SCRIVEN: I indicate that the opposition will not be supporting the amendment based on the same reasoning as has just been outlined by the Treasurer in terms of giving maximum flexibility to the commissioner.

The Hon. T.A. FRANKS: I have some sympathy for, and I understand what SA-Best is attempting to do with the amendments of the Hon. Connie Bonaros, but my question is: I understand that the Attorney-General and the commissioner, I think, would like to be able to take action without taking this through the courts, but why were the figures set at the rates they were?

The Hon. R.I. LUCAS: The answer to the honourable member's question is that the expiation offences already exist for breaches of the gaming machines code of practice at these particular levels, and all this legislation is seeking to do is to extend the same level of expiation offence for offences under the Authorised Betting Operations Act and the Casino Act. The reason we have chosen these, based on advice from counsel, is that that is the existing expiable offence for breaches of gaming machines legislation and, therefore, under the Authorised Betting Operations Act and Casino Act we have just used the same penalties.

The Hon. T.A. FRANKS: Thank you for that answer, Treasurer. I will indicate that to keep the debate alive, the Greens will indicate their support for this amendment. We can see the numbers, though, and we will not be proposing to divide.

The Hon. J.A. DARLEY: Whilst I can understand and have some sympathy for the amendment of the Hon. Connie Bonaros, I will not be supporting it.

Amendment negatived; clause passed.

The Hon. C. BONAROS: That was a consequential amendment.

The CHAIR: Thank you. For the benefit of the committee and Hansard, amendment No. 2 [Bonaros-1] is consequential, and the honourable member has indicated she will not be moving it. Does that include amendment No. 3 [Bonaros-1] as well?

The Hon. C. BONAROS: Yes.

The CHAIR: So they are both consequential and the member has indicated she will not be moving them.

Clauses 16 to 19 passed.

Clause 20.

The Hon. C. BONAROS: I move:

Amendment No 4 [Bonaros–1]—

Page 17, lines 10 to 12 [clause 20(1)]—Delete 'may make publicly availably statistical information about expenditure relating to gambling activities undertaken under a gambling Act if the statistics have' and substitute:

> must, in each calendar month, make publicly available, statistical information about expenditure relating to gambling activities undertaken under a gambling Act that has

This amendment also relates to one of the issues we discussed at clause 1 of the bill in relation to the disclosure of venue specific data. Fortunately for me, and for the benefit of the Treasurer, I do have a very good argument in support of this amendment that has been provided by Professor Michael O'Neil in his report, Consideration of Proposed Harm Minimisation Measures: South Australia 2019.

In relation to that sort of data, the government has argued that it does not propose to require disclosure of in-venue specific data. The Commissioner for Consumer and Business Services receives this data, which is appropriate. While there are broader concerns around the commercial-in-confidence aspects of separate venues' earnings, there is also a community safety interest to ensure that venues are not specifically targeted by crime groups. The safety of venue staff and patrons may be at risk here, and Victoria is the only other state to publish this information.

I will take the liberty of providing the Treasurer and the chamber with details regarding the Victorian gambling regulation, where these provisions have worked effectively, according to Professor O'Neil's report:

> Gambling policy and impacts of changes to gambling legislation cannot be evaluated or assessed as a contribution to evidence-informed policy or provided to the benefit of informing legislators.

That is us. The report continues:

> The principal reasons are twofold:
>
> (a) the reluctance of administrators/regulators to commission and appropriately support research inquiry that is substantive including that it is industry and state specific where required; and
>
> (b) that statistical data which is of public interest and the availability of which should be a condition of a gambling licence is not made available.
>
> The release of revenue data from EGM gambling is in the public interest.

Obviously, that is a view we support wholeheartedly. It continues:

> The Victorian Gambling Regulation Act 2003 provides for aggregated and disaggregated data where publication is in the public interest and is not unreasonable.
>
> Specifically Section 10.1.33 on Aggregation of statistical information states:
>
> 10.1.33 Aggregation of statistical information
>
> (1) Any statistical information published about gambling expenditure in relation to gaming venues (whether pursuant to an authorisation under section 10.1.32(3) or otherwise) must be aggregated—
>
> (a) to give the total gambling expenditure for all approved venues in a municipal district; and
>
> (b) if a municipal district has less than 3 approved venues, to give the total gambling expenditure for all approved venues in the municipal district together with an adjoining municipal district or districts so that the statistical information indicates gambling expenditure for at least 3 approved venues—
>
> except as authorised by or under subsection (2).
>
> (2) The Minister or the Commission may publish, or authorise the publication of, disaggregated statistical information if the Minister or the Commission (as the case requires) considers that—
>
> (a) publication is in the public interest; or
>
> (b) in the circumstances, publication is not unreasonable.
>
> The provisions of the Act provide for venue level data which is available on a monthly basis.
>
> The Victorian Commission for Liquor and Gambling Regulation (VCLGR) provides the following data:
>
> 1) Gaming data: related content
>
> Released bi-annually, this data set provides information relating to the total expenditure at each gaming venue. It includes venue classification and the allocation of electronic gaming machines (EGMs) throughout Victoria.
>
> Current gaming expenditure by venue…
>
> Historical gaming expenditure by venue…

> The Expenditure by Venue is a dynamic content page—

this is available in Professor O'Neil's report as well—

> profiling the same data as represented in the files [that have been referred to] above with each listing providing details of that gaming venue, including current year expenditure, venue location and classifications, licence and nominee details.
>
> 2) Gaming Venue Operator: Electronic Gaming Machines
>
> Released monthly this data set provides gaming expenditure by local government area.
>
> Released monthly on the fourth Friday of each month, this data set provides information relating to the various local government areas (LGAs) throughout Victoria, primarily the region classification, total gaming expenditure and the number of electronic gaming machines (EGMs) and gaming venues per LGA.

The publicly available statistics referred to are considered dynamic:

> …profiling the same data as represented in the [information I have referred to] with each LGA listing providing details including identification of gaming venues within the LGA, mapping of geographical location of all venues, current year expenditure, venue location and classifications and licence and nominee details.
>
> 3) Population Density and Gaming Expenditure
>
> Released annually, this data set displays gaming expenditure compared to population density.
>
> This data set includes population and expenditure breakdowns by local government area (LGA) and gaming venue, demographic statistics, labour statistics and Socio-Economic Indexes for Areas (SEIFA) LGA score and ranking per LGA.

According to the report of the SA Centre for Economic Studies and Professor O'Neil, in Victoria:

> …historical gaming data by venue is provided each month, aggregated and disaggregated data is available on a current and historical basis by venue and by LGA and expenditure statistics are calculated and provided on a population basis.
>
> The [data referred to provides] the name of the venue, the region (metropolitan/country), by LGA name, venue type [hotel/club], by month and by six month intervals and the number of EGMs per venue.

The argument in support of the same sorts of rules here is that we need to adopt the Victorian regime and make aggregated and disaggregated data available, and that that data relates to gaming only. It is not commercial-in-confidence and it does not include all revenue generated by a club or hotel that may provide, for instance, accommodation, meeting facilities, food services and bottle services, which has been one of the arguments put by the industry as to why it should not be provided. The report continues:

> The lack of transparency and the poor record of serious research commissioned in South Australia provides a veil of secrecy that is certainly not in the public interest. It reflects a lack of maturity in policy debates, leaving policy makers to fall back on conjecture, assumptions or the powerful influence of lobbyists and industry.

I will say that these are not my views, although I do share them; these are the views that have been offered by Professor O'Neil from the SA Centre of Economic Studies, an expert in his field and somebody who has said that time and time again we come to this place and we debate gambling-related legislation and we do so off the back of our own policy positions without having regard to the sort of data that we need to be having regard to in the public interest. Professor O'Neil highlights that:

> A number of the proposed changes as signalled by the Attorney-General appear to emanate from considerations in the Anderson (2016) report titled 'Administrative Review of Gambling Regulation in South Australia'. That report DID NOT address the complex question and regulating safeguards for harm minimisation in its review of commercial gambling, noting
>
> > 1.1.15. The Government has indicated that responsible gambling policies, harm minimisation and problem gambling measures are not to be considered as part of this review, but rather I should concentrate on the regulatory arrangements.

So that was not even considered as part of the Anderson review, according to clause 1.1.15. According to clause 1.1.16:

> However, it is not possible to exclude problem gambling and harm minimisation objects from the overall regulatory framework for commercial gambling. To that extent, I will deal with the management and control of these issues.

If we are going to argue that this bill is based on the outcomes of the Anderson review, then it should be noted very clearly for the record that these considerations were not made by Mr Anderson QC as part of his findings in that report, and that is a very important point that should not be lost on any member in this place. They were not taken into consideration, and we know from the evidence made available to us that they are absolutely necessary insofar as any public interest standard is involved.

It is also important, in that context, in terms of knowing where it is that these machines are being concentrated. We do have a breakdown of figures available to us based on LGA—local government area, or municipality—and we can see from those figures alone that, in the main, these machines are concentrated in our most vulnerable communities. That is clear, based on the evidence that is already provided freely, publicly, by the commissioner. If I were to run down that list, I would be able to highlight that the evidence demonstrates clearly that the major losses that occur in gambling venues occur in those local government areas that can afford it the least.

So when we come here and we make informed decisions about poker machines and gambling addiction, then they are factors that we should be taking into consideration. What is more, if we had access to information that was based on venues, we would have further insight into the impact that these machines have in certain areas, and that is certainly something, without question—absolutely—that is in the public interest.

There are a number of instances where we know that the public interest argument far outweighs any other consideration and certainly that of commercial-in-confidence. As has been articulated by Professor O'Neil, the commercial-in-confidence argument in this context simply does not stack up. I am also going to place on the record appendix B of that report, which is correspondence to the Hon. Stephen Mullighan MP dated 21 October 2019. Professor O'Neil states:

> I follow up my earlier correspondence on proposed reforms to gambling in South Australia. I reiterate a core principle that Parliament should require that EGM venue level data be made available by the relevant authority on a monthly basis. I note that your amendments are intended to 'force online betting firms to provide detailed data on the scale of their activity'…

That is something that the opposition has clearly advocated for and has managed to secure. They have managed to have the government agree that their amendments are intended to force online betting firms to provide detailed data on the scale of their activity. Professor O'Neil goes on to say:

> …hence the clear symmetry is for the Commissioner of Liquor and Gaming to make available EGM revenue from hotels and clubs.

Why? Because it is entirely consistent with the position of the opposition in this instance to do so. It continues:

> It is not commercial in confidence data as [has been] indicated before and business people in South Australia agree with my position on this matter. The Government licences hotels and clubs and has the power to be totally transparent on this issue and require that data be published on a monthly basis as is the case in Victoria. [It is] untenable to argue 'we are following other states in regard to land tax aggregation, note acceptors, facial recognition, EFTPOS, etc, but we choose not to follow them on making public information that should be in the public domain'.

Why? Because it is in the public interest. It continues:

> The issue of transparency seems to be very much in the public domain at this point in time.

Professor O'Neil goes on in his correspondence to the shadow treasurer from the other place, the Hon. Stephen Mullighan MP, to say:

> As I have indicated below it is simply not possible for any person to assert that various changes in the gambling environment will…have this or that effect without the evidence to test the assertion. Government has nothing to fear—

Treasurer, I hope you are listening to this—

> in making the data publicly available nor does the industry which in [many cases] is subject to dense and very sophisticated internal and external analysis by financial groups (e.g. Morgan Stanley…venue traders and others. It has had no adverse repercussions as the situation in Victoria amply demonstrates. Quite the opposite, it has enabled

more thorough, evidence-based, policy informed research to be undertaken including the use of regional caps, pre-commitment technology and impact assessment with the cooperation of the industry.

Fancy that—if we had some cooperation from the industry. It continues:

SACES [the South Australian Centre for Economic Studies] has completed some 30+ policy based reviews across the gambling industry, more than 20 for the Victorian Government with at least half using venue level data.

The data is available, all machines at all venues are monitored, it is provided to Government, it is the basis for taxation revenue, it is analysed or can be analysed by Treasury and Finance and CBS but it is not available to researchers and the general public. As Government grants the licence it can make available the data as a condition of the licence. There is nothing unique in such a requirement.

Professor O'Neil finishes his letter to the shadow treasurer, the Hon. Stephen Mullighan MP, by saying:

I ask that the South Australian Labor Party commit in its reform platform to require venue level data be made publicly available by the relevant authority on a monthly basis.

That is clearly a request from one of our state's most eminent experts in this field that was completely ignored not only by the government but, of course, by the opposition, which received that correspondence directly. The shadow treasurer, as the Acting Leader of the Opposition, has argued that he is responsible for this legislation. He has received that correspondence directly. The plea has been made to him by one of our most eminent experts in this field in this state, who has worked across all Australian jurisdictions, who knows this work better than any of us ever will, and again it has been ignored.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:15.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. T.J. STEPHENS (14:15): I lay upon the table the 32nd report of the committee.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. T.J. STEPHENS (14:15): I bring up the report of the committee's inquiry into South Australian livestock industries.

Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

Reports, 2018-19—
- Community Road Safety Fund
- Department for Correctional Services
- Parole Board of South Australia
- South Australian Fire and Emergency Services Commission

Ministerial Statement

SA HEALTH, ICAC REPORT

The Hon. R.I. LUCAS (Treasurer) (14:16): I table a copy of a ministerial statement made in another place today by the Attorney-General.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding SA Health.

Leave granted.

The Hon. C.M. SCRIVEN: On FIVEaa this morning, the minister was interviewed about the ICAC report into SA Health. The minister was asked when he received the report and whether he had read the report prior to it being tabled in parliament. The minister responded:

> My understanding is that the report was given to the Attorney-General—there was a misunderstanding. I did get a copy of the report. I started to read it. When I became aware that I wasn't entitled to have it, I put it aside.

My questions to the minister are: will the minister confirm that he first received the ICAC report into SA Health on Friday and that he did not read the report at that time? Will the minister advise when he approved the government response to the ICAC report on SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18): I refer the honourable member to the ministerial statement issued in the other place by the Attorney-General.

The Hon. C.M. SCRIVEN: Point of order, Mr President: the ministerial statement does not relate to these two questions.

The PRESIDENT: I am not sure that is a valid point of order. The minister will answer how the minister is going to answer.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:19): Supplementary: since the minister referred to the ministerial statement tabled in the other place by the Attorney-General, which says that since the Attorney-General was engaged in the administration of the act she was therefore permitted to disclose the report to the minister for that purpose, can the minister now explain, given that he was entitled to have the report, why he did not read it?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): I refer the honourable member to my previous answer.

The PRESIDENT: It is going to be hard to get a supplementary out of that.

Members interjecting:

The PRESIDENT: The Hon. Ms Scriven, you don't have the call. The Hon. Ms Bourke and I are just waiting quietly for everyone to get it out of their systems before we commence.

Members interjecting:

The PRESIDENT: I am happy to wait an hour while the Hon. Mr Wortley and the Hon. Mr Stephens have a private conversation. We are all happy to listen. The Hon. Ms Bourke, I think it's time.

SA HEALTH, ICAC REPORT

The Hon. E.S. BOURKE (14:20): My question is to the Minister for Health and Wellbeing. Did the minister approve the appointment to the public sector lead task force to respond to the ICAC report into SA Health, and will the minister advise which public servants have been appointed to the task force?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): That's a matter for the Premier and I will refer that to him.

The PRESIDENT: The Hon. Ms Bourke, supplementary.

SA HEALTH, ICAC REPORT

The Hon. E.S. BOURKE (14:21): Will the minister be advising the Premier, when he is determining who should be on the task force, who he would recommend to be appointed to the task force and on what basis those people are appointed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): I am always happy to have conversations with the Premier in relation to government matters, particularly those that impact on my portfolio.

The PRESIDENT: The Hon. Mr Pangallo, you have the call: a supplementary.

SA HEALTH, ICAC REPORT

The Hon. F. PANGALLO (14:21): Can the Minister for Health and Wellbeing explain what powers does the task force have to lay or refer criminal charges against any South Australian health employee it finds to have committed some criminal activity?

The PRESIDENT: That can't be a supplementary arising out of the original answer, but I am going to give the minister the option of responding. Minister, do you wish to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I am happy to. My expectation is that as a task force they don't have any additional powers. I would be surprised if any of the people who would be appointed to such a task force would have those powers.

The PRESIDENT: The Hon. Ms Scriven, you had a supplementary.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:22): Can the minister advise why he said on radio that cabinet signed off on the task force, and yet the Premier in the other place says that cabinet did not sign off on the task force? Who is telling the truth?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I have no intention of going into private discussions I have in cabinet or with my cabinet colleagues.

The PRESIDENT: The Hon. Ms Bourke was on her feet first. I would just like to remind members that the original answer was quite short and succinct. Many of these questions are within standing orders, but not as supplementaries. Can we be mindful before we ask them. The Hon. Ms Bourke.

SA HEALTH, ICAC REPORT

The Hon. E.S. BOURKE (14:23): Thank you, Mr President, for your reminder. When you had your discussion with the Premier, was that because he, as the Premier, and his office were wanting to gag you from making any further comment on the ICAC report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I would be stretched to see that as a supplementary.

The Hon. C.M. Scriven: That's up to the President. Are you telling him how to do his job, are you?

The PRESIDENT: The minister can answer as he wishes.

The Hon. I.K. Hunter: Well, he's not doing his own job, he might as well do someone else's.

The PRESIDENT: The Hon. Mr Hunter! The Hon. Ms Bonaros, you had something you wanted to ask; a supplementary? It has to be a supplementary arising out of the minister's original answer. The Hon. Mr Hunter. I notice the chamber is giving you great courtesy in silence.

SA HEALTH, ICAC REPORT

The Hon. I.K. HUNTER (14:24): My question is directed to the Minister for Health and Wellbeing. Does the minister accept the ICAC commissioner's analysis of the SA Health department in the part of his report that says, 'Making credible and useful recommendations would require a

substantial amount of further work'? If the minister does accept that recommendation from the commissioner, does the minister now also accept that there is an overwhelming case for an independent inquiry into SA Health or, better still, providing the ICAC commissioner with the $2 million he asked for to investigate the department properly?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I'm certainly not going to provide a commentary on the ICAC commissioner's report. What I will say is that these issues are longstanding. The ICAC report details cultures and behaviours that have been allowed to build up and fester in SA Health over many years. The report confirms and unpacks longstanding concerns. In particular, the report references the Auditor-General's comments in report recommendations in 2013 and the lack of action on that report.

The Liberal team in opposition highlighted many of these concerns and Commissioner Lander raised a number of these issues with me in a meeting on my first day as minister, and in a series of meetings since. In terms of the longstanding nature of these issues, I refer honourable members to a statement made yesterday afternoon by Dr Chris Moy, the Australian Medical Association South Australia president. He said:

> The ICAC report basically sets out the problems we have been pointing out for the last few decades. These are historical problems and problems which need to be fixed, and we are starting to see the seeds of change over time.

This government is not interested in playing Labor's political games. We are committed to fixing Labor's mess.

Members interjecting:

The PRESIDENT: See what it's like, the Hon. Mr Hunter? Do you see what it is like? You might want to reflect on that.

The Hon. I.K. HUNTER: My level of empathy for the President has gone up a notch.

SA HEALTH, ICAC REPORT

The Hon. I.K. HUNTER (14:27): Supplementary: minister, if the government can find tens of millions of dollars to fund the razor gang KordaMentha group to inquire into SA Health, why can't the minister find the $2 million that the ICAC commissioner asked for to properly do the job and investigate SA Health fully?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I thank the honourable member for raising the point because implicit in the opposition's question is: is this government willing to invest in tackling maladministration? Yes, we are, and that's exactly what we have done. In the KordaMentha project we have invested more than $20 million, ten times the amount that the ICAC commissioner sought. This is a strong and longstanding commitment.

I remind honourable members that the ICAC commissioner met with me on day one and, in the context of those comments, in the early months of government I had to tackle the crisis that was the Central Adelaide Local Heath Network. KordaMentha was engaged and Mark Mentha, one of the most experienced business advisers in the nation, described CALHN as the most broken organisation he had ever seen.

I would like to ask honourable members: in March 2018, who had been in control of the health system for 16 years? For 16 years had they tackled the issue in CALHN? In fact, you have to ask yourself: if the ICAC commissioner asked to meet with me on the first day that I was in government, did he ask to meet with Peter Malinauskas—sorry, the Leader of the Opposition in the other place—when he was the health minister? Did he ask to meet with the current shadow minister for health, as he was an assistant health minister? What did they do? I can assure you that there was a broken organisation waiting to be restored and this government is determined to do it.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:29): Supplementary: why won't the Minister for Health give the ICAC commissioner the money he needs to do his job, or is he trying to protect his mates for the minister?

The Hon. T.J. STEPHENS: Point of order, Mr President: I just don't think there is any need for shouting and carrying on. That is just unparliamentary. The acoustics in this place, Mr President, are more than adequate without hysterics.

The Hon. C.M. SCRIVEN: Point of order: I think the Hon. Mr Stephens is being quite sexist in using the word 'hysterics' simply because the Acting Leader of the Opposition—myself—is female. I think that is outrageous behaviour and should be censured.

Members interjecting:

The PRESIDENT: All calm down.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): I appreciate the Hon. Terry Stephens protecting me from harassment and bullying. In terms of the substance of the honourable member's question, we are giving—sorry, with all due respect, not from my portfolio but from the generosity of the Treasurer and the Attorney-General—the ICAC commissioner more than $15 million a year in terms of ongoing funding. In fact, the generosity of the Treasurer knows no bounds, because I am reliably informed it is going up. The ICAC commissioner is going to get more money to do more work in the coming years.

In fact, my understanding is that by 2022-23 it will be an additional 1.2. In other words, in two years he has the $2 million, but it is up to the ICAC commissioner to prioritise work within his work program. Considering that SA Health is about a third of the budget, there is a significant portion—one could say $5 million—of this budget that one would expect would be dedicated to health related matters. It is always up to the ICAC commissioner to prioritise his workload. It is not appropriate for the government to direct his work. The Treasurer and the Attorney-General are ensuring that he is funded to discharge his duties and they will continue to do so.

LOCAL BUSINESS PARTNERSHIPS

The Hon. D.G.E. HOOD (14:31): My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council on how the government is facilitating new partnerships between local businesses and firms in new markets?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): I thank the honourable member for his ongoing interest in how we are growing the economy and putting partners together. This morning, I had the pleasure of witnessing an MOU being signed between local technology company IPACS and the Tacmin group, a South African based project management firm specialising in mining. The Tacmin group was founded in 1996, but only expanded into the Australian market in 2018, via a branch in Perth, followed by an office in Adelaide in April this year.

IPACS is an Adelaide headquartered company specialising in IT infrastructure management, asset data management and analytics to provide real-time feedback on critical assets. Its office is located in Mawson Lakes, where they launched their Remote Asset Management Centre in 2015. It was great to see a range of people from both companies in the signing, and also a number of people from the Department for Trade, Tourism and Investment.

The technology is fascinating, and Dr Vinay Sriram showcased the impressive technology to the attendees. It effectively monitors all equipment in mines in real time back in the centralised data asset management centre. The MOU will develop a shared pipeline of project opportunities focused on remote asset management technology and technology consulting services in the defence, mining and construction industries.

My department identified the potential for the two companies to collaborate, and connected the businesses in the hope that it would lead to new projects and access to new markets. The MOU signing is a result of that connection. The partnership has already generated much interest in the mining community, and I am excited for where that partnership can take both companies as they embark on expanding into new markets. It was great to see Mr Sarel Blaauw from the Tacmin group saying he was leaving for Kazakhstan this afternoon to expand the business into that part of the globe.

As the government would believe, it is vital for our local businesses to grow and to export their products to new markets, and that's why, again, we have opened two of our trade offices already

and yesterday we released our business missions calendar, because we are very keen to make sure that partnerships like the one I have just described, the MOU, get a chance to blossom and flourish and we can actually use our trade offices and our network of people on the ground to help grow these businesses.

I would also like to thank Dr Vinay Sriram and Mr Kailash Sriram from IPACS as well as Mr Sarel Blaauw from Tacmin group for allowing me to witness their MOU signing for this new venture. I wish all groups all the very best. I would also like to thank the department. It is great work that they found these two companies, independent of each other. They saw an opportunity to bring them together, they brought them together, and now it is an opportunity for them to work together not only to grow their own business but to create more jobs in our South Australian economy and of course grow the economy.

SA HEALTH, ICAC REPORT

The Hon. C. BONAROS (14:35): Widely respected Centre for Economic Studies economist Darryl Gobbett was quoted on radio this morning, and I quote him verbatim—

Members interjecting:

The Hon. C. BONAROS: I seek leave to make a brief explanation before asking a question on the issue of SA Health—to the Minister for Health and Wellbeing.

The PRESIDENT: As long as it is generally SA Health—

The Hon. C. BONAROS: I will just start again—

The PRESIDENT: —if it's a specific—

The Hon. C. BONAROS: I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about SA Health.

The Hon. D.W. Ridgway: It's about process, these questions, really.

The Hon. C. BONAROS: Yes, I like process, Mr Ridgway.

The PRESIDENT: If it is about SA Health more generally, yes, but if it is a specific issue within SA Health you do owe the whole chamber the courtesy, because it's the chamber giving you leave.

The Hon. C. BONAROS: In relation to comments made by Mr Darryl Gobbett on radio this morning.

Leave granted.

The Hon. C. BONAROS: Widely respected Centre for Economic Studies economist Darryl Gobbett was quoted on radio this morning—and I will quote him verbatim to ensure accuracy:

> Corruption in healthcare is estimated at 3-8% of healthcare spending in Europe and North America… Applying that to SA's public sector spend in 2019-20 of $6,888m—

in other words, $6.88 billion—

> is a cost of corruption of $207m-$550m per annum…SA probably is at the higher end of this.

If that is true—and there's no reason to suspect otherwise after Commissioner Lander's scathing report—my question to the minister is: do you accept that Commissioner Lander's request for an additional $2 million so he can undertake the investigation he wants into SA Health is a drop in the ocean compared to the figures quoted by Mr Gobbett?

The PRESIDENT: Just before the minister answers, the Hon. Ms Bonaros, it is actually in breach of convention, I suppose under *Erskine May*, to ask someone whether certain press statements are accurate. To the extent the question does that, I am going to rule it out of order, but the remainder of the question is a matter for the minister to respond to.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:37): I am certainly happy to respond to the substance of the honourable member's question. I have no doubt that corruption and maladministration are a gross waste of public resources. As I have said previously, every dollar

that we waste in maladministration, inefficiency, corruption—whatever it will be—is a dollar that is not going to be available to deliver public health services to South Australians.

I just want to clarify, too, that the honourable ICAC commissioner—his report deals with maladministration and corruption. For example, over the last six years the commissioner has received 1,166 complaints or reports containing allegations of poor conduct and practices in SA Health and we are advised that, of those, 151 have been assessed as raising a potential issue of corruption in public administration. It is the government's determination to deal with maladministration and corruption that motivates the Treasurer and Attorney-General to make sure the ICAC has a standing budget which supports it to deliver its role.

But I think it is very important to stress that dealing with corruption and particularly maladministration is not the sole preserve of the ICAC. For example, one of the other statutory officers of this parliament, the Auditor-General, has a very strong role, and it is noteworthy that the ICAC commissioner repeatedly refers to work of the Auditor-General in South Australia. There is a lot of work done by other bodies as well. I have already mentioned KordaMentha.

I pay tribute to the hard work of non-frontbench and crossbench members of this chamber for the work that takes place in the committees of this place. I would remind this house that there are currently four parliamentary committees that are focused on health matters. To pay tribute to the honourable members who are members of (I will get the name wrong) the occupational health and safety workplace committee, whatever the term is, that parliamentary committee has a reference on bullying and fatigue in SA Health. Bullying in particular was an issue that the ICAC commissioner highlighted. I thank the honourable members on that committee who are undertaking that work.

I also pay tribute to the leadership of Dr Chris Moy, the President of the Australian Medical Association of South Australia, who has made it clear that, under his presidency, there will be a focus on bullying. I look forward to the leadership of not just the medical profession but all the health professions because it is often the internal leadership of health professions that can drive change that external demands cannot.

I would urge all professional associations and employee organisations to work with the government as we unpack the analysis of the ICAC commissioner. As I said, a lot of the issues are longstanding. The President of the AMA, Chris Moy, particularly highlighted that fact in the quote that I referred to earlier. Coming back to the honourable member's question, I have no doubt about the waste that is generated through both corruption and maladministration. That's why this government is so determined to deal with it, that's why we invested in KordaMentha and that's why we continue to fund independent bodies such as the Auditor-General and the ICAC commissioner.

SA HEALTH, ICAC REPORT

The Hon. C. BONAROS (14:41): Supplementary: does your department have any quantifiable data that disputes the claims in relation to the warnings made by Mr Gobbett this morning?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I am happy to take that question on notice.

SA HEALTH, ICAC REPORT

The Hon. I. PNEVMATIKOS (14:42): My question is to the Minister for Health and Wellbeing regarding the ICAC report into SA Health. My question to the minister is the following: who provided advice to the minister that he was not able to read the ICAC report into SA Health on Friday, and will the minister also explain how it is possible that the government announced a response to the ICAC report into SA Health without having read the report and particularly without the Premier reading the report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I thank the honourable member for her questions, because I regard them as two separate matters. In relation to the first matter, I would refer the honourable member to the ministerial statement by the Attorney-General. In relation to the second matter, which is the—

Members interjecting:

The Hon. S.G. WADE: Sorry, but I don't know if the opposition wants to hear the answer. The answer that I would like to offer to the second question of the Hon. Irene Pnevmatikos is that the government's initial high-level response was informed by a range of information already in the public domain. The ICAC commissioner made public statements on 18 October. I had meetings with the ICAC commissioner following that statement, and the ICAC commissioner's overview of the issues to be dealt with in the report on SA Health was conveyed to SA Health in a letter in late October.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:43): A supplementary: could the minister point out where in the ministerial statement it says who it is that provided advice to him that he was not allowed to read the report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I refer the honourable member to my previous answer.

CATHERINE HELEN SPENCE MEMORIAL SCHOLARSHIP

The Hon. J.S. LEE (14:43): My question is to the Minister for Human Services regarding the Catherine Helen Spence Memorial Scholarship. Can the minister please provide an update to the council about a recent event held to celebrate scholarship recipients?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for her question and for her ongoing interest in these issues. The name of Catherine Helen Spence is very well known to many South Australians, particularly given her role as a leader in the suffrage movement before the turn of the previous century. Catherine Helen Spence was the vice-president of the Women's Suffrage League and the first woman in Australia to seek elected office.

She put in an incredible effort to secure the vote for women, and her tireless drive to better the lives of South Australian women as well as destitute and orphaned children is embedded into the fabric of our state. She is commemorated in a scholarship, an electoral district, a street name and a statue in Light Square and numerous government offices and public buildings.

She is also commemorated by each recipient of the Catherine Helen Spence Scholarship, which commenced after her passing, the first recipient being, in 1912, Dorothea Proud, who was interested in the lives of working women in factories. With her scholarship, she researched British women in munitions factories, gaining a doctorate from the London School of Economics in 1916. When her thesis was published, the British Prime Minister, Lloyd George, wrote the preface. She worked in the welfare section of the British Ministry of Munitions from 1915 to 1919 and was awarded a CBE in 1917.

In Adelaide, Dorothea Proud gained a law degree, being admitted to the bar in 1928. She worked for women's welfare, lectured in Social Science at the University of Adelaide and was a member of the Catherine Helen Spence Memorial Scholarship Committee until 1962.

The Catherine Helen Spence committee recently partnered with the Fay Gale Centre at the University of Adelaide to commemorate all the recipients. The Fay Gale Centre has an important role in that it is a research body that undertakes to advance social justice in gender, gender relations and sexuality. The centre provides advocacy, support, mentoring and national and international networking to researchers to develop this field of knowledge and strives to improve gender equity in research.

Professor Emerita Fay Gale AO was the recipient of the 1971 Catherine Helen Spence Scholarship. She was the first woman appointed professor at the University of Adelaide and the first pro-vice chancellor and woman in senior management at the university. Professor Gale's research focused on Aboriginal women and Aboriginal communities and was influential in arguments for self-determination and recognition of the stolen generations. As vice-chancellor at the University of Western Australia, she initiated wideranging reforms aimed to eliminate discrimination against women and was a pioneer in developing programs for equal opportunity and equity in the university sector.

Our thanks go to the committee of the Catherine Helen Spence Scholarship, particularly Emerita Professor Margaret Allen for organising this important event. We congratulate all of the

scholarship awardees, who have greatly benefited from this important scholarship, and look forward to their work advancing a continued status of women in South Australia and beyond.

SOUTH AUSTRALIA POLICE

The Hon. T.A. FRANKS (14:47): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing, representing the Minister for Police, on the topic of SAPOL compliance with the criminal intelligence act and the Police Act.

Leave granted.

The Hon. T.A. FRANKS: Members would be well aware, and I think most South Australians were well aware, that on 7 July of this year the front page of the *Sunday Mail*, with an article emblazoned with a red light and a big graphic, outlined accusations that a Franklin Street brothel had connections to bikies. I am now privy to a concerns notice sent to *The Advertiser* with regard to that article.

The concerns notice outlines that on 7 July *The Advertiser* published an article to the effect that a senior Rebels member from Sydney was establishing a new brothel, referred to as the Franklin Street brothel, in the CBD. The article separately said that the Franklin Street brothel was financed by a Sydney bikie. The article went on to say that the supervisor of the business had 'expensive, extensive experience in the industry'—I think that's meant to say 'extensive experience in the industry'—in Adelaide and was linked to another well-known Adelaide bikie.

The defamation concerns notice goes on to state with regard to the establishment, which was commonly referred to as the Franklin Street brothel, that their client would assume that anyone reading their publication would only conclude that it was the client's establishment, that the imputation is that the client's establishment is run by bikies. It further asserts that their business has no connection with bikies, was not established by bikies, is not financed by bikies, and the manager of the business is not linked to a well-known Adelaide bikie.

The client seeks an apology and a retraction. What I seek is clarity on the source used by Nigel Hunt for the article, referred to only as 'a source' but, I note, accompanied with quotes from the police commissioner in the article. My questions to the Minister for Police, through the Minister for Health and Wellbeing, are:

1. Did SAPOL provide evidence of criminal intelligence to Nigel Hunt, the journalist, for the preparation and publication of that article?

2. Did SAPOL assert that the Franklin Street brothel was run, managed, associated with and financed by bikies, or can SAPOL rule out that it provided such evidence to the journalist concerned?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I thank the honourable member for her questions. I will refer them to the Minister for Police and seek a response on her behalf.

MCGOWAN, DR C.

The Hon. J.E. HANSON (14:50): My question is to the Minister for Health and Wellbeing. Did the minister or anyone from his office advise his CEO, Dr Chris McGowan, to change his decision about appearing before the Budget and Finance Committee on Monday?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I have certainly not given direction to Dr McGowan. I will inquire in my office.

MCGOWAN, DR C.

The Hon. J.E. HANSON (14:51): A supplementary: while he is making those inquiries, could the minister also make similar inquiries of the Premier's office of whether anyone from the Premier's office advised his chief executive, Dr Chris McGowan, to change his decision about appearing before the Budget and Finance Committee on Monday?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I don't know how orderly it is, but I'm certainly happy to refer that question to the Premier and seek a response on the honourable member's behalf.

STRENGTH FOR LIFE PROGRAM

The Hon. J.S.L. DAWKINS (14:52): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on what the government is doing to strengthen the wellbeing of older South Australians, like the Treasurer and myself?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52): I thank the honourable member for his question, and hasten to add that there are probably more than just those two honourable members who might fall into that category. I can't exactly remember the data, but I seem to have been made aware that, in terms of workers, you might be regarded as an older worker as early as 50, or even earlier. So let's all celebrate our ageing, whichever side of arbitrary milestones we might sit.

I thank the honourable member for his question and his interest in this area. The Marshall Liberal government is committed to improving the physical and mental health and wellbeing of all South Australians, including older South Australians. This includes expanding the opportunities older South Australians have to stay well and, through regular physical activity, improve the likelihood of them staying fit, avoiding preventable falls and hospital admissions and, importantly, staying connected with their community.

One of the ways the government is doing this is through a substantial increase in the annual funding SA Health provides to COTA SA for its Strength for Life program. Strength for Life is an evidenced-based, accredited fitness program providing an increasing number of older South Australians with the opportunity to exercise regularly, that is safe, personalised, affordable and, importantly, that helps them stay engaged in their local community, thereby reducing social isolation and loneliness.

Strength for Life has been operating in South Australia for 15 years. Each week, it supports 250 instructors to hold more than 400 sessions for some 5,000 older South Australians. While Strength for Life started mostly in mainstream gyms, it has now moved into council community centres and gyms, health services and organisations such as the YMCA.

In the run-up to the 2018 state election, the Marshall Liberal team, recognising the success and importance of the Strength for Life program, promised, if elected, to substantially increase the Strength for Life funding. The Marshall Liberal government honoured that commitment in its first budget by providing $100,000 a year for four years for the Strength for Life program. Our investment more than doubled SA Health's annual funding for the program.

COTA is using the additional money to grow the program, with a specific emphasis on some of our most disadvantaged communities. Funds have been earmarked to improve access for our older Aboriginal population, for older people from culturally and linguistically diverse communities, for older people living in regional South Australia and for older people living in economically disadvantaged areas.

Importantly, Strength for Life helps older adults to improve their muscle strength and balance, with the primary aim of helping them to remain physically active and strong, and to help minimise the risk of falls, which of course provides a great benefit to our health system. Last year, more than 22,500 people were admitted to one of our public hospitals following a fall. This is 13 times the number admitted following motor vehicle accidents. More than two-thirds of the people admitted to hospital following a fall (that is, 68 per cent) were over 65 years of age.

For some older people, a serious fall injury robs them of their independence and many never return to independent living following such an event. So anything Strength for Life can do—and, for that matter, anything that each of us can do—to reduce falls has the potential to reduce health service costs, as well as improve the quality of life for older citizens.

Strength for Life, as I mentioned earlier, is much more than just a fitness program. The improved quality of life includes the social opportunities that attending a regular fitness class bring. For many participants, it's the place that new social opportunities start, where a weekly class exercise

with strangers quickly becomes a regular catch-up with friends and an important springboard to wider community connectedness outside of the classes themselves.

COTA SA has recently refreshed the look and branding of the Strength for Life program. At a recent launch, which I was delighted to attend, some long-term Strength for Life participants spoke passionately about the way the program has helped them stay well, helped them regain their strength and wellness after major health episodes, and has provided them with new and enduring friendships. I congratulate Jane Mussared, the CEO of COTA SA, and everyone involved with the Strength for Life program, and look forward to it going from strength to strength in the years ahead.

SA HEALTH, ICAC REPORT

The Hon. F. PANGALLO (14:57): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about the ICAC report.

Leave granted.

The Hon. F. PANGALLO: Can I ask the minister, briefly, in relation to some of the comments he has made:

1. What is the point of having a government task force of public servants investigate itself—and, to quote the minister, 'clinicians, not lawyers'—if it does not have the powers of enforcement and compelling witnesses to provide evidence?

2. If not ICAC, why doesn't the minister refer any investigation to the Auditor-General or the Ombudsman?

3. Can he explain what the legal reasons were that he should not have been given the ICAC commissioner's report when it directly affects his portfolio, and why the Attorney-General didn't then appoint the task force?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): In relation to the third question, I will just make the point that the Attorney-General is the responsible officer, under the Independent Commissioner Against Corruption Act, to receive reports. In relation to the second question, I would refer the honourable member to the ministerial statement by the Attorney-General in the other place.

I'm grateful for the first question, which is basically—if I could paraphrase, I think the spirit of the question is: it's important to have coercive powers, and if the task force doesn't have them, into whose hands am I going to refer matters? I think it's important to stress, first and foremost, that the independent statutory officers—such as the ICAC Commissioner, the Auditor-General and the Ombudsman—do not wait for the permission of government to initiate action. That is why they are independent statutory officers. It does remind me, though, of the fact that the honourable member is part of a parliamentary group that went to the last election insisting on a royal commission into SA Health. I presume that the particular reason for that was because the party saw value in coercive powers.

I am interested that the issue has come up again this week. The party has reiterated its interest in a royal commission. I was prompted to go back and look at what the AMA said, at the time of the 2018 election, in relation to the royal commission proposal of your party. The state president said:

> The proposal of a royal commission is new to the AMA(SA). It's not something we had called for or been consulted on. We will consider the proposal, but at this point it looks expensive and expansive. More detail would be needed. There would need to be a guarantee that this would not be an expensive and time-consuming exercise that would take money away from the provision of front-line health services and delay needed changes. A royal commission which goes back to look at problems is not a substitute for health policy initiatives which we need now to improve the health of South Australians going forward.

That was a statement from the AMA before the last state election. I don't know whether they have had a more recent statement, but I strongly agree with it.

The calls from SA-Best and from other members of the community have been for a very expansive royal commission. Apparently, it would look at issues such as Oakden, the chemotherapy crisis, Transforming Health—16 years of Labor's mismanagement. In that context, it's interesting to

hear the deafening silence of the Labor Party on that issue. They seem to be very keen to have somebody have a look at things, as long as it's not a royal commission and as long as it's not into them.

Politically, it would suit me. Politically, it would be convenient for me to have a royal commission into Labor's reign of mismanagement, but I am fundamentally committed to delivering a better health service for South Australians. Delaying real reform for years and spending tens of millions of dollars on a royal commission process, rather than on health services, is not acceptable. Also, to be frank, it wouldn't build the capacity in SA Health to learn to govern itself better. We have never supported a royal commission, and we don't now.

What we are determined to deliver is board governance, because I believe that is fundamental to improving better management of SA Health. I believe that the centralisation of health services under the failed opposition which now bleats on the other side, the centralisation of power, meant that there is a significant disengagement of clinicians and management, which is fertile ground for maladministration and corruption. That's why it's so disappointing to find SA-Best standing up in the parliament and supporting the Labor Party in their attempts to sabotage board governance. It was SA-Best that backed Labor to require a single consumer voice appointed by the CEO of SA Health.

On the one hand, they want all the bureaucrats shot at dawn, and, on the other hand, they want bureaucrats to dominate the consumers they are supposed to serve. We know that Labor opposes board governance—they always have and they always will. They believe that all power should belong to bureaucrats in buildings on Hindmarsh Square. That's not a view that we believe. I do acknowledge that SA-Best supported these matters at the second and third reading stages, but to support Labor on every amendment while they try to sabotage our board governance bill, the very bill that would strengthen the capacity of the health system to resist corruption and maladministration, I think is very disappointing. As I said, SA-Best supported Labor on every amendment on board governance. It actually now seems that the leader of SA-Best is a more reliable vote for Labor than the acting leader of Labor.

The PRESIDENT: A supplementary, the Hon. Mr Pangallo.

SA HEALTH, ICAC REPORT

The Hon. F. PANGALLO (15:04): Does the minister now accept, after referring to the letter from the AMA prior to that election, that the AMA would have had no idea of the Pandora's box that has been uncovered, and will he now consult with them in the event they may have changed their mind and their view?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I thank the member for his question. To be frank, I am already relying on recent statements. Yesterday, the AMA state president said:

> The ICAC report basically sets out the problems we have been pointing out for the last few decades. These are historical problems and problems which need to be fixed and we are starting to see the seeds of change over time.

I suspect that the honourable President of the AMA was including in that the reforms that we are doing to board governance—board governance reform that you are backing Labor to sabotage. You should be ashamed of yourselves.

SA HEALTH, ICAC REPORT

The Hon. C. BONAROS (15:05): Supplementary: does the minister recall saying, in response the Coroner's recommendations on the chemo bungle, that he was open to a royal commission?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I don't recall that.

Members interjecting:

The Hon. S.G. WADE: I am more than happy to have a reference, but the royal commission that is being proposed in this context is very broad ranging. I think it would be fair to say that the SA-Best proposal was primarily a royal commission into 16 years of Labor's mismanagement. I am

almost tempted—it might give me a bit of political fun to see the mismanagement of Labor unpacked week after week, month after month, but my responsibility is not to enjoy the pain of my political opponents, however much I might enjoy that. My responsibility is to deliver better health care. I cannot, in all honesty, say a year-after-year royal commission, costing tens and tens of millions of dollars will deliver better health care for South Australians. The AMA, before the state election, made exactly the same point.

SA HEALTH, ICAC REPORT

The Hon. C. BONAROS (15:07): Supplementary: given that's the case, why won't you agree to an inquiry by the ICAC commissioner who has the powers of a royal commission?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): The ICAC commissioner has the powers, he has the funds.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (15:07): Supplementary based on the response to the first part of the question: can the minister advise the chamber when he finished reading the ICAC report into SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): Today is Wednesday; it was on Tuesday.

MCGOWAN, DR C.

The Hon. T.T. NGO (15:07): My question is to the Minister for Health and Wellbeing. Will the minister confirm that the reason his chief executive, Dr Chris McGowan, was not present at the minister's press conference yesterday was because his chief executive was being interviewed by the independent assessor?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): To be honest with you, I don't know what Dr McGowan was doing at that time, but I am happy to take that question on notice.

The PRESIDENT: The Hon. Mr Ngo, a supplementary.

MCGOWAN, DR C.

The Hon. T.T. NGO (15:08): Has the minister been interviewed by the independent assessor, and, if so, on what date?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): As I indicated yesterday, the independent investigator made contact with me and we met this morning.

AUSTRALIAN EXPORT AWARDS

The Hon. T.J. STEPHENS (15:08): My question is to the Minister for Trade, Tourism and Investment. Can the minister please update the council about South Australian winners at the national 57th Australian Export Awards?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:09): I thank the honourable member for his ongoing interest in our exporters and the business community. I wish to express my heartfelt congratulations to all of the finalists and winners of the awards last night, and, in particular, the South Australian businesses. It was wonderful to see our federal Minister for Trade, Tourism and Investment and proud South Australian, the Hon. Simon Birmingham, hosting the finalists in Parliament House in Canberra last night. There were 94 finalists, businesses that employ 34,000 Australians across the country. It was great to see all of those 94 businesses recognised last night.

Additionally, it was great to see two South Australian businesses taking out awards last night. First of all, the University of Adelaide took out the International Education and Training Award. I offer my sincere congratulations to Vice-Chancellor Professor Peter Rathjen and everyone at the university. This is a wonderful achievement for Adelaide University. I am looking forward to seeing Peter and the team on Friday night at the University of Adelaide International Education Gala Dinner.

International education is, as members here would know, our second biggest export, second only to wine. International student enrolments have grown to 15.4 per cent, compared to the national growth of 10.4 per cent. Our goal, as members would be aware, is for 70,000 enrolments by 2030, and the University of Adelaide is doing the heavy lifting and contributing its share to the sector, and we are very confident that we will hit that target.

Additionally, Rising Sun Pictures won the Creative Industries Award. This is a fantastic achievement for one of South Australia's most celebrated and innovative businesses. Rising Sun create amazing visual effects for movies all around the world, including blockbuster movies like *X-Men*, *Dark Phoenix*, *Spider-Man: Far From Home* and *Alita: Battle Angel*.

Creative industries have been identified as a priority sector for the state and, over the next five to 10 years, based on the sector's potential growth, the government is facilitating the development of an industry-led creative sector strategy and is working with industry to incorporate the strategy in our growth state initiative. Additionally, our government is committed to transforming the state's economy through export growth and, as part of this, we are increasing our opportunities for trade and investment, ensuring that South Australia and South Australian companies are equipped with everything they need to succeed.

Once again, I offer my congratulations to Rising Sun and the University of Adelaide as well as the other South Australian finalists, including Clean Seas Seafood, REDARC Electronics, Advanced Clinical, Zonge Engineering, Moneystack, Hazelgrove Wines, Sentek Technologies, Prophecy International, and Wines by Geoff Hardy. These fantastic businesses continue to play a very important role in the South Australian economy and I look forward to seeing their continued success along with other businesses in 2020.

MOTOR VEHICLE ACCIDENTS, OVERSEAS TOURISTS

The Hon. M.C. PARNELL (15:11): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, a question about motor vehicle accidents involving overseas tourists.

Leave granted.

The Hon. M.C. PARNELL: Last year it was reported that one in five motor vehicle accidents on the Great Ocean Road in Victoria involved international tourists in rental cars. In South Australia, there have been a number of instances over the years of tourists becoming disoriented and veering onto the wrong side of the road, resulting in deaths and serious injuries. Presumably that is why there are the occasional roadside signs, such as when you leave Cleland Wildlife Park, reminding motorists that we drive on the left in Australia.

Whilst the statistics are inconclusive, it looks as if international tourists are more likely than locals to be involved in certain types of accidents such as those involving fatigue or disorientation, and they are less likely to be involved in other types of accidents such as speeding or drink-driving. In response, there have been a number of calls to mandate additional education or information for overseas visitors before they are able to rent a vehicle or drive in Australia. My questions to the minister are:

1. Has the government undertaken any recent analysis of the involvement of overseas tourists in motor vehicle accidents in South Australia?

2. Given the overall surge in road fatalities in South Australia this year, what steps is the government taking to reduce motor accidents involving overseas tourists?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:13): I thank the honourable member for his question and his ongoing interest in the tourism sector, and particularly this sector of motor vehicle accidents by overseas drivers. It is an issue that has been around for some number of years. Members in this chamber will recall that in opposition I had a very hardworking adviser, a man called Hendrik Gout, who was always at me to say that we should come up with an opposition policy to do something around educating international drivers. He was a work colleague of the Hon. Frank Pangallo, I believe, in recent times.

It is not a new phenomenon that we have overseas drivers—who obviously drive on the opposite side of the road and have right-hand drive vehicles and not left-hand drive vehicles—and so it does present a number of challenges. I cannot recall but I do believe that either the RAA or some of the hire-car companies offer some signage within the vehicles to say 'Just remember this is the side of the road we drive on', and to provide more information to those overseas travellers.

I have met with a company in China—again, I don't recall the name of the company, and if I could I probably wouldn't do justice to the pronunciation of it—that specialises in what we call free and independent travellers, who are people who hire cars and come here and drive around themselves. It is sort of the evolution, if you like, the maturing of a market. Often, with countries like China, we have seen them come on group tours, come as busloads of tourists, and now, as they become more comfortable with travelling to places like Australia, they then become these free and independent travellers.

The company I met with had an iPhone app or a smart phone app that converted Australian maps into Chinese, and I know from my recollection of that briefing that they had some information on those apps to remind their people, and their clients, that the road rules are different in Australia.

It is an important issue. I will check with a number of government departments. I suspect the Department of Planning, Transport and Infrastructure may have some data on accidents in relation to overseas tourists. I will also check with the Tourism Commission, and maybe even the RAA for some of their breakdown and roadside assist data, because it is important. We need to make sure tourists, when they come to this country, feel safe and don't cause accidents to injure themselves or injure other travellers on the roads.

I will also take the final question from the honourable member in relation to what we are doing to reduce it. I will take them on notice on the basis that there is a continual road safety message being articulated across the community. I will have a look at all the initiatives that the hire car companies, the RAA or the other companies are implementing because, as I said, I think it is very important that we keep those travellers safe and also the people they are sharing the roads with. Those same travellers need to be safe.

SA HEALTH, ICAC REPORT

The Hon. I.K. HUNTER (15:16): I direct my question to the Minister for Health and Wellbeing. Because the public has a right to know what was more important to the minister than reading the ICAC report, will the minister table his ministerial diary for Friday 29 November, Saturday 30 November, Sunday 1 December and Monday 2 December to this council?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): No.

NURSES' WAGES

The Hon. T.J. STEPHENS (15:17): My question is to the Treasurer. Can you update the council on the ongoing negotiations with regard to nurses' wages?

The Hon. R.I. LUCAS (Treasurer) (15:17): I am pleased to report to the council that there are some optimistic signs of progress in relation to the ongoing negotiations with the nurses' federation over a new enterprise bargaining arrangement. It is not as far advanced as the pleasing news that was made publicly available yesterday in relation to the teachers' EB, but the leadership of the nurses' federation, a little over a week or 10 days ago, did call off their current round of industrial action for a period of time—not indefinitely, to try to be accurate, but for a period of time—to allow what I think they have indicated are negotiations to continue with government negotiators.

The nurses' federation is looking at a range of options that the government negotiators have put to the nurses' federation within the broad parameters of a fair and reasonable salary increase that is fair to our hardworking nurses who work within our hospital system and also fair to the taxpayers of South Australia, who ultimately are the ones who have to meet the cost of enterprise bargaining negotiations.

The government position has been, as it has been with all of our hardworking Public Service staff, that the taxpayers can afford a fair and reasonable salary and conditions increase. The government has indicated publicly and privately that it is seeking reasonable negotiations that include

costed offsets in terms of saving dollars to the taxpayers of South Australia without impacting on the effectiveness and efficiency of the delivery of health services, and there are sensible negotiations going on in relation to some of those issues.

It would not be productive at this stage to indicate publicly the nature of those negotiations for fear of potentially jeopardising their prospects of success, but as we are nearing the end of the calendar year and we are nearing Christmas, we are pleased, as members would know, to have reached an agreement with our Police Association of South Australia, working very effectively on behalf of our hardworking police officers. We are hopeful of reaching an agreement with our hardworking teachers in relation to the enterprise bargaining with their representatives. And as I said, some progress is being made in relation to the negotiations with the nurses' federation in relation to nurses.

There are a significant number of other enterprise agreements with other public sector unions representing other significant sections, including the salaried officers within the Public Service, which are represented by and large by the PSA. There are also to be negotiations with the ambos, representing our hardworking ambulance officers in the state, and there is the commencement of negotiations with the UFU in relation to our hardworking firefighters in South Australia.

So it is a never-ending line-up of public sector enterprise agreements which continue to be negotiated at differing points in the industrial cycle. In concluding, I want to pay tribute to the hardworking staff within what is known as IRAP, the industrial relations and policy section of Treasury. Treasury took over responsibility; it is under the very capable leadership of Mr Elbert Brooks, with hardworking staff.

I shouldn't mention any of the others but I guess two in particular, Mr Tom Kidman and Simon Johnson, who have been leading discussions in relation to education and health and nurses' EBs, deserve particular praise from their minister in relation to the long hours they put in and the hard work they undertake on behalf of the taxpayers, on behalf of the government, and more particularly in trying to reach an agreement with the representatives of the various public sector unions.

Parliamentary Procedure

VISITORS

The PRESIDENT: I welcome our international visitors, Clive Lloyd and Bertha Joseph, who are in the gallery. Welcome to the Legislative Council. They are being hosted by SACA and Ms Caroline Rhodes.

Matters of Interest

PERIOD POVERTY

The Hon. I. PNEVMATIKOS (15:22): This afternoon, I rise to speak on how non-government organisations have been working in our state to end period poverty. Many of us in this place have identified it as a major issue for girls and women in this state. I would like to highlight just some of the charities and NGOs based in South Australia that have been filling the gaps of the government's neglect for essential supports to women and girls.

Long before it was talked about in this parliament, period poverty was being tackled by NGOs. They recognised how devastating period poverty was for women and girls and how it keeps the cycle of poverty continuing. Just over 12 months ago, Foodbank began a program dedicated to helping young women in disadvantaged families. The program delivers young women's health packs that contain essential items, including pads and tampons. Foodbank South Australia's CEO Greg Pattinson has expressed to me that the program has been greatly successful and has benefited the girls receiving the packs, without government support.

Foodbank, like many other organisations, cannot turn their back on girls who are unable to afford basic health and sanitary items, as this government appears to be doing. Foodbank's 2019 hunger report detailed that women are more likely to face food insecurity than men and that a quarter of women faced food insecurity over the past year. I was reminded of the comments made in the Commissioner for Children and Young People's Leave No One Behind report, which stated

that often, when someone is faced with the decision of whether to put food on the table or buy sanitary items, food is always chosen over pads and tampons.

TABOO is a social enterprise that works to destigmatise periods and provide girls around the world with access to free pads and tampons. Their social enterprise model is simple but highly effective. Profits made by purchasing a TABOO product go straight to the charity One Girl. One Girl tackle several issues of inequality focused around girls.

All the profits from TABOO go to support the LaunchPad program. The program promotes health and menstrual hygiene and tackles destigmatising periods. TABOO also recognises that period poverty is an issue in South Australia. Anyone can donate TABOO products to be delivered to a woman in the St Vincent de Paul Society's Women's Crisis Centre or to a woman living in the APY lands.

Share the Dignity and Essentials 4 Women are two other organisations in our state working on strategies and programs to address period poverty and the provision of free pads and tampons for girls and women. I recognise that I have only mentioned a few of the many organisations working towards destigmatising the issue of periods and working to give women and girls access to essential items. Thank you to all the organisations that have worked to support girls' and women's access to essential health items.

It is a fact of life that women in all aspects are disproportionately disadvantaged compared with men. It is essential that the government steps up and plays an important role in addressing the disadvantage and resourcing of strategies and programs that support the invaluable work that NGOs do. Sanitary items should never disadvantage a woman from achieving and lifting herself out of poverty, yet they do. It is programs like the ones I have mentioned that highlight this but also give us hope that, perhaps one day, women can live in a world where they are supported and given every opportunity to achieve.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:26): I was pleased to participate in the 10th 'Walk through the darkness and into the light' conducted by Living Beyond Suicide from Tennyson to Henley Beach early on the morning of 23 November. Many others joined me in that walk or in walking from West Beach to Henley. A moving remembrance ceremony hosted by AnglicareSA CEO, the Reverend Peter Sandeman, a member of the Premier's Council on Suicide Prevention, followed breakfast.

It was good to see Mr Matt Cowdrey, the member for Colton, and the Hon. Stephen Wade, the Minister for Health and Wellbeing, supporting this important event, which featured music from Nathan May and Waylon Scott, a moving smoking ceremony conducted by Karl Telfer and some emotional reflections from survivors of suicide Ellie Miles and Jude Murphy. It was concluded with a guided reflection led by Peter Burke of the pastoral care section of AnglicareSA.

As well as those mentioned, Living Beyond Suicide also thanked the Adelaide Primary Health Network, Bereaved Through Suicide, MOSH Australia and Sonia Waters for their support for this year's event and those that have gone before it. On the program for the day, there were some words that I think meant a great deal to those who attended who had lost someone to suicide, and they also mean a great deal to those of us who support those people:

> Those we love don't go away
>
> they walk beside us every day…
>
> unseen, unheard, but always near,
>
> still loved, still missed and very dear.

On Thursday 28 November, I was pleased to speak at the 'No blame. No shame. Surviving suicide loss.' event conducted by GriefLink, the Hawke Centre and the University of South Australia. It was also good to participate in a panel with other speakers: Jill Chapman, the founder of MOSH Australia and another member of the Premier's Council on Suicide Prevention; Professor Nicholas Procter from the University of South Australia; and Ian James from the Office of the Chief Psychiatrist. I would like to particularly thank Dr Mary Brooksbank and all the GriefLink team for organising this

very well-attended event. I think it was one in which I was able to indicate my support for the community efforts in suicide prevention.

A question was raised to the audience as to how many were aware of suicide prevention networks in the community. Given that it was a largely metropolitan audience and it is in the inner metropolitan areas we need to get more of the networks established, I think many of us were surprised at the large number of hands that went up of people who were aware of the networks.

I continue to work with the metropolitan mayors in councils that have not yet established a suicide prevention network to make sure that we continue to work towards covering every part of South Australia. We are also working with groups within the multicultural community. The Multicultural Communities Council and also individual communities have expressed concerns about the rate of suicide and the way in which they want assistance to find the best way to deal with issues that have not easily been discussed within their communities.

FOODBANK SOUTH AUSTRALIA

The Hon. F. PANGALLO (15:31): Today, I also want to pay tribute to a wonderful non-profit charity organisation, Foodbank SA, which largely flies under the radar compared with other welfare organisations that also do exemplary work. Foodbank was established in 2000 with the vision to achieve a South Australia with no hunger. This week, with the assistance of the ABC's 891, Foodbank is conducting its annual food drive, seeking contributions at various locations around Adelaide. I urge all members to drop items into their distinctive purple bins.

Foodbank SA offers a variety of foods, either free of charge or at very low cost, to low-income families, welfare and community support agencies, including schools. They have warehouses at Edwardstown, Berri, Mount Gambier and Whyalla, which I had the pleasure of visiting last year along with members of the upper house select committee into poverty.

Connie Bonaros and I have also visited Foodbank's Edwardstown facility, and you can only admire what they are doing. This organisation provides a very essential service to our community, particularly in the tough economic times now faced by low income families. To keep their heads above water, many families opt not to pay their bills and, instead, go hungry rather than shop for food.

Demand for their service is up 15 per cent on last year, with 135,000 seeking food assistance each month. Foodbank and McCrindle Research state that over one in five children live in a food insecure household and that they are more vulnerable to the issue than an adult. It was reported that hunger amongst children negatively altered not only their behaviour but also their emotions and physical wellbeing and may lead to a child's inability to thrive at school.

Last financial year alone, Foodbank South Australia provided enough food for more than 5.1 million meals, providing food relief to 117,260 South Australians every month. More than one-third of these were children. They supply food to more than 580 welfare agencies and community groups—or 70 per cent of what is needed—and support over 500 school programs across Adelaide's metropolitan, regional and remote areas.

Greg Pattinson, Foodbank's chief executive officer, told me that 7,000 children benefit each day from the breakfast foods they provide. At one school, Warriappendi near Richmond, around 90 Aboriginal students are bussed in from various parts Adelaide and as far away as Gawler each morning for breakfast.

Schools participating in the Foodbank South Australia School Breakfast Program reported that there are students who have little or no food when they are at home over the weekend. Fresh Food Friday was developed in 2018 and is sponsored by Variety. It allows students in need to take home hampers of food packs on Fridays. Mr Pattinson tells me that through the generosity of our farming and retail sector Foodbank receives 1.5 million kilograms of food. They also get generous corporate support.

There is also another ground-breaking program Foodbank is delivering, the Young Women's Health Pack in conjunction with Share the Dignity, which was outlined by the Hon. Irene Pnevmatikos. Only last week the Legislative Council passed a motion by my colleague the Hon. Connie Bonaros

to make sanitary products available in our schools. She has also introduced a bill to that effect, and I would hope it sees a speedy passage.

The Victorian government has just committed $20.7 million to its sanitary program. Mr Pattinson says Foodbank can achieve the same outcome for about 95 per cent less; however, they need the Marshall government to show far more support than it does. An injection of $100,000 would provide 6,000 packs for young women, and there are also plans to have similar packs for young men.

The Victorian government provides $10 million each year to Foodbank for its food program. It is shameful to think that our state government provides only $300,000 a year. It has also cut funding. It is the worst of any state. Foodbank really needs $2.5 million a year. As Mr Pattinson puts it, this should be viewed more as investment than a handout; if Foodbank wasn't there it would cost the government $25 million.

So on Friday, when the Premier goes to the Central Market to drop off his donation to 891's Ali Clarke and David Bevan, I hope he also takes along an additional Christmas gift—a sizeable cheque so that Foodbank can maintain and expand its valuable community work. This Christmas many battling families on struggle street will be thanking Foodbank for being there for them.

SHOP TRADING HOURS

The Hon. E.S. BOURKE (15:36): It is beginning to look a lot like Christmas. We have officially ticked over into December and we now start the mad rush towards Christmas, the mad rush of working through your inbox, the rush to figure out what to buy and feed your family, friends and loved ones, and the rush of getting through all of this so that you can stop, reset, and enjoy time with your family and friends.

This is a common story for South Australians, including Tara, who is not only rushing to juggle Christmas preparations for her young family but also for the hundreds who will be walking through the doors of the retail store she works in. Tara will spend time helping mums, dads, grandparents, sisters and brothers pick the perfect gift for their loved ones. Tara will help bring joy to many this Christmas. Tara will work most weekends and late night shifts in the lead-up to Christmas, all in the hope that she will get time, time to bring joy to her family, time to not be on her feet. Simply, Tara would like to have the thing we all crave: time.

This will be the same story for most South Australian retail workers who work around the clock in the lead-up to Christmas Day to help others prepare for Christmas. Whether you are a teacher, an accountant, hairdresser, politician or retail worker, this is a busy time of year. However, unlike the teacher or the politician, retail workers will again, this year, be the ones missing out on watching the cricket. They will miss Christmas Day leftovers, and they will miss the most precious thing of all, time with their families.

Premier Steven Marshall and this government lost their short-lived battle to deregulate shop trading hours 24 hours, seven days a week in this state. They lost the battle to take away public holidays and they lost the battle to take away Boxing Day. However, the Liberal government decided to disregard the will of the parliament, decided to disregard the calls of hardworking South Australian small and medium businesses, and decided to disregard the calls of over 50,000 South Australian retail workers.

The Treasurer has claimed he does not believe in economic modelling, but he has been out and about quoting the Commonwealth Bank report that looks into Boxing Day trading in South Australia. You would be right to think there is nothing wrong with doing that, a Treasurer quoting from a report written by one of the big four banks, the Commonwealth Bank, but the report was commissioned by—you guessed it—the government.

It gets worse. This Liberal government used taxpayers' money to compare 2017 and 2018 Boxing Day sales. Not surprisingly, the report found Boxing Day expenditure was 42 times greater in the suburbs compared with 2017. This is hardly surprising, given that large suburban stores were not open on Boxing Day in 2017; the Boxing Day sales were held on 27 December.

Perhaps if the government had compared the 26 December 2018 sales with the 27 December sales, it would have shown that workers having a two-day public holiday does not have an impact on Christmas sales. Conveniently, neither the Premier nor the Treasurer have ever reflected on the fact that retail sales were higher in 2017—a year without suburban Boxing Day sales. As this government's commissioned report is not glowing, I am surprised that they actually refer to it. It is made clear throughout the report that:

> …there is a heavy decline for regional SA resident visitation and expenditure on 2018 Boxing Day, while figures show that retailers in the City had a small increase in customers, there was a decline in expenditure.

Small businesses were slashed by big national businesses opening in the suburbs for the first time. The regions missed out on visitors as families were unable to travel on their only two-day public holiday. Sales were down and workers missed out on time. This outcome was predicted by the industry, predicted by unions and predicted by the Labor Party.

The Treasurer made claims in the paper this week that the industry players are on the move towards his direction for trading hours in South Australia. I would be very surprised if he could say who they were.

FESTA CROATIAN FOOD AND WINE FESTIVAL

The Hon. T.J. STEPHENS (15:41): I rise today to speak about the recent Croatian Food and Wine Festival. The Festa, which, in Croatian, is a general description of festivals, celebrations and parties, was held on Saturday 23 November this year. This year marked the 16th consecutive Festa celebration. It was originally started by a small group of volunteers who wanted to celebrate and share their unique Croatian heritage through a festival of dancing, singing, and traditional food and drink.

It provides an opportunity for the Croatian and wider Adelaide community to come together and share in the Croatian culture. From what started with the work of this small group of volunteers, the event has grown in size over the years, and now attracts thousands of people, not just from South Australia but from all over Australia. It is one of the largest Croatian festivals run in Australia. The dedication of numerous volunteers from various South Australian Croatian organisations has allowed the event to run with such success and grow larger in its celebration each year.

I would like to commend the hard work of these volunteers, led by the festival director, Gordana Smoljan, and the Festa committee members who organise the event each year. The work of Mrs Juli Cirjak, President of the Croatian Sports Centre, where the event is held, must also be acknowledged. The event was attended by Premier Steven Marshall, the Hon. Jing Lee, myself and Mr Peter Malinauskas (Leader of the Opposition). The federal member for Makin was also in attendance.

His Excellency Joseph Petric, Consul-General of Croatia, was at the event after attending for the first time last year. Her Excellency Betty Pavelich Sirois, Croatian Ambassador to Australia, travelled from Canberra to give a moving speech on the day. It was an honour to attend Festa with my colleagues and these esteemed representatives of Croatia.

Food is a great focus of the event. In reflection of the amazing seafood that can be found in Croatia, a selection of tuna, calamari and prawns was on offer. Spit-roasted meats are another traditional meal, as well as chevapcici, sarma and pita, which is a type of rolled savoury pastry. A selection of imported Croatian beers, wine and spirits was a further presentation of traditional Croatian produce.

The day started with the 2019 Festa Cup soccer match. This sport is close to the hearts of many Croatians, especially after the great success of the country in making the final of the 2018 World Cup in Russia. The program of the day also included many different singing and dancing performances. This included the Hrvatska Zora (Croatian Dawn) group from Melbourne, who performed a folkloric dance routine.

The Croatian Sports Centre is also the home of the Croatian Language School, which runs classes for those looking to learn or extend their knowledge of the language. The group of students had put together a performance to celebrate the day. A singing competition, which both children and

adults could enter and perform in, singing in either English or Croatian, was also run throughout the day.

The festival, as I have said, is a celebration of Croatian culture for those with Croatian heritage, those who have emigrated to Australia and the generations of families who have been able to preserve their Croatian culture in a new country for years to come. It also shares this culture with those who do not have Croatian heritage. In South Australia, there are over 3½ thousand Croatian-born residents, as well as many more of Croatian descent, with the total community numbering approximately 10,000.

There are many organisations in South Australia dedicated to preserving this culture, including the Croatian Ethnic School, the Croatian soccer club, the Croatian Catholic Centre and the Croatian radio hour. Throughout regional South Australia there are also various Croatian clubs, including in the towns of Port Lincoln, Coober Pedy, Mount Gambier, the Riverland and, of course, my home town of Whyalla.

There has always been an important and longstanding relationship between Croatia and Australia, and I would like to acknowledge the amazing contribution of this community to both South Australia and Australia. This relationship is based on a personal connection that can be drawn between Croatia and the multicultural and diverse society of Australia.

The South Australian government welcomes the opportunity to further highlight the importance of the recognition of the many different cultures and community groups that make Australia the great country that it is. I look forward to attending the Festa again next year and in many more years to come. To any of my colleagues who are interested in any of the finer things in life, great camaraderie, great food and great entertainment, I absolutely recommend your attendance.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.A. DARLEY (15:46): I rise to speak on a scourge that is plaguing our country, namely, domestic abuse. At the beginning of the year, my office started undertaking an unusual task, that of counting dead people. Much like the wonderful work that is undertaken by the Red Heart Campaign, my office started taking note of violent deaths that occurred this year in Australia.

At the outset, it became clear that counting murders was not as straightforward as it seemed. There are many news articles where people are reported as dead or missing, but the circumstances in which they died are not given. There are also many news articles that allude to violent or suspicious circumstances and it is difficult to determine whether they should be counted or not.

The Red Heart Campaign has been counting dead people since 2015. The work undertaken by my office this year highlights how difficult a job this is, and the Red Hard Campaign should be commended for the work they do to shine a light on violence against women and children.

To date, there have been about 65 women, 24 children and 156 men killed in Australia this year. Of the 65 women killed, my office counted only four who were killed by other women. One woman was killed by her cleaner, another two young women were killed when they were struck by a car driven by one of their mothers, and the fourth woman was killed by her housemate.

Of the 156 men killed in Australia this year, my office counted seven men who were killed by women. Of these, in four circumstances it could not be determined whether there was a relationship between the alleged offender and the victim. One was killed in what seems like a drug-fuelled attack, one was killed by a couple, and two were killed by their partners.

Of the men who were killed by men, the vast majority were killed by persons with whom they did not have a close personal relationship. Whilst many were known to each other, there was no intimate relationship between the offender and the victim, with the exception of the two aforementioned men who were killed by their partner. This includes one who claimed self-defence.

Of the women who were killed by men, the vast majority of the victims were in a close personal relationship with the alleged offender. Often, these were intimate relationships. This information merely confirms the statistics regarding domestic abuse that are often laid out. The vast majority of murders of both men and women are men. That is to say that men commit far more murders than women. The vast majority of victims know the person who murdered them; however,

for women it is far more likely that they have been in a close personal relationship with the person who killed them.

Whilst the statistics I have spoken about today only relate to deaths, it is well known that these statistics can be correlated against non-fatal abuse. That is to say that victims of abuse are often in a close personal relationship with their offender. It should also be noted that there are many more assaults which go unreported and will never be included in any statistical data.

Obviously, abuse is at its worst when it results in a death. Domestic abuse usually follows a pattern whereby offenders use coercion to gain control of their victims. Over time, the abuse can increase from subtle manipulation to overt verbal abuse, to physical abuse and assault, and then finally to death. As legislators, we should be doing all we can to prevent things from escalating and working with those who administer the law to address domestic abuse.

Domestic abuse comes in many forms and it is only recently that people have felt comfortable about talking about what happens with close personal relationships. When I was younger, these things were never discussed and were kept behind closed doors. It was nobody's business to interfere in the home life of others. It is important we recognise this as a broad issue and implement creative solutions to address all aspects of the problem.

CLIMATE CHANGE

The Hon. I.K. HUNTER (15:50): The reality of climate change has been accepted by the overwhelming majority of Australians now, but as scientists increasingly warn that the time to take meaningful action is becoming short, the position of the Morrison Liberal government only gets worse. The image of the now Prime Minister holding a lump of coal on the floor of the House of Representatives is one that defines Scott Morrison's government. It is a symbol of their refusal to listen to the overwhelming body of scientific evidence and their determination to ignore the community's clear wishes.

Over the months since the federal election, a concerning trend has emerged. No longer is the federal government simply refusing to take action on climate change or merely insisting that everything is okay, the Prime Minister is now actively targeting those institutions, organisations and individuals who are calling for more to be done. The problem is not just intransigence, it is hostility to people who want to see action on climate change. It is not just an issue of ignoring people's wishes, it is an active involvement in shutting people down.

The first sign of this came in October. In a foreign policy speech, the Prime Minister issued warnings about countries being challenged by a new variant of globalism that seeks to elevate global institutions above the authority of nation-states to direct national policies. He spoke of insiders and outsiders, threatening social cohesion and provoking discontent and distrust. This is chilling language coming from a Prime Minister who is supposed to be uniting a country.

To many observers, Mr Morrison's intentions were clear: if global institutions like the United Nations criticise Australia's actions or lack of them on issues like climate change, he would attack those organisations. Never mind that such global institutions have been calling on Australia to recognise and act on the science, it seems that all that matters in Scott Morrison's mind is his fixed ideology, no matter what the evidence shows.

He continued his attacks some weeks later, criticising those global institutions which dared ask Australia to do more to reduce carbon emissions. Some of the most concerning comments made by the Prime Minister came at a speech to the Queensland Resources Council. He announced that his government will look into ways to ban forms of protest, including boycotts of businesses with the aim of reducing their involvement in mining practices.

Let's be clear: this ban seems to be targeted at everyday Australians who simply want to use their buying power to encourage business practices which protect the environment. That is, a Liberal government wants to stop the free use of Australian citizens using their own money to purchase what they want from whom they want.

This proposal was of course immediately denounced by the environment movement, the Human Rights Law Centre, and anyone with half a brain. But the government appears to have gone quiet on these plans in the weeks following the Prime Minister's deeply concerning speech. Perhaps

they have realised the internal inconsistency of a Liberal Party attacking free-market actors—i.e. citizens of Australia—acting freely in a market economy.

This just serves to highlight the knots that the Liberal Party and the Liberal government are tying themselves into. They fall back to their usual practice of refusing to acknowledge the emergency around climate change. They deny that more needs to be done. They insist that everything is well and they attack those who express a different point of view. They want to crack down now on the civil liberties of Australian citizens who want to challenge this proposition.

I would like to direct the Prime Minister, and any of his thinking counterparts, to comments that were made by Archbishop Desmond Tutu. In 2014, he wrote:

> Throughout my life I have believed the only just response to injustice is what Mahatma Gandhi termed 'passive resistance'. During the anti-apartheid struggle in South Africa, using boycotts, divestment and sanctions, and supported by our friends overseas, we were not only able to apply economic pressure on the unjust state, but also serious moral pressure.
>
> It makes no sense to invest in companies that undermine our future. To serve as custodians of creation is not an empty title; it requires that we act, and with all the urgency this dire situation demands.

The Prime Minister may not be happy with the United Nations, perhaps he would be wise to consider those remarks of such a respected Nobel Laureate, Mr Desmond Tutu.

Parliamentary Committees

SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

The Hon. I.K. HUNTER (15:55): I move:

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

The Select Committee on Redevelopment of Adelaide Oval was established by this council on 5 December 2018. The committee has spent the better part of 2019 inquiring into the redeveloped Adelaide Oval, its legal and governance framework, the financial management regime and the hotel development on the Adelaide Oval core area initiated by the Adelaide Oval Stadium Management Authority.

In doing so, it has received 44 written submissions and heard oral evidence from 38 stakeholders. Whilst all stakeholders have agreed on the success of the former government's Adelaide Oval redevelopment, the committee received concerns regarding the development of a private hotel enterprise to be affixed to the stadium, and on the $42 million loan from the state government for its construction.

Another concern raised by witnesses in this inquiry is the issue of a hotel being built on Parklands, with such developments not necessarily being envisaged at the time of the negotiations between cricket and football which took place back in 2009 and which resulted in the regime we have for the Oval today.

On 21 November 2019, the committee resolved to produce an interim report to reflect the evidence as received to date in this inquiry. Of particular note is the committee's suggestion that the Auditor-General report on the expenditure of public moneys loaned to the Adelaide Oval Stadium Management Authority for the construction of the hotel, in order to continue his auditing of the appropriation for the initial redevelopments. We considered that, given the Auditor-General had reported previously on public expenditure on the Oval, it made sense for the Auditor-General to continue in that occupation for the duration of the loan.

This will also ensure that the taxpayers of South Australia have access to public reporting on that hotel construction expenditure by the Stadium Management Authority. The committee will seek to continue this inquiry into the new year, I expect, and aims to produce a final report at the inquiry's completion. I would like to take this opportunity to acknowledge all stakeholders who have provided written and oral evidence to the inquiry to date.

I would like to thank the honourable members of the committee: the Hon. Emily Bourke, the Hon. John Darley, the Hon. Dennis Hood, the Hon. Frank Pangallo and the Hon. Terry Stephens. I would like to also express on their behalf my thanks to the committee secretary, Ms Leslie Guy, and

the committee research officer, Ms Lisa Baxter. With those words, I commend the committee's interim report to the council.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO THE PROVISION OF SERVICES FOR PEOPLE WITH MENTAL ILLNESS UNDER THE TRANSITION TO THE NATIONAL DISABILITY INSURANCE SCHEME

The Hon. D.G.E. HOOD (15:58): I move:

That the final report of the committee be noted.

Firstly, I would like to inform members that this is a reasonably lengthy speech—some 30 pages or so—so please be prepared. I would like to take the opportunity to acknowledge and thank all those who have contributed to this inquiry on behalf of the Social Development Committee. I thank the state and commonwealth government agencies that have given evidence and thank you to the state's Chief Psychiatrist, Dr Brayley, and the South Australian NDIS Psychosocial Disability Transition Task Force for their contributions.

The committee would like to thank the Mental Health Coalition of South Australia, the group of Uniting services and Clubhouse Diamond House for their valuable input and for their numerous appearances before the committee. The committee also thanks the many other non-government community organisations (NGOs) which provide the vital psychosocial disability services in the mental health sector. Importantly, thank you to the individuals who shared their stories of living with a mental illness, with psychosocial disability, and of their journey through the mental health system.

Finally, thank you to the family members and loved ones who also gave evidence of their experiences with the mental health system and the NDIS. To you all, your evidence was invaluable. As presiding member, I wish to also thank the committee members and secretariat for their work on this inquiry. Mostly, it was a cooperative experience.

The committee has made 35 recommendations for the Minister for Health and Wellbeing as a result of this inquiry. One of these is a recommendation made jointly to the Minister for Correctional Services. Where the recommendations refer to the NDIS, they call on the Minister for Health and Wellbeing to advocate or lobby the NDIA. I make note that the Hon. Emily Bourke MLC, the Hon. Connie Bonaros MLC and Ms Diana Wortley MP dissented from recommendation 9 of the recommendations, and have consequently made a joint dissenting statement. This can be found in the list of recommendations.

I also make mention here that the state government very recently released the Mental Health Services Plan 2020-25. Although the committee had finished its evidence gathering and was in deliberations when the plan was released, it does contain some measures that are aligned with a number of the findings from the committee's own inquiry. The committee welcomes the measures that are proposed by the plan for the improvement of mental health services in South Australia and looks forward to those being implemented by the state government.

Turning to the inquiry itself, and the body of the report, I should say, we now know that in any given year one in five Australians will experience mental ill-health. The Mental Health Commission of South Australia suggests that 45 per cent of South Australians will experience some form of diagnosable mental illness at some point in their lives. For those who do not, they will likely be affected by mental illness in some other way. It is also recognised that suicide has been a leading cause of death for South Australians aged 15 to 44, with a reported 236 deaths in South Australia in 2015 alone. The number of Aboriginal and Torres Strait Islander people who die by suicide is much higher, with almost twice as many deaths across all age groups.

What this inquiry has shown and what we know is that although there have been many attempts by successive state and federal governments to address the needs of this vulnerable cohort, there will continue to be an ongoing need for mental health services irrespective of the NDIS, whether they are clinical, mainstream or community-based services, whether funded by state or by the commonwealth government, and whether they are delivered by NGOs or the private sector.

What we do not know, and what is still unclear despite the efforts of this inquiry, is just how many people there are in South Australia who have a psychosocial disability and will need support either from the NDIS or from the government of South Australia. In 2017, the Productivity Commission estimated that by 2019-20, when the NDIS is at full scheme, out of the estimated 64,000 Australians with significant and enduring psychosocial disability who would need NDIS support, 4,500 would be in South Australia.

Through this inquiry, the committee has found that the number of people who are being accepted into the NDIS does not reflect this estimation. Although total numbers are not clear, we do know that there is likely to be a large gap between the projected number and the actual number of people with a psychosocial disability who are accepted into the NDIS in South Australia at full rollout.

The committee received upgraded figures from the NDIS transition task force in November, and although the figures referenced in the report are from the previous quarter, due to a crossover in when the data was received and the committee having finished its report, these are the most recent. What the figures show is that of the 1,702 people who have been receiving SA Health funded psychosocial disability support, only 594 have been deemed eligible, while there are as many as 744—or 44 per cent—who for one reason or another have not completed their access request form and their applications have been sent back to them by the NDIA.

Almost three-quarters—or 71 per cent—of clients in the mutual support and self-help program have started yet not completed their applications for NDIS access. It is somewhat of a different story for the clients in supported residential facilities, with 461 out of the 506 clients deemed eligible. However, while that is a 90 per cent success rate for this group and that is duly acknowledged, overall the rate of uptake has not occurred as expected.

The committee notes the efforts of the NDIS psychosocial disability transition task force and understands the Office of the Chief Psychiatrist has now established a psychosocial support services governance committee to oversee the client transition process and resolve any service matters with service partners, including local health networks, the non-government sector and the NDIA. The governance committee will address specific issues with the transition of SA Health clients.

It is understood that work by the governance committee has already commenced, and the committee has made a recommendation that the NDIS psychosocial disability transition task force continue its work post full rollout of the NDIS. This will ensure there is continued monitoring, reviewing and advocacy of both state-based and community mental health services and the provision of services to South Australian NDIS participants.

The committee acknowledges that the work already commenced is encouraging; however, this inquiry has also identified there is still more work to be done. For example, the updates provided by the NDIA to the Council of Australian Governments (COAG) show that in South Australia, in the first quarter of the seventh year of the NDIS—September 2019—only 1,349 people with psychosocial disability were active NDIS participants. This is some 231 more participants than in the previous quarter, but it is still a long way from the expected 4,500.

The questions on this which have been most pertinent for the committee concern where people with serious psychosocial disability who are not already accessing the NDIS are receiving support and how many people in our community are dealing with a psychosocial disability without support—that is, how many people are there who are still in need of support? Some submissions to this inquiry suggested there are in excess of 18,000 people in South Australia with a psychosocial disability who need some level of support. To this end, the committee has made a recommendation that there should urgently be a detailed gaps analysis undertaken to address the need for mental health services and psychosocial disability support services in our community.

In particular the gaps analysis should seek to detail the numbers of people who have a need for services and who have applied for the NDIS and have been deemed not eligible or who are not 'in-scope', as they call it, for the NDIS. The committee has also recommended the Minister for Health and Wellbeing develop an action plan in coordination with government departments, NGOs and those responsible for delivering mental health services to ensure those who are ineligible for the NDIS are able to access some form of support in the community.

Further to this, it is the committee's recommendation that the minister also seek assurances from the commonwealth that the services being funded by the commonwealth, including the National Psychosocial Support Measure, which is being administered through the primary health networks, and the Continuity of Support program for older people with mental illness, include a strategy to allow for NGOs to continue to provide support for their existing clients and to provide ongoing support services.

The South Australian component of the NPS measure will be implemented through the Intensive Home Based Support Service (IHBSS). The South Australian Mental Health Services Plan 2020-2025 outlines detailed plans for future services in SA. The committee recommends that further services funding plans are made to allow for community organisations to plan their services in advance. This should be based on current and future unmet need for mental health and psychosocial disability services.

The committee heard much evidence from NGOs and people with lived experience of psychosocial disability that the commonwealth-funded Personal Helpers and Mentors Service (PHaMs) has been incredibly valued in the community. Many stakeholders did not want to see this service defunded, and one of the greatest concerns was how the loss of the funding for the PHaMs would impact on service provision by the NGOs who had been receiving that funding. I will get to that in due course. It is clear there is a need in our community for a similar service which can be substituted for the PHaMs. There needs to be a service for people in our community with psychosocial disability who cannot access the NDIS but who nevertheless have a need for support, whether they have a formal diagnosis of mental illness or not. This was the success of the PHaMs.

The Individual Psychosocial Rehabilitation and Support Services (IPRSS) provided by the state government is an important service in this state, but it is not without its limitations, and it does not have the open-door features of the PHaMs: it requires a referral through a clinical pathway. However, it is this committee's recommendation that this service should be reviewed with the aim of making it more accessible and more equitable. The committee would like to see the pathways to and from this service expanded and continued to be funded and resourced.

On top of this, whether it is the IPRSS or another service, it will be important, and the committee recommends, that there is an easy-to-access, so-called soft-entry support service available in the community for people who need that help. Along these lines, the NDIA has also begun implementing the Information, Linkages and Capacity Building (ILC) program, which forms part of tier two of the Productivity Commission's recommended three-tiered system of disability supports. The ILC has the capacity to provide information, linkages and referrals to people with disability, their families and carers whose needs are not met by the NDIS. The focus of the ILC is individual development, community inclusion and capacity building and it is expected that the ILC will work in with state-based and community-based services.

The ILC services have potential to meet some of the psychosocial support needs of many South Australians with less severe symptoms of mental illness. However, the committee found the lack of advocacy for people who have psychosocial disability and are in need of services is an important factor that can and does at times prevent a person from being able to access the services they need.

There are many points of entry for a person who is unwell and in need of support. When faced with mental ill health and psychosocial disability, the very act of finding an appropriate service can be challenging. More often than not, the absence of any assistance can lead to crisis, which ultimately sees more people in our emergency departments. This may be especially true for South Australians who live in our rural and remote areas. We know that they face additional challenges in accessing services. The committee has made a recommendation that the Minister for Health and Wellbeing pursue a rural psychosocial disability services strategy and ensure that there is a provider of last resort for people in country areas.

As a further commitment to providing South Australians with a holistic, wraparound mental health service, the committee has recommended that the government fund and develop a mental health options hub, which will assist people, whether they are located in the city, metro, regional or rural areas, to find a service to suit their needs. The hub would include a greater online toolkit, which would provide people with self-assessment tools, information and assistance. This is not to say that

this service should replace face-to-face service availability; instead, it should function as a conduit for more information and resources for people to easily access.

On top of this, the committee heard that the local area coordinators (LACs), who provide support to people trying to access the NDIS or other services, should be better equipped to provide those services. The committee heard in some instances that there were cases of LACs having no real understanding or experience with psychosocial disability, and they were not able to provide the level of help needed. The hub would ideally work in with those other services, such as those run through the PHNs as well as the NDIS, to provide a more comprehensively integrated mental health support system. The committee has recommended that the minister lobby the federal government to increase the amount of resources given to the LACs to assist them to fulfil their functions.

Housing for people who have complex psychosocial or severe mental illness needs also requires urgent attention from the state government, particularly to ensure that existing housing supports have not been jeopardised by the NDIS rollout. We have recently seen an increase in our state's homelessness rate. The issues that go with homelessness are, for many, multifarious and complex. This committee would like to see, and has recommended to that effect, that a statewide review be conducted on the ongoing impact of mental illness on homelessness and housing-related issues.

Once undertaken, the review results should inform the development of a strategy to address the needs of people for housing where mental illness and psychosocial disability is implicated as specifically relevant to a person's circumstances. It is recommended that the government develop an integrated housing and support program that will be flexible and can work with the NDIS in order to provide appropriate support. This includes developing and undertaking a study of the needs of Aboriginal people and Torres Strait Islanders, who have a higher housing need than non-Aboriginal people. The committee has recommended that this part be undertaken jointly by the state and federal governments.

There is no doubt that all members are in support of the need for the government to continue and improve our state's mental health services. Importantly, this is what the committee heard from witnesses, and it is what was relayed to the committee in the written submissions to the inquiry. This is not in dispute. What has been disputed is the source of funds allocated to the NDIS as part of the bilateral agreement on the NDIS between the state and the commonwealth.

In the 2019-20 financial year, $24.73 million, or 5.9 per cent of the total mental health budget, is allocated for psychosocial disability programs. From 1 July 2019, 25 per cent of that $24.73 million and 100 per cent of the former supported residential facilities funds were removed from the department's budget and transferred to the NDIS. This was agreed to as part of the state's commitment to the bilateral agreement on the NDIS with the commonwealth.

The Minister for Health and Wellbeing advised in June this year that the government would transfer $6.8 million in funding to the NDIA for the financial year 2019-20 as South Australian clients transition to the NDIS from state-funded services at that time. The committee heard that this impacted those NGOs who were providing services for clients, and the awarding of funding by the state government to the NGO sector was reduced to three-month blocks.

Stakeholders advised that this was an untenable situation as they could not recruit staff for such short periods and continue to provide the level of service to their clients. Stakeholders also said that they needed reassurance that there will be provision for block-funded psychosocial services beyond the three-month contract. There were, of course, reasons for this, which were in part explained to the committee by the Chief Psychiatrist. However, we now know, after the government released the state's Mental Health Services Plan 2020-25, that there is a commitment to continue the contracts with NGOs, giving NGOs a bigger role in the future of mental health services provision in this state.

Stakeholders, including NGOs, advocated for the state government to invest more in the peer workforce across the South Australian mental health system, given the model has shown to have strong and long-lasting results for all those involved. The committee made a recommendation to the government to pursue this and notes that it is provided for in the Mental Health Services Plan also.

Improving supports for carers is also a concern that was raised frequently during the inquiry. Evidence suggests there are risks associated with carers having to pay fees for respite services, where they formerly received support from the commonwealth Mental Health Respite: Carer Support program. With the reduction in funding and finishing up of the Carer Support program, the committee understands there are real concerns that those who provide care for family or loved ones will be forced to go without.

Although it is not yet clear how many carers may face this issue, the South Australian government advised it will continue support for carers through the existing state-funded carer support program. The committee would like to see this maintained and work with the commonwealth Integrated Carer Support Service once that is implemented.

I will discuss now the issues and concerns raised in relation to the National Disability Insurance Scheme itself and the administration of the scheme by the National Disability Insurance Agency. The committee received much evidence that showed there were ongoing issues in the NDIS application process. The committee recognises the implementation by the NDIA of the streamlined psychosocial disability access process and that this will benefit some applicants with some aspects of the process.

However, the streamlining will not benefit a large and difficult to reach group of people, such as those who have previously avoided contact with mental health services. The streamlined process is also only available to people who have previously been receiving commonwealth or state services. This could be remedied to be inclusive of all people with psychosocial disability wishing to apply.

The committee heard there was an abundance of concern about the evidence that is needed to support a person's NDIS application. The kinds of evidence we are talking about are specialist psychological, neurological and occupational therapy reports. These can be costly, difficult to obtain or may not contain enough or the right kind of information required by the NDIA for assessment purposes. The committee learnt that psychosocial disability concerns the 'social consequences of disability'; that is, the effect on a person's ability to participate fully in life as result of mental ill health.

Many people with mental illness have a high degree of symptoms, such as low mood, fatigue, inability to concentrate, detachment, stress, panic, hallucinations, and trauma-related mental and physical responses to everyday situations. Managing the symptoms of psychosocial disability can cause a person to be inhibited from, or find difficulty in, engaging in many areas of life and the opportunities participation might present, such as in education, working, cultural activities and achieving goals and aspirations.

Costs involved in obtaining the reports was also raised as problematic, where the majority of applicants are on fixed or low incomes. This was found to be more challenging for hard-to-reach cohorts, such as people facing homelessness, culturally and linguistically diverse groups (CALD) and Aboriginal and Torres Strait Islanders.

The committee determined that on the basis of the evidence the NDIA's policy, which emphasises it is the applicant's responsibility and burden to provide the proof that they meet the access criteria, is excessively unfair for this cohort. The committee has made a recommendation that proposes there be greater support provided by the agency from the outset of the application process, which includes rolling the burden of evidence gathering into an administrative function of the agency.

It was also identified that testing eligibility was identified as a disempowering process. Some evidence showed applicants felt there was a focus on a clinical diagnosis, yet there is no requirement under the NDIS Act for a diagnosis for a person to apply. This was coupled with an overwhelming sense by some that the application process focused on the applicant's deficits not their capabilities, which had a doubly demoralising effect. In some cases, the requirement for certain types of evidence was demonstrated to be inconsistently administered and badly explained to applicants. This turns on the training of NDIA and local area coordinator staff, along with the agency's interpretation of the legislation in its policymaking.

Other concerns raised in the evidence shows there is still a widespread degree of prejudice against people with mental illness. This was referenced by witnesses, who claimed they had been treated with dismissive language or in an overly bureaucratic manner by NDIA or LAC staff. The prevalence of concerns among NDIS applicants and their advocates is not unrecognised by the

NDIA. The NDIA acknowledged the concerns raised in the committee's evidence and advised it had implemented training in psychosocial disabilities for some staff, which was to be completed in June. It will be necessary for the results of this training to be monitored to gauge if it has been beneficial to applicants with psychosocial disabilities.

For those applicants who are successful in their NDIS applications, once they have a plan, it was identified that the ratio of supports, which is broken into two types, core support and capacity building, is skewed against some participants achieving optimal success from their plans. It was found that for participants with psychosocial disability, a plan with a greater level of funding for capacity building was more likely to provide the participant with greater opportunities.

Support coordination was found to be very important for people to have as part of their plan, as it provides the support around the participant's ability to exercise choice making. Some participants told advocates that the support coordination had been conducted over the phone and that there had been no face-to-face contact, making it challenging for the participant to communicate to the support coordinators what their day-to-day needs were.

Other concerns for the participants include:

- the quality of some plans varies, and they are often developed by people who may not have the skills to draw out the true needs of a participant with a psychosocial disability;
- support coordination is funded in many plans; however, case management is not included, which would be highly beneficial for some participants;
- there is inadequate funding to educate people on the benefits of accessing support, and there is a risk that if a potential applicant for the NDIS refuses support there is little room to explore reasons, motivation or the right fit for that person;
- there is a risk of exploitation by unscrupulous providers, especially given that the NDIA does not require a base qualification for support workers;
- NDIS participants with psychosocial disabilities have relayed to mental health advocates that there is still a lack of understanding and communication from NDIA staff;
- participants need access to NDIA advice and require availability of service providers outside regular business hours; and
- there is the need for a policy that covers all SA government services that interact with people with psychosocial disability, including all places of detention such as prisons and mental health services, to adopt protocols to identify whether people entering their service are NDIS participants or potentially eligible to be so, and to facilitate relevant needs accordingly.

The committee has made recommendations that address these concerns. Where an application for NDIS access is rejected, witnesses told the committee that it is more likely than not that the applicant will not continue with a review or appeal of the decision as the process is long and complicated, and can be even more traumatising.

The committee heard there are instances of some people having to wait for up to 12 months for a decision on their application, only to be told they did not meet the necessary criteria. Others, after having been rejected, lodged a request for review of the decision and were also waiting anywhere from three to nine months for a decision. The same was identified where a participant sought a review of their plan. The committee was told of cases where, after initiating a review, some participants also had to wait months for an answer to their request.

While representatives of the NDIA gave evidence that these extraordinarily long wait times were being dealt with by the agency, the committee has recommended that the Minister for Health and Wellbeing lobby the federal government to address this issue. The committee further recommends that the minister advocates to the NDIA to improve the 'reasons for decision notices' to applicants whose access requests are rejected, and for participants whose request for changes to their plans are, on review, denied.

The committee also recommended that the NDIA be lobbied by the minister to urgently finalise a policy and procedure to allow for flexibility to be built into NDIS plan structures to respond to the fluctuating needs of participants with a psychosocial disability and to allow for minor adjustments to be made without the need for a full plan review.

Chief amongst other concerns is the adequacy of the systems and supports for older South Australians who have mental illness or psychosocial disability but who are not eligible for the NDIS. The committee found there are gaps between the services available to this particularly vulnerable group, and has made a recommendation for an assessment to be undertaken in relation to issues of equity of access.

This will assist older people who may be exiting an existing program or who have not accessed any services for a while and need extra help to do so. On top of this the committee has recommended that the minister ask the NDIA to fund an assertive outreach program for particularly vulnerable and prospective NDIS applicants.

The NDIS is a wide-reaching change to Australian social policy. It is an insurance scheme; it is there so that we all know that if it is needed, support will be given. In order for the principles that underpin the NDIS act to remain the focal point in service to people with severe and enduring psychosocial disabilities, it will require the NDIA to continue to make improvements to the policies, procedures and practices within the agency and in connection to services provided by third parties.

Based on the evidence, the report shows that there are many good things about the NDIS that have been and will continue to be of support to people with psychosocial disability, and there are many achievements to acknowledge in the mental health services sector in South Australia. However, there are still many issues that need immediate and long-term attention, action and resourcing in order to ensure that South Australians who grapple with the severest degree of mental illness and psychosocial disability are provided with meaningful and responsive care, and that those who do not meet the NDIS criteria for support have somewhere to go to get the right sort of assistance they need.

To conclude the noting of this report to you, sir, I want to highlight that the report provides recommendations to give our state's most vulnerable the best opportunities to experience recovery and to be able to contribute to their chosen community. I would like to thank the other members of the committee. It was quite a lengthy report, as you can tell by my contribution today, and I think we worked quite cooperatively in dealing with a very important issue. I would also like to thank Robyn Schutte, the committee secretary, and Mary-Ann Bloomfield, our research officer. I commend the report.

The Hon. E.S. BOURKE (16:25): I would like to thank the Hon. Dennis Hood for his very detailed overview of the committee. It is a very important community issue and I thank him for his address on this topic. As a member of the Social Development Committee and mover of the inquiry into the provisions of mental health services under the transition to the NDIS, I rise to speak on this report.

I proposed the Social Development Committee investigate how the transition would impact South Australians with mental illness because the community had voiced concerns that South Australians with a mental illness were being left behind in the transition to the NDIS, with one of the goals being that the committee would provide recommendations about how the provision of mental health services in South Australia could be improved, given the transition to the NDIS.

I went into this inquiry concerned about the reports my office was receiving, but the feedback from witnesses and from written submissions was worse than I had anticipated. The National Disability Insurance Scheme is one of the most progressive social reforms since the introduction of Medicare in 1970, and like Medicare, this significant economic and social reform was introduced by an outgoing federal Labor government. Unfortunately, since federal Labor's introduction of the scheme, successive Liberal governments have not funded a workforce capable of meeting demand of the community to process and support NDIS applications.

The NDIS is a fully funded scheme established to perform the unmet need of support for people living with disabilities and mental illness. It was expected that the NDIS would give greater individual choice and control over services being provided and increase the capacity of participants

to engage in their communities. However, no-one had anticipated the level of unmet need in the community for disability and mental health support. Now, the NDIS is at breaking point and urgently needs a bigger workforce to support it. The scheme simply does not have enough people to approve plans for people with disabilities or mental health illnesses. We heard this from witnesses time and time again.

As the Hon. Dennis Hood has just pointed out, it is understood that one in five South Australians experienced diagnosable mental illnesses in 2018. It is also recognised that in 2015, suicide was the leading cause of death for South Australians aged 15 to 44, with 236 deaths reported in South Australia.

The Mental Health Commission of South Australia suggests that 45 per cent of South Australians will experience some form of diagnosable mental illness at some point in their lives. For those who do not, they will likely be affected by mental illness in some way while supporting a loved one or a friend experiencing mental illness. A staggering 18,000 South Australians who, as the committee was advised, need support will not receive that support from the NDIS.

The Southern Adelaide Local Health Network (SALHN) raised concerns, through their submission to the committee, that they had observed there had only been 227 successful NDIS applications in South Australia, and that a significant uplift would be needed if clients were to receive the necessary support required. SALHN also stated there were significant gaps in the projected numbers and actual take-up in the southern suburbs of Adelaide.

SALHN considers a significant proportion of South Australians with a mental illness will still require some form of clinical, psychosocial and disability support, even at the full NDIS roll-out. This was also raised by the Executive Director of the Mental Health Coalition of SA, Mr Geoff Harris, who stated that the emerging gap was a matter of urgency for agencies and the state government. Mr Harris said:

> …there are a lot of people who currently do not have access to effective supports from the NDIS, and the numbers that were anticipated by the commonwealth don't reflect what's actually happening. The commonwealth was estimating that about 90 per cent of people in mental health programs will get onto the NDIS. It's looking a lot lower than that, but we don't know where that will actually land at the end of June.

Considering the number of people who will never access the NDIS but who experience mental health illnesses, a continued provision of services is required outside the NDIS scheme. The National Disability Insurance Scheme is nearing its seventh year of operation, but we are still unable to clarify the number of South Australians who have gained access to the NDIS. This is as a result of the high rate of applications that have been withdrawn, cancelled or rejected.

Dr John Brayley, when he appeared before the committee, provided figures that highlighted the challenges faced by applicants during the application process. As at 15 April 2019, figures show that there were 514 clients, out of a total of 1,702, who had not been deemed eligible, while only 364 clients had received an approved plan and around 150 clients were awaiting an approved plan. Across all the state-based programs, 338 clients had been deemed ineligible.

The eligibility process is time consuming and stressful for many applicants and is a process that is difficult for many to navigate, especially when you are amongst most vulnerable in our community. People who are experiencing mental health illness are being confronted with a application process that requires them to discuss and admit that they have a mental illness. In itself, this is a significant deterrent.

Many recommendations were put forward that all members were able to support, seeking to address the concerns that I have just discussed, particularly Nos 28 to 34. Unfortunately, the concerns do not stop at the eligibility process of the NDIS. As I have just mentioned, we are not seeing as many people with mental illness as originally expected transitioning to the NDIS, not because of need but because of accessibility to the scheme. This is where our front-line community mental health services play a vital preventative health role and support the many South Australians who will not be eligible for the NDIS.

As highlighted in the report, the committee received no evidence highlighting that block funding should be withdrawn from the NGOs. This is why the committee was to report on a number

of provisions, including the ongoing requirement for block-funded mental health services to be provided by the state government after the NDIS transition and the reduction in funding to the Personal Helpers and Mentors program and the mental health respite program and the impact this will have on people with mental illnesses.

I note these provisions, as they led me to the concerns I held, as they did the Hon. Connie Bonaros and my Labor colleague in the other place, the member for Torrens, Dana Wortley, especially in regard to recommendation 9. As it stands, recommendation 9 reads:

> The Minister for Health and Wellbeing provide additional block-funding and extend current contract lengths beyond three-month blocks for existing community mental health organisations to maintain delivery of services in local communities to support people with psychosocial disability.

I would like to put on the record that this recommendation was only supported by government members of the committee, which resulted in the remaining members, whom I have just mentioned, putting in a dissenting statement for recommendation 9. The Hon. Connie Bonaros, the member for Torrens and I submitted a dissenting statement because the report tabled, in particular recommendation 9, does not reflect the voices of the community that the committee heard from.

Voices like those of the Department of Social Services, the Department for Health and the NDIA have submitted to the committee that the success of the NDIS requires state and territory governments to continue funding, into the future, services for people with psychosocial needs. The voice of the executive director of Diamond House has also highlighted the need for state government block funding to continue after the NDIS transition.

The voice of Esther, who lives with schizoaffective disorder, post-traumatic stress disorder and compulsive disorder, has highlighted that she relies on the support that she receives to clean her house and to get to her local supermarket and medical appointments. When Esther appeared before the committee, she was receiving support from NGOs UnitingCare Wesley and Diamond House, but not through the NDIS. Esther's application for the NDIS had been rejected, and with the help of Diamond House she was going through the process all over again. When asked how she would cope without this support, Esther simply replied, 'I do not know.'

As a member of the committee, I submitted multiple versions of recommendation 9, willing to compromise for a positive outcome. But the government members were unwilling to accept any version which referred to cuts in government funding or calls to cover the 25 per cent reduction of funding transitioned to the NDIA in 2019 or a time line to continue to fund psychosocial services provided by NGOs through state-based funding until 2022.

By omitting any reference to a time frame regarding funding or any forward plan highlighting what services will be available for people with mental illnesses or psychosocial disabilities who do not meet the NDIS eligibility criteria but nevertheless require its support, recommendation 9 falls short of reflecting the voices of witnesses. Quite simply, recommendation 9 does not reflect the calls for certainty and clarity about the future of funding for community-based mental health services.

As I previously mentioned, we know that 18,000 South Australians will be outside the NDIS but will nevertheless need support. The committee heard that NGOs are providing support to those South Australians but will not be able to for much longer without the support of state government block funding. Rather, recommendation 9 is a hollow recommendation that does not require measurable actions from Premier Marshall's government to address the community's concern in an open and transparent manner.

This is particularly concerning when we consider that South Australia has the highest level of hospital presentation for mental health in Australia. That is why it is imperative that the government focuses on preventative health to keep people out of hospitals and in their community by providing certainty to the community mental health services. As Kim Smith from Diamond House highlighted to the committee, if a member of Diamond House is admitted to a psychiatric ward, it would cost $10,500 per week, whereas it costs to SA Health around $2,400 per year to support one person through Diamond House in their programs, so around $46 per person per week, in comparison to $10,500. Whilst the government may be saving some money by not committing to continuing block funding NGOs until 2020 to 2021, it will cost more in the long run.

The need for the state's funding has not decreased. Any reduction will result in a risk to South Australians and increased emergency room visitations. Unfortunately, we have a long way to go in supporting the thousands of South Australians who are experiencing mental illness. The inquiry provided individual opportunity for members of the community to put their thoughts on the record in the hope to make change in this under-pressure sector. I hope those voices do not go unheard.

Putting aside recommendation 9, as the Hon. Dennis Hood has said, the inquiry provided much-needed clarity about the issues that applicants are being confronted with regarding the NDIS. I would like to thank the members of the committee: the Chair, the Hon. Dennis Hood; the Hon. Connie Bonaros; the member for Torrens in the other place, Dana Wortley; the member for Newland in the other place, Richard Harvey; and the member for King in the other place, Paula Luethen. I would also like to thank the committee secretary, Robyn Schutte, and the research officer, Mary-Ann Bloomfield.

Debate adjourned on motion of Hon. I.K. Hunter.

SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING

The Hon. E.S. BOURKE (16:39): I move:

That the interim report of the committee be noted.

SA Pathology staff deserve job security, the South Australian people deserve peace of mind when accessing vital health services, and regional South Australians deserve the same timely access to pathology services as is afforded to their city counterparts. That is why last year I moved to establish the select committee into matters relating to SA Pathology and SA Medical Imaging. Yesterday, I tabled that interim report, a report which highlights the importance of this committee and why the vital work of this committee must continue.

Over the course of the committee's life thus far, we have heard from many witnesses, all of whom have repeatedly highlighted and reinforced one message: pathology and medical imaging are essential medical services—essential medical services that need to remain in public hands. That is the common theme coming from witnesses, both from South Australian health professionals and industry bodies, and those who have experienced privatisation of pathology services interstate.

The services provided by SA Pathology are a core element of our functioning health system. SA Pathology is a front-line health service that literally provides the diagnosis to save lives. This very worthwhile committee not only heard evidence from government departments and national medical bodies, but it has given a voice to not-for-profit organisations, many of whom may not have had the opportunity to express their views before.

We have heard witnesses from: Professionals Australia, the Department for Health and Wellbeing, SA Pathology, SA Medical Imaging, the Royal Australian and New Zealand College of Radiologists, Country Health SA, Royal College of Pathologists of Australasia, Flinders University, the Health Services Union, and the University of Adelaide.

The people who work at SA Pathology hold a particular skill set. They have immeasurable experience and they are working under a daunting cloud of the possibility of losing their jobs. This does not make for a positive workplace. The disturbing feedback we have heard is that there is bullying behaviour within SA Pathology, including reports of staff struggling with standover tactics. These are findings that cannot and must not be ignored by the minister.

The feedback we have received highlights more than ever why the Marshall Liberal government must abandon its privatisation agenda and finally provide certainty to the SA Pathology workforce. We have received overwhelming feedback from witnesses, especially regional representatives, that the SA government must guarantee the essential health services that SA Pathology provides in regional South Australia. They were asking to be not compromised or diminished at both the workforce and funding level.

It was heartbreaking to learn of the impact this uncertainty is having on regional SA Pathology services. Voices were very loud from regional health professionals, saying any moves to water down or privatise SA Pathology will have an impact on not only providing a diagnosis in a timely manner

to health professionals in regional SA but the health services regional hospitals will not be able to provide to their communities. From the delivery of babies to treating a heart attack to emergency operations, all of these services would be under threat if pathology is not available on site and in a timely manner in regional SA.

The committee has heard time and time again that the only reliable pathology services available to regional members of the community is SA Pathology. An ex-nurse had the following to say, and I quote:

> …the idea of not having pathology close is, in my view, taking us back 30 or 40 years…the point about this is that if you don't have those services there urgently, you will lose…the mums…bubs. You will lose post-accident [patients].

We also heard from many witnesses that South Australia has the oldest pathology workforce in the state and any moves to remove research and training from the control of the government would have a significant impact on attracting and keeping pathologists in South Australia.

Witnesses were unable to point to another state that has privatised research and training, as this is a service that is not profitable to a private provider. The risk of losing research and training in SA would remove the highly regarded service we are able to provide in this state. Issues have been raised through this process that would not have otherwise been aired—voices that would not have had the chance to be heard. This interim report only scratches the surface. This committee must continue, and the findings so far cannot and must not be ignored.

I look forward to working with the committee members, the Hon. Justin Hanson, the Hon. Connie Bonaros, the Hon. Tammy Franks, the Hon. John Dawkins, and the Hon. Terry Stephens in the new year. I would like to thank Mark Douglas, our research officer, and our secretary, Emma Johnston.

Motion carried.

Bills

RETURN TO WORK (POST TRAUMATIC STRESS DISORDER) AMENDMENT BILL

Introduction and First Reading

The Hon. F. PANGALLO (16:44): Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

Second Reading

The Hon. F. PANGALLO (16:46): I move:

> That this bill be now read a second time.

I am proud to introduce this bill today, which is a first of its kind legislation in South Australia, designed to reduce the stigma surrounding post-traumatic stress disorder (PTSD), suffered by so many of our first responders as they face extreme conditions on the front line protecting our community every day.

PTSD is a mental health condition triggered by a traumatic event or cumulative exposure to traumatic incidents and is symptomatically manifested through flashbacks, insomnia, hypervigilance and, sometimes, suicide. The bill provides the rebuttable presumption of a diagnosis of post-traumatic stress disorder suffered by first responders and volunteer first responders is work related for the purposes of workers compensation legislation.

The insertion of the word 'presumption' will, for the first time in South Australia, shift the onus of proof from worker to employer, a groundbreaking advancement in workers compensation legislation in this state. Where the presumption applies, where a diagnosis of PTSD has been made, it will be assumed, in the first instance, that the PTSD injury is work related unless there is evidence presented by the employer to establish that the cause of injury is not work related.

The bill is aimed at and focused on first responders and those who fall within the ambit of the legislation, including paramedics, police officers, firefighters, nurses, doctors, and SES and CFS volunteers. In addition, there are transitional provisions, which extend the components in the bill to

claims initiated before the commencement of the amendments, unless the claim has been determined and all rights of review and appeal in relation to determination have been exhausted. Finally, there is a regulation giving power to add a person or class of persons.

This bill follows similar legislation passed earlier this year by the Hodgman Liberal government in Tasmania and hailed as nation-leading legislation. I applaud the Tasmanian Liberal government for being the first in the nation to take affirmative action to better support public sector workers who suffer with debilitating effects from PTSD.

We have consulted widely on the bill and have met several times with Professor Alexander 'Sandy' McFarlane AO of the Centre for Traumatic Stress Studies at the University of Adelaide, the Police Association of South Australia, the Ambulance Employees Association, the South Australian branch of the Nursing and Midwifery Federation, the CFS Volunteers Association, the SA SES Volunteers' Association and the United Firefighters Union of South Australia. I thank all of those organisations and their representatives for their valuable input into the bill.

Following consultation, I have chosen to focus this bill on our first responders and volunteer responders. It is my intention that should parliament be prorogued at the end of the year, whereupon all existing matters before this parliament will be extinguished, I will reintroduce the bill early in the next session of parliament and take it to a vote soon thereafter.

I also look forward to hosting a forum on the bill in the new year and inviting members to a screening of *Dark Blue*, a telemovie specially commissioned by the Police Federation of Australia and screened in Adelaide earlier this year, which features a compelling depiction of the true cost of PTSD on our police officers and, by extension, our other first responders and the personal cost it can have on families, relationships and carers.

I was deeply moved by watching *Dark Blue* and look forward to sharing it with other members of this place. The movie was accompanied by the visceral anthem *Graduation Day*, written by South Australia's own John Schumann. Schumann wrote the song after speaking to 25 police officers battling with PTSD about the dangers police face every day. He hopes to shine a powerful spotlight on the crippling scourge of PTSD affecting Australia's police officers in the same way his well-known anthem, *I Was Only 19*, changed the country's attitude to Vietnam veterans.

Graduation Day details the kinds of incidents which can cause psychological damage to police—from attending car crash scenes and shootings to the heartbreaking task of telling family members a loved one has died. I will also be inviting John to come and sing the song at the movie screening.

I want to read an email from Mark Carroll APM, President of the Police Association of South Australia, and I quote:

> Dear member,
>
> The Police Association supports SA Best MLC Frank Pangallo's introduction of the Return to Work (Post Traumatic Stress Disorder) Amendment Bill 2019 into the Legislative Council today.
>
> The bill, which applies to police officers and other first-responders, shifts the onus of proof of PTSD from the worker to the employer for the purposes of workers compensation.
>
> This means that where a presumption applies (where a diagnosis of PTSD has been made), it will be assumed in the first instance that the PTSD is work-related, unless the employer provides evidence to the contrary.
>
> The association has previously urged politicians to consider these changes. This is very significant legislation which, if passed, will greatly assist members recovering from PTSD.
>
> The bill has our full backing and I will be writing to all politicians urging them to support it...

The very nature of the work our first responders do each and every day to keep us safe requires them to deny their own fears and walk towards danger. SA Police has stated that 26 per cent of its workers compensation claims in 2017-18 were due to psychological injuries.

I note a 2018 landmark study into the mental and physical health of firefighters of the South Australian Metropolitan Fire Service, in conjunction with the University of Adelaide. The MFS commissioned the study to gain an accurate picture of workforce health to help it better support and manage the risks to firefighters' health from the time they are recruited through to their retirement

years. The study was funded by a National Health and Medical Research Council partnership grant. Professor Sandy McFarlane, who I mentioned earlier, led the groundbreaking study, the results of which will assist other Australian emergency response agencies.

It is clear our first responders are twice as likely to suffer from suicidal thoughts than civilians. We expect them to keep us safe, but we also have a responsibility to ensure their own safety and wellbeing. We must break down barriers that prevent first responders from getting the assistance they need to deal with the stress and trauma they face day in, day out and to make the claims process easier in the event of a diagnosis of PTSD.

The prejudice implicit in our workers compensation system tends to harbour and encourage stigma and prejudice around our first responders and those who struggle, often after ignoring their health concerns coupled with a work culture of toughing it out. The bill aims to overcome this. With those words, I commend the bill to the chamber.

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

STATUTES AMENDMENT (SUSPENSION OF SOUTH EASTERN FREEWAY OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 October 2019.)

The Hon. C.M. SCRIVEN (16:56): The Statutes Amendment (Suspension of South Eastern Freeway Offences) Bill 2019 has been introduced in response to some of the consequences that have come from changes to the law. In 2017, parliament introduced two new offences and associated penalties applying to trucks and buses on the South Eastern Freeway descent into Adelaide. These were in response to recommendations from a coronial inquest following repeated crashes that involved out-of-control heavy vehicles. I am sure that most of us are aware that these accidents resulted in the loss of lives and also serious injuries.

I will only speak briefly to this bill today, as I understand that there are a number of amendments to be moved by the government, which at this stage we expect to be supporting. Very briefly, we need to ensure that any changes to the laws that have been implemented have not had unintended consequences. Positive road safety outcomes must of course come first, but some of the examples that have been brought up—the automatic six-month immediate loss of licence for a first offence and, similarly, the body corporate levy, which is currently a minimum of $25,000 and not more than $50,000—have a disproportionate effect on small businesses, for example, and could potentially force a small business to go into liquidation.

By removing the six-month licence disqualification for a first offence, we are hopeful that this will strike the right balance between acknowledging this very dangerous stretch of road and the need to put safety at the forefront of drivers' thinking, sending a strong signal about that, and not wanting to have the penalties be so harsh that they create unintended consequences and potentially force small businesses, for example, into liquidation. I will therefore commend support of this bill to the house.

The Hon. F. PANGALLO (16:58): I would like to thank the Hon. Clare Scriven for her contribution to this piece of legislation. I would like to point out that I have had very positive and cordial discussions with the transport minister, the Hon. Stephan Knoll, in relation to what I have put forward to the Legislative Council. As pointed out, as the law stood, it had unintended consequences. Even though the legislation was enacted in 2014, it came into effect in May this year.

There have been hundreds of fines and licence suspensions given to unsuspecting people, unaware that they had broken the law driving down a section of the South Eastern Freeway. Some were in vehicles such as small 12 or 14-seater minibuses that could be driven with a C-class licence. What they did not realise was that, by going under the 80 km/h speed limit that applied on the freeway, it was illegal on that stretch as there was a 40 km/h limit, even if the GVM of their vehicle was between 4.5 tonnes and 8 tonnes.

While the legislation had very good intentions as a result of some serious fatalities that occurred on the South Eastern Freeway, unfortunately good intent sometimes creates an unintended

consequence and fallout. This legislation provided for not only a large fine but an automatic licence suspension of six months and 12 months if you challenged it. This was quite harsh. People lost their licences in some cases. In fact, since I first raised this matter, I have had cases of people calling me who have had multiple fines on that area of road. They fear that they will actually lose their licence for years. As a result of that, they would also lose their employment.

I also had a man in his 70s who volunteered to drive a minibus for an aged-care facility in the Hills. He was retired and had never had a traffic blemish in his life. Unfortunately, the minibus fell foul of the legislation and he has lost his licence for six months. We had another family, a similar situation again, driving a small minibus and a driver with a good driving record. They have now lost their licence for six months. Compounding that, the driver was the only one licensed in his family, and they have a disabled child and it is going to be very difficult for them to access transport as a result of that.

I have had hundreds of other complaints from others who have been caught out unwittingly. There have also been instances, and I have had photographs sent to me, of those big F350 utes being caught. The cameras that are used to detect these offences have either recognised them as a small truck or, because of confusion in the actual registration process of that vehicle, constituted that they were trucks and, as a consequence, they copped the fine.

I also had a photograph sent to me last week of an unusual flat-top ute, an American-style Chevy that was an older model. Again, for all intents and purposes, it was a utility. You would call it a ute. It had been incorrectly registered as a small truck. That driver was given a hefty fine and also faces a licence suspension. There have been many of those instances. Many of these people were unaware of what the law was on that particular stretch of road. They were not hoons, they were not people who had a habit of speeding—

The ACTING PRESIDENT (Hon. D.G.E. Hood): The Hon. Mr Pangallo, I am loath to interrupt again, but the summing up is an opportunity—

The Hon. F. PANGALLO: I am nearly finished.

The ACTING PRESIDENT (Hon. D.G.E. Hood): —to address comments made by members in the second reading, not to make another one.

The Hon. T.J. Stephens: You don't get a second second reading.

The Hon. F. PANGALLO: Okay.

The Hon. T.J. Stephens: And you've got the numbers.

The Hon. F. PANGALLO: Okay, I do. Anyway, I was just going to sum up anyway. I am sorry, Mr Acting President; I do not want to go on like I did last night.

As I said, after very informative and cordial discussions with the minister, the Hon. Mr Knoll, I am pleased to say that we have actually met common ground on this. He has made a series of amendments that I will accept, and I also withdraw one of my own amendments. I think this will achieve the desired outcome of no automatic loss of licence if expiated on first offence. With that, I can say that I am glad that common sense has prevailed.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. D.W. RIDGWAY: First, sir, given that it is a private member's bill, can I say thank you for allowing a government adviser to be here to assist us with these amendments. My understanding is that the government, the opposition and the Hon. Frank Pangallo are all in furious agreement on support for the amendments that have been tabled in my name, so I suggest that rather than prolonging things and going through a detailed explanation of each particular amendment—because we are likely to again face a lengthy evening—I move the first amendment

standing in my name and, if there are no comments, we will just work our way through the amendments as quickly as possible. I move:

Amendment No 1 [Ridgway–1]—

Page 2, line 4—Delete 'Suspension of'

Amendment carried; clause as amended passed.

Clause 2.

The Hon. D.W. RIDGWAY: I move:

Amendment No 2 [Ridgway–1]—

Page 2, lines 6 to 10—Delete clause 2 and substitute:

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Amendment carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5.

The Hon. D.W. RIDGWAY: I move:

Amendment No 3 [Ridgway–1]—

Page 3, lines 22 to 30—Delete Part 3 Division 1

Amendment carried; clause as amended passed.

Clause 6.

The Hon. D.W. RIDGWAY: I move:

Amendment No 4 [Ridgway–1]—

Page 4, line 1 [Heading to Part 3 Division 2]—Delete the heading to Part 3 Division 2

Amendment carried.

The Hon. D.W. RIDGWAY: I move:

Amendment No 5 [Ridgway–1]—

Page 4, lines 2 to 37—Delete clause 6 and substitute:

6—Amendment of section 45C—Speed and gear restrictions for trucks and buses on prescribed roads

(1) Section 45C(3)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

(i) for a first offence—such period, being not less than 6 months, as the court thinks fit;

(ii) for a second offence—such period, being not less than 12 months, as the court thinks fit;

(iii) for a subsequent offence—such period, being not less than 3 years, as the court thinks fit;

(2) Section 45C(4)—after 'first' insert ', second'

The ACTING CHAIR (Hon. D.G.E. Hood): While we are waiting for the minister's adviser, the Hon. Mr Pangallo can I just be clear; our understanding is that you are not going to proceed with your amendment. Is that correct?

The Hon. F. PANGALLO: Yes, Mr Acting Chair; I will not be proceeding with my amendment No. 1 [Pangallo–1].

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8.

The Hon. D.W. RIDGWAY: I move:

Amendment No 6 [Ridgway–1]—

Page 5, line 21 to page 6, line 12—Delete clause 8 and substitute:

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

(1) Section 79B(2), penalty, (aa)(i)—delete 'not less than $25,000 and not more than $50,000' and substitute:

not less than $10,000 and not more than $20,000

(2) Section 79B(2a)(aa)—delete '$25,000' and substitute:

$5,000

(3) Section 79B(2c)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

(i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or

(ii) in the case of a second offence—for such period, being not less than 12 months, as the court thinks fit; or

(iii) in the case of a subsequent offence—for such period, being not less than 3 years, as the court thinks fit;

(4) Section 79B(2c)(d)—after 'first' insert ', second'

Amendment carried; clause as amended passed.

Clause 9.

The Hon. D.W. RIDGWAY: I move:

Amendment No 7 [Ridgway–1]—

Page 6, lines 13 to 16—Delete Part 4

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. F. PANGALLO (17:16): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

The Hon. C. BONAROS (17:16): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING

The Hon. E.S. BOURKE (17:17): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON POVERTY IN SOUTH AUSTRALIA

The Hon. M.C. PARNELL (17:17): On behalf of the Hon. Tammy Franks, I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. I. PNEVMATIKOS (17:17): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

The Hon. I.K. HUNTER (17:18): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON FINDINGS OF THE MURRAY-DARLING BASIN ROYAL COMMISSION AND PRODUCTIVITY COMMISSION AS THEY RELATE TO THE DECISIONS OF THE SOUTH AUSTRALIAN GOVERNMENT

The Hon. I.K. HUNTER (17:18): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST

The Hon. C.M. SCRIVEN (17:18): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON THE EFFECTIVENESS OF THE CURRENT SYSTEM OF PARLIAMENTARY COMMITTEES

The Hon. C. BONAROS (17:19): I move:

That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

Motions

HUMAN TRAFFICKING AND MODERN SLAVERY

The Hon. I. PNEVMATIKOS (17:19): I move:

That this council—

1. Acknowledges that human trafficking and modern slavery is a heinous crime and a violation of human rights;
2. Notes the escalation and desperation that has led to human trafficking and modern slavery in recent years on an international scale;
3. Recognises that there is limited quantitative and qualitative evidence of the prevalence of human trafficking and modern slavery in South Australia, and that as well as the federal government, the state government has a responsibility to explore the circumstances that have given rise to the escalation of human trafficking and modern slavery; and
4. Congratulates neighbouring states such as NSW and international organisations, including the International Labour Organization, who are working proactively to address human trafficking and modern slavery.

For too long, human trafficking and modern slavery has taken advantage of vulnerable cohorts across the globe. Whether encapsulated by force, coercion or deception, people are being exploited and sentenced to living a life in fear and in pain, a life without rights or protections. It is a heinous trade of human beings functioning on the margins of society, violating a multitude of human rights. Perpetrators do not discriminate; they target men, women, the young and the elderly alike. Essentially, wherever there is poverty, conflict and/or low protections, the risk of exploitation is high.

In terms of human trafficking, because of the nature of the operation, it is difficult to ascertain specific numbers of victims. What we do know, as highlighted by research undertaken by the UN, is that approximately 40 million people across the world fall prey to modern-day slavery, 25 million are subjected to forced labour, and 15½ million women are subjected to forced marriage. Our recent history with the dislocation and displacement of people will only further enhance the environment for human trafficking.

It is appalling that we have reached a point where we are reading about mass deaths—deplorable deaths—in a truck in Essex to be able to start comprehending that maybe we need to reassess the way in which we are tackling this issue. Some may argue that in our own backyard modern slavery is virtually non-existent. But it exists and operates below the surface and on the margins. For example, a case study in a report into workplace arrangements along the harvest trail by the Fair Work Ombudsman in 2018 highlighted a case where:

> The Fair Work Ombudsman received information from backpackers who had responded to advertisements for farm work through Facebook, Gumtree and other social media channels posted by an individual…
>
> The Fair Work…investigations made a number of findings including that he [namely the trafficker] collected workers from bus and train stations and took them straight to bank teller machines to withdraw money to cover job finding fees and accommodation deposits to be paid to him up front.
>
> He then took them to substandard, over-crowded accommodation.
>
> The operator was alleged to have organised jobs at local farms, transported them to the farms to work, but then failed to pay the monies that he had collected from growers.
>
> If the backpackers complained and requested to leave, he told them that the job finding fee and deposit were not refundable.
>
> The Fair Work Ombudsman was unable to definitely confirm an employment relationship with the individual because the backpackers had been asked to sign contracts stating that he was not their employer.
>
> They were also unable to advise the Fair Work Ombudsman what farms they had worked on, which prevented Fair Work Inspectors from gathering evidence from growers.

Let's not forget the exploitation of workers as revealed in May 2015 in the *Four Corners* episode, entitled Slaving Away. In part, it contributed to investigations undertaken by the Economic and Finance Committee as an initial response to the issue. The evidence pertaining to the exploitation of workers provided to the committee can only be described as deplorable. For instance, in one case, 20 workers or more shared a single house, sleeping side by side on mattresses on the floor.

Make no mistake, forced labour is being underclassed as underpayment. In a climate of growing unemployment and underemployment, particularly as a state that has prominent seasonal and fly-in fly-out working conditions, we need to start addressing the issue now. But how? There is very little literature and investigations into this matter in our state. In fact, a report by the Australian Catholic Religious Against Trafficking in Humans highlighted its concerns with South Australia's lack of insight into the issue back in 2012. All that we have appears to be sporadic and anecdotal, which further renders the issue invisible as we do not understand the parameters.

Fortunately, Dr Marinella Marmo recently released a report on slavery and slavery-like practices in South Australia. The report demonstrates that human trafficking and modern slavery are not just occurring across the globe but in South Australia as well. Why? Because vulnerable workers in South Australia have commonalities to other countries where this issue is rife: workers of temporary migratory status; women and girls being forced into arranged marriages or spousal sponsorship; industries based in isolated areas; industries without recognition and therefore no protections; workers with a lack of knowledge, trust or access to government supports; and a growing fear of workers to walk away from exploitative conditions due to fear of repercussions. They are just a few examples.

As highlighted by Dr Marmo's report, any combination of these factors renders South Australians vulnerable, and I quote, 'The more vulnerable, the greater is their susceptibility to exploitation.' I strongly echo this sentiment. I have seen firsthand during my experiences both in and before this place the detrimental effect vulnerability has on the level of exploitation experienced by women and workers. Both contributed to the awareness of the potential prevalence of this trade in South Australia, again stemming from the *Four Corners* report into the mistreatment of workers in our state.

I have spoken in this place before about the compelling findings by the McKell Institute on the economic impacts of wage theft and underpayment in South Australia. This incident goes further than the matter of wage theft, and it needs to be addressed as such. Dr Marmo has made compelling arguments that the more severe forms of underpayment in South Australia would meet the threshold of slavery-like indicators set by the International Labour Organization. More awareness on the issue needs to be raised and more adequate supports need to be in place to support those who are trapped and exploited in trafficking schemes.

However, first we need to know more. We need to investigate and consolidate data on the extent of modern slavery and trafficking in our state. It is what some of our neighbouring states—Victoria and New South Wales—have done to ascertain policy as well as legislative reforms at a state level. We must heed the recommendations made by Dr Marmo and do what we can to address the gaps in this area. We need to shine a light on the issue and break down the incentives associated with this exploitative behaviour. Most importantly, we need to undertake further investigation and inquiry in order to develop strategies and programs to end this scourge on humanity.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

COUNTRY FIRE SERVICE

Adjourned debate on motion of Hon. E.S. Bourke:

That this council—

1. Congratulates the over 200 CFSS volunteers from across South Australia for coming together to support the Yorke Peninsula community by fighting the recent fires that broke out and destroyed pastoral lands, livestock and homes;
2. Acknowledges the work of all community services, including the local police force, CFS and health services, in supporting individual families and the community to evacuate safely and in a timely manner;
3. Calls on the Minister for Emergency Services to work with regional communities to increase the number of local CFS volunteers;
4. Thanks all CFS volunteers for risking their lives to protect South Australians; and
5. Wishes all Country Fire Service volunteers a safe fire danger season.

(Continued from 27 November 2019.)

The Hon. J.S.L. DAWKINS (17:28): I rise on behalf of government members in relation to this motion. In the first instance I move the amendment standing in my name as follows:

Paragraph 3:

After the words 'Services to' insert 'continue to'

I will elaborate more on that later in this brief presentation. I rise to support the motion of the Hon. Ms Bourke and thank her for moving it. In many ways, words fail most of us in acknowledging the commitment of people who go out and fight fires in appalling conditions. It is worthwhile that we do just give a few moments in this place to that voluntary commitment.

In the week of 19 November to 24 November, the South Australian Country Fire Service responded to 219 separate incidents across the state, including rural fires, vehicle accidents and structure fires. There were 357 support responses, which included responses in support of 209 incidents attended. An example of that is the multiple brigades that attended the Yorketown fire.

The current recorded hours for these 576 turnouts are listed as 33,312 hours, and these numbers are likely to increase once reports are lodged by CFS brigades. At the peak of activity on

Wednesday 20 November, the CFS had 600 personnel and 150 fire trucks committed across the state. On that day, the CFS responded to over 60 fires, with large fires recorded at Price on the northern Yorke Peninsula, Appila in the Mid North, Beaufort in the Mid North, Yorketown on southern Yorke Peninsula, Finniss on Fleurieu Peninsula and Angaston in the Barossa.

The Yorketown fire was the largest and most dangerous of these, with over 250 firefighters committed to it. A total of 11 homes were destroyed and significant stock losses were reported. Volunteers, CFS staff and MFS staff were supported by their colleagues from the SES and other government departments in dealing with these fires. The crews' responders were supported by catering from local volunteers and the Salvation Army. Many of the fires were attacked by aerial bombardment with the state's own resources, with one bombing run from a large aerial tanker from New South Wales to protect the town of Coobowie. A total of 14 aircraft were deployed across the state.

Despite the terrible loss of several homes and livestock, these outcomes demonstrate a successful joint response across the whole state that resulted in a better outcome than might have been expected, with few injuries and no human lives lost. I want to add that the response right across the community of Yorke Peninsula—all the volunteers in many capacities and the response from members of a range of government agencies, including certainly a number out of the Department of Human Services, and many others—I think was outstanding.

In regard to the CFS in particular, I have a large list of the brigades that attended, but I am not going to read them all out. In summary, brigades from Aldinga Beach to Nuriootpa and from One Tree Hill and Shea-Oak Log to Seaford, and from many other places in between, attended the Yorketown fire. Of course, in doing so, they were all in unfamiliar territory.

I have related in this place previously my vivid memories of fighting serious fires in unfamiliar territory in the Ash Wednesday fires of both 1980 and 1983, where as flat-country firefighters we were thrown up into the depths of the Adelaide Hills, where the different nature of the terrain and the conditions was striking. I have some very vivid memories of those events, even though they were many decades ago. I do give great credit to those who went, as I said, from places like Aldinga Beach, Seaford and the Barossa Valley, and many other places, across to southern Yorke Peninsula into an area that they were completely unfamiliar with.

Just in conclusion, just to elaborate on the reason for my amendment, which is a minor amendment, and with great respect to the minister, paragraph 3 as it stands states:

> Calls on the Minister for Emergency Services to work with regional communities to increase the number of local CFS volunteers;

My amendment, if it was successful, would amend the paragraph to say: calls on the minister 'to continue' to work with those regional communities.

I am aware, through my own knowledge of his activity, of the significant amount of work the minister has done in supporting local CFS brigades and also in being out there in the community showing his support for the CFS and encouragement to members of the community to assist the CFS and in many cases to join up. I am aware of some people who could not physically go out and fight fires but have joined up to become the administrators back in the bases, on the public address and providing really strong communications support.

But I do know that in his time as minister the Hon. Corey Wingard has visited 77 CFS stations and met with members of more than 100 brigades across South Australia. He has also obviously had many other members of parliament represent him on occasions. I have certainly done that myself. With those remarks I would again thank the honourable member for her motion and would seek the support of the council to just add those two words as indicated in my amendment.

The Hon. F. PANGALLO (17:36): I rise to speak overwhelmingly in support of the Hon. Emily Bourke's motion. I will be short, although, I promise you, Mr Acting President, that if I was to speak about the wonderful efforts of our CFS over the years I could probably break my record from last night. Unlike the Hon. John Dawkins, I have never actually had to fight a fire alongside CFS volunteers, but in my long career as a journalist I had many, many occasions to be covering fires that were fought by our CFS volunteers.

It goes back to the Ash Wednesday fires where the Hon. John Dawkins fought as a firefighter. I have been able to witness firsthand the courage, the bravery, the concern that these people have for property and also for people. In many cases they are often oblivious to their own safety in order to protect our communities. I just could not speak more highly of the CFS as an organisation and for what they have done, what they have achieved, the lives they saved, the properties they have saved and the commitment they do give to the state they serve.

Let me just say that their firefighting heroics are legendary not only in Australia but also overseas. When I was in Europe in August I went to the town of Mati, where there were some horrific wildfires last year that devastated the town, which we spoke about in a motion in this parliament. When I went there and visited and spoke to the fire chief who was in charge of that particular region—and it is a pretty large region—he also spoke highly of our firefighting efforts in Australia. He knew already what the CFS did in this country and what it did in our state and could not speak highly enough of them. In fact we actually spoke about even an exchange training program between Greece and Australia, so highly did they think of our firefighting efforts.

In closing, I would also like to pay tribute to the people who employ our CFS volunteers because, when they are called out in an emergency, some of them probably have to leave their jobs. It is fantastic that they have the support of their employers, who allow them to go there without any penalty at all. We also must pay tribute to the employers who strongly support the CFS and the CFS volunteers in their work both in the Adelaide Hills area and in our regions as well. In closing, I warmly endorse this motion of the Hon. Emily Bourke and also the words of the Hon. John Dawkins.

The Hon. E.S. BOURKE (17:40): I would like to thank the members who have spoken on this, the Hon. John Dawkins and the Hon. Frank Pangallo, for your kind words towards the volunteers who make the heart of this nation beat so strongly. I will be more than happy to accept the Hon. John Dawkins' amendment that he is putting forward today because, as I stated in my speech, whoever the government of the day is, we all need to be working to make sure that we have volunteers in our regions.

That is why I am more than happy to accept an amendment that makes sure that the minister of the day continues to work with our regional communities to make sure that we have those volunteers to come together, as we saw on 20 and 21 November this year. People literally dropped what they were doing, no matter if that was working in the local supermarket or at home on the farm on the catastrophic day. I really do think that it is a very valuable motion to be putting forward to recognise their important contributions to our communities.

Amendment carried; motion as amended carried.

BOWDEN-BROMPTON DEVELOPMENT PLAN AMENDMENT

Private Members Business, Orders of the Day, No. 14: the Hon. M.C. Parnell to move:

That the City of Charles Sturt privately funded Bowden-Brompton mixed use (residential and commercial) development plan amendment tabled on 15 October 2019 be disallowed pursuant to section 27 of the Development Act 1993.

The Hon. M.C. PARNELL (17:42): I move:

That this order of the day be discharged.

I want to put some brief explanation on the record. I put this disallowance motion on the *Notice Paper* following a resolution of the ERD Committee to object to a development plan amendment (DPA) involving a large area of former industrial land at Bowden-Brompton. The DPA proposes that the site be rezoned for mixed uses but primarily for housing. The DPA was funded by a consortium representing the owners of the land and led by Detmold, the largest owner. Their objective, quite reasonably, was to maximise the land's value before onselling it to a developer, who will ultimately develop the site.

Clearly, the more development that can be accommodated on the site, the greater the value of the land. The proper role of planning, on the other hand, is to get the best outcome for the whole community, not just maximise the value of land for its owners. The public interest must be the guiding principle, regardless of who has paid for the process. During public consultation, it became apparent that a number of nearby existing residential properties, mostly older single-storey dwellings, could

be adversely affected by overlooking and overshadowing, given the proposed height limits in the area to be redeveloped.

This message was delivered to the ERD Committee by Mr Peter Malinauskas, the local member. On the back of his submissions, the ERD Committee resolved to suggest to the planning minister that he drop the building height limits on some of the street frontages from three storeys down to two. Ultimately, these suggestions were not taken up by the minister and, as a result, the committee resolved to object to the amendment.

That decision, the subsequent tabling of the DPA in parliament and the disallowance motion that I moved on the same day certainly put the cat amongst the pigeons. It is almost unprecedented, being possibly only the second time that this has happened in 25 years. I acknowledge all the work that the Clerk and his counterpart in another place have had to do to understand the process and its limitations, particularly once it was realised that a compromise might be possible. Crown law was dragged in and legal opinions were flying in all directions.

At the end of the day, common sense has prevailed. The consortium of property owners, their planning consultants, the local member, the local council and the minister have agreed that some minor changes can be made to the zoning rules and that these will be considered as part of the development of the new Planning and Design Code, which is currently out for public consultation and which will replace the DPA which the ERD Committee rejected. Meetings have been held, letters and emails have been exchanged, hands have been shaken and, as a consequence, I feel comfortable in discharging this disallowance motion.

The final thing that I would say is to make it clear that I support the transformation of former industrial land in the inner suburbs to medium-density housing. It is the best future use of that land and is certainly preferable to urban sprawl. If done properly, development on this site will help make Adelaide more sustainable.

But what this exercise shows is that proper consideration must be given to the views of local communities. For too long, the planning system has been stacked in favour of property developers and against ordinary citizens. As I have said before, the system of parliamentary scrutiny is usually a joke, and only in rare cases such as this is it able to give effective voice to those who are usually ignored. I am pleased to have helped secure this compromise.

Motion carried; order of the day discharged.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (COMMENCEMENT OF CODE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2019.)

The Hon. C.M. SCRIVEN (17:46): I rise to support this bill. The Labor opposition has not come to this position lightly or without due consideration of the content of the draft Planning and Design Code. It is for this reason that it is important to note what this council is actually considering today.

This bill does not reject the structure of the new planning system, introduced by the former Labor government. Nor does this bill reject the concept or mechanics of a Planning and Design Code. The bill merely provides the Minister for Planning with the discretion to delay the complete implementation of the Planning and Design Code beyond 1 July 2020, the date currently set for phase 3 of the code's implementation for councils in metropolitan Adelaide and regional centres.

This is an important point to make because it clarifies what the Labor opposition is actually supporting today. The opposition wants to provide the minister with the discretion to delay the complete implementation of the Planning and Design Code because the policies included, or indeed not included, in it represent the most comprehensive review of our state's planning system in a generation.

As the State Planning Commission is fond of reminding us, the Planning and Design Code will replace the 72 development plans which currently set the rules for what can be developed and where developments can occur across the state. The code will consolidate more than 1,500 zones into 55 zones, and it will introduce an online e-planning system, promising major efficiencies and a simplification of the development application process.

This is a major reform with potentially major ramifications for our state's built form and environment if the transition to the new system is carried out prematurely. Regrettably, however, what the Labor opposition is hearing from across the state from community members and stakeholders alike is that the draft Planning and Design Code is riddled with errors, omissions and poorly conceived policy changes. Communities and stakeholders are extremely apprehensive about the impending implementation of the code and the effect it will have on our state's built environment.

The government and the State Planning Commission have both acknowledged that there are errors and omissions in the code. They have acknowledged, for instance, that some zones are incorrectly applied, or not applied at all, that many policy statements are yet to be drafted, and that in its draft form the online e-planning tool cannot be relied upon to provide accurate information about the planning rules which apply in a particular locality. But the answer from both the government and the State Planning Commission remains, 'Trust us, it will be alright by the time the code is implemented.'

The Labor opposition does not doubt the sincerity of those intentions. We do not doubt the reassurances of the State Planning Commission chairperson that there is a talented group of young professionals working hard in the Department of Planning, Transport and Infrastructure (DPTI) developing the code and integrating this policy work into an online, spatial e-planning tool.

However, these reassurances may not be enough. South Australian councils have identified that many of the errors included in the code have resulted from a lack of a consultation with councils in its development. These include errors in zoning as well as flood and hazard mapping. Indeed, the LGA has argued that the many areas included have made it hard for councils to determine whether what they have identified in the code is an error, an oversight or a policy change.

The LGA has also identified that many useful policy tools used by councils in the development plans to protect the built form character of their communities have not been transferred across to the Planning and Design Code. These include desired character statements as well as policies concerned with significant trees, acid sulphate soils, flood management and other hazard management policies.

The LGA therefore argues—alongside many individual submissions from councils, I might add—that an extended public consultation process is needed to iron out these identified errors and omissions and that a more consultative approach should occur, which includes working side by side with councils to ensure the accuracy of the policy detail transferred from development plans.

Many other organisations concerned with the preservation of our state's heritage, character, built form and environment are also apprehensive about the implementation of the Planning and Design Code. Like many councils they do not believe the development of the code has reflected the principles of the act's Community Engagement Charter, which was established to ensure genuine and fit-for-purpose consultation when developing planning instruments.

In alliance with many councils and heritage experts, many residents' associations—organised under the umbrella of Community Alliance SA—also oppose the abolition of contributory items under the Planning and Design Code. These stakeholders doubt that the demolition controls included in the Historic Areas Overlay will provide as rigorous protection for contributory items as currently exist under many council development plans.

Moreover, now that the government has reconvened the Expert Panel on Planning Reform to report before Christmas on the demolition protections currently applied to contributory items, the tight time frame for public consultation on the code becomes unworkable. How are stakeholders and community groups supposed to respond to the expert panel's findings and recommendations and conduct their own internal deliberations before the consultation period expires in February next year?

Today, I have received, via the shadow minister in the other place, a letter from the Legatus Group. The letterhead says that the member councils include the Adelaide Plains Council, Clare and Gilbert Valleys Council, the Copper Coast Council, the District Council of Barunga West, the District Council of Mount Remarkable, the District Council of Orroroo Carrieton, the District Council of Peterborough, Light Regional Council, the Northern Areas Council, Port Pirie Regional Council, the Regional Council of Goyder, the Barossa Council, The Flinders Ranges Council, Wakefield Regional Council and Yorke Peninsula Council. That is certainly a significant part of our state.

They have forwarded a motion that has been endorsed, and I will highlight a couple of the most relevant factors within that. The first is that the eight-week consultation period for phase 2 councils has been insufficient to enable feedback on the new Planning and Design Code and its implementation considering, they say, the significant policy changes in the code compared with current development plans. Some of the feedback that member councils provided was as follows:

- no insights into the software DPTI planned to use;
- the number of mistakes with the transfer of information from individual development plans;
- the lack of interest in how things might be different for regional councils from DPTI over the past 12 to 18 months;
- that there are over 2,000 pages of code that need to be read, digested and understood;
- that the community consultation section referred to here was attended by only seven people, perhaps partly because it was advertised (I am advised in here) once in one newspaper; and
- the wholesale rezoning of the council district without any meaningful community consultation.

I think that is very relevant feedback from the Legatus Group that covers so many of the council areas of our state. It should also be noted that criticisms about the content of the Planning and Design Code are not limited to representatives of community organisations and councils.

Planning consultants contracted by developers are also apprehensive about the implementation of the Planning and Design Code. They have been frustrated by the difficulties navigating and attempting to discern the policy content of the Planning and Design Code through an incomplete e-planning tool and the plethora of documents one must wade through to determine the applicable policies for a particular location.

They have expressed dissatisfaction that much of the policy content is yet to be drafted. Most of all, developers are nervous that the premature implementation of the Planning and Design Code will mean long, drawn-out court proceedings to interpret the rules under the new system. In fact, I am advised that one prominent law firm was heard remarking at a recent Planning and Design Code briefing session:

> Don't be surprised if you go into your local BCF store and you can't find any picnic blankets or supplies, because I would have bought them all for the massive lawyers' picnic which will accompany the implementation of the Planning and Design Code.

A lawyers' picnic—that about sums it up. This important planning instrument, which will set the rules for development in this state, is currently set, by statute, to be fully implemented on a date that is very likely to prove premature.

This bill is providing the government and the minister with an opportunity to avoid this risk, and to implement the Planning and Design Code when it is truly ready, after appropriate consultation with affected stakeholders. I commend the bill to the council.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (17:56): The 1 July 2020 date was enshrined in legislation to provide all stakeholders with confidence that the new planning and development system would be delivered in a timely fashion. The Expert Panel on

Planning Reform identified a number of deficiencies within the existing planning system that were holding our state back in terms of productivity, competitiveness and fairness.

In response to the many recommendations of the expert panel, the Planning, Development and Infrastructure Act 2016 sought to deliver a much-needed contemporary and competitive planning system for South Australia. The importance of this system in improving liveability, economic growth and competitiveness cannot be underestimated, and it is important that it is introduced without undue delay.

The parliament determined that these reforms provided the basis of our long term planning, establishing new requirements, processes, procedures and roles for those involved, including the parliament. Many elements of the new system are already operational, including the State Planning Commission, Community Engagement Charter, State Planning Policies, the first phase of the Planning and Design Code and the new assessment Regulations and an Accredited Professionals Scheme. All have been delivered within the agreed time frames.

The commission is now working to deliver the Planning and Design Code ('the code') by 1 July 2020. The code has already commenced operation in land not within council areas—that is, the outback area—with the code to be fully implemented by 1 July 2020.

The code's zoning and policies for all of South Australia have been on consultation since 1 October 2019. This consultation period has involved a range of community events in regional areas, as well as detailed meetings with mayors, council CEOs, elected members and staff. Consultation events in metropolitan areas will commence in November and run through to February 2020.

This is an ambitious program of work, establishing the code while also delivering the electronic solution for the code and development application processing; however, careful planning has been undertaken to support its successful delivery. It should be stressed that 1 July 2020 is not the conclusion of the process; it marks the beginning. The first generation of the code seeks to consolidate and transition existing contemporary development plan policy.

There are some exceptions to where this policy reform is needed now, including improvements to policy guiding infill development, preservation of our heritage and character, policies for value-adding to rural South Australia, and clearer rules for renewable energy projects.

From here, the opportunities to advance the interests of the state really begin. Better policy, real and effective participation, faster and skilled decision-making, and forward-looking planning—again, putting South Australia at the forefront of land planning and management.

The government is committed to the delivery of this important reform. It is critical that the new system commences as quickly as possible. Ongoing improvements and the enhancements to the system can then springboard off a solid foundation. It is for these reasons that we do not support a bill that provides uncertainty around the time frames for the delivery of the code and would diminish our ambitions for the state.

The Hon. F. PANGALLO (18:00): I rise to say that SA-Best will be supporting the bill.

The Hon. M.C. PARNELL (18:00): I am not going to take any time in summing up, other than to thank the Hon. Clare Scriven, the Hon. David Ridgway and the Hon. Frank Pangallo for their contributions. It is clear that the bill has the support of the chamber. I am delighted about that, and I would just say that this bill does not set a new date for the implementation of the Planning and Design Code. It simply gives the minister the ability to set one if it is required—and as the Hon. Clare Scriven has put on the record, a number of people are saying that already. The minister can have this bill sitting in his back pocket next year and can see if he needs to proclaim it. I look forward to his letter of thanks when he decides he really does need it.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. M.C. PARNELL (18:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 18:02 until 19:45.

Motions

PURPLE POPPY DAY

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Notes that 24 February 2019 commemorated Australia's inaugural national Purple Poppy Day, acknowledging the outstanding deeds and sacrifices our four-legged and feathered Diggers have made serving alongside our troops in all war conflicts;
2. Acknowledges the crucial contribution that animals make in all war conflicts for safety, transport, communication and companionship; and
3. Calls on the state government to work with other state governments and the commonwealth to ensure that national Purple Poppy Day is recognised as an annual commemorative event.

(Continued from 13 November 2019.)

The Hon. R.P. WORTLEY (19:45): I rise to support the motion. In doing so, I acknowledge that 24 February 2019 marked Australia's inaugural Purple Poppy Day and that this day should be appropriately recognised annually across Australia's federation. As the Hon. Frank Pangallo emphasised in his contribution to this motion, animals have provided our service men and women with safety, transport, communication and companionship amidst conflict and after their service.

In moving this motion, the honourable member referred to the incredible losses of horses, mules and donkeys during the First World War—some eight million—in addition to the loss of some one million dogs. Last year, this chamber supported another motion, also moved by the honourable member, acknowledging the brave deeds and service of Digger the bulldog and the Australian Light Horse Bill the Bastard during the First World War. In this motion, the Hon. Frank Pangallo also acknowledged the ongoing valuable work explosive detection dogs continue to perform on the front line in Afghanistan.

The service and suffering expressed by these and other animals conscripted into armed conflicts should be appropriately acknowledged. The purple poppy, to be worn on 24 February alongside the red poppy, provides an appropriate emblem of commemoration. It is pleasing to note that the proceeds from the sale of purple poppies are used by the Australian War Animal Memorial Organisation (AWAMO) to establish memorials to animals killed in armed conflict. The AWAMO also funds services designed to care for returned animals of war and funds the training of support animals for returned service men and women suffering from post-traumatic stress disorder.

I would like to make a few short remarks on the value of the last initiative. The AWAMO supports two prominent programs designed to assist veterans' emotional and mental wellbeing through animal companionship: the Mates4Mates Equine Therapy Program and the Young Diggers assistance dog program. It is pleasing that the Department of Veterans' Affairs has also recently introduced a program which provides psychiatric assistance dogs to eligible veterans who are also receiving treatment for PTSD.

The department is very complimentary of the valuable support these specially trained assistance dogs provide to veterans. This support includes detecting signs of distress in their handler and performing specific tasks to help alleviate those symptoms. This can be done, for example, by the assistance dog walking a veteran experiencing a night terror or nuzzling their handler to distract them from emotionally disabling symptoms. This type of support reduces the potential for veteran isolation and contributes to the mental and emotional wellbeing of veterans, which could save their lives.

I commend the work of the Australian War Animal Memorial Organisation, as well as the providers of DVA's assistance dog training and research programs: Smart Pups Assistance Dogs and the Centre for Service and Therapy Dogs Australia. I commend the motion.

The Hon. T.J. STEPHENS (19:48): I would like to thank the Hon. Frank Pangallo for moving the motion in the Legislative Council to recognise Purple Poppy Day. Purple Poppy Day is to commemorate all the animals that have served and continue to serve in war-torn conflicts. It is an occasion that serves as a reminder to acknowledge the bravery of animals and that both humans and animals have served together in protecting our national interest.

To commemorate this occasion, the Australian War Animal Memorial Organisation introduced Purple Poppy Day to Australia in 2013. I have been told by AWAMO that 29 February 2019 marked the inaugural day for war animals in Australia. In times of conflict, we have relied on animals for transport, logistics, communications and companionship. For example, dogs are the most indispensable war animals. Dogs have been used to carry messages, ammunition and medical equipment, as well as to locate wounded soldiers. Dogs are also used for sniffing out explosives, which has actually saved many lives in Afghanistan.

In November last year, I spoke to the motion that was moved by the Hon. Frank Pangallo, which highlighted the work and service of Digger the war dog. Digger, a brown-and-white bulldog, was a remarkable war animal, who served during some of the worst battles of Gallipoli and the Western Front.

In 2017, the Australian War Animal Memorial Organisation (a not-for-profit) raised awareness of the bravery shown by all war animals by establishing a memorial at the West Croydon and Kilkenny RSL to commemorate Digger's unique and incredible story. The memorial was unveiled on 29 October 2017. On 29 June this year, it was an honour for me to represent the Premier at the AWAMO ceremony where Digger the war dog was awarded the Blue Cross medal at the West Croydon and Kilkenny RSL. I was pleased and quite proud of the Hon. Frank Pangallo for his efforts in bringing this story to life.

Horses are another indispensable war animal. Horses of Australian origin first served in the Second Boer War from 1899 to 1902. Australian-bred horses were considered to be the finest cavalry horses in the world, especially with their endurance, reliability and hardiness. More than 136,000 Australian-bred horses served with Australian troops during World War I.

In November last year, I spoke to the Animals of War motion, which highlighted the service of Bill the Bastard, an Australian-bred waler. Bill was described as powerful and intellectual, with unmatched courage. Bill became a legend and a symbol of the courage and unbreakable will of the ANZAC mounted force. Even though mules and donkeys are much smaller animals, they have served in both world wars and were vital forms of the transportation of soldiers, belongings and ammunition.

Camels are well suited to a desert environment, being hardy and not requiring much water, which explains why camels were well used in the Middle East during World War I. In January 1916, the Imperial Camel Corps (ICC) was formed in order to deal with the revolt in Egypt's Western Desert. Our feathered friends, such as pigeons, were also used by the allies during the world wars. Pigeons were extremely useful when communication was very difficult and, at times, limited.

I have no doubt that all Australians, in particular animal lovers, will take the time to reflect on the extraordinary bravery of those animals who have served in war alongside our service personnel. Again, I would like to thank the honourable member for bringing this motion to the chamber, and I am pleased to convey the government's support.

The Hon. F. PANGALLO (19:52): I would like to thank the Hon. Russell Wortley and the Hon. Terry Stephens for their contributions in support of this important motion, because the underlying message for Purple Poppy Day and recognising animals in war—dogs, horses and other animals—is PTSD.

During those war campaigns, males and females bonded closely with animals that they served alongside. They became not only companions but protection from the horrors that surrounded them. The underlying message is PTSD, and the funds raised by Nigel Allsopp and the Australian

War Animal Memorial Organisation go towards providing animals used in the treatment of veterans who suffer PTSD and other charitable causes recognising the efforts of animals.

In closing, Nigel informed me that he was recently invited to Canberra where there was a ceremony honouring the dogs that had served in Afghanistan, so it continues. I will be writing to the Premier, in his capacity as Minister for Veterans' Affairs, to ask him to formally recognise that 24 February is Purple Poppy Day. With that, I commend the motion to the Legislative Council.

Motion carried.

DEVELOPMENT ASSESSMENT REGULATIONS

Adjourned debate on motion of Hon. M.C. Parnell:

That the regulations, made under the Planning, Development and Infrastructure Act 2016 concerning development assessment made on 27 June and laid on the table of this council on 2 July 2019, be disallowed.

(Continued from 27 November 2019.)

The Hon. C.M. SCRIVEN (19:54): I will be speaking to this motion extremely briefly because it is identical to a motion that I have already moved and spoken to in this place. We will be supporting this motion. Our comments are already on record, so I will not repeat them.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (19:55): It is a great pleasure to be here. The expert panel on planning reform identified a number of deficiencies within the existing planning system that were holding our state back in terms of productivity, competitiveness and fairness. In response to the many recommendations of the expert panel, the Planning, Development and Infrastructure Act 2016 sought to deliver a much-needed contemporary and competitive planning system for South Australia. The importance of the system in improving livability, economic growth and competitiveness cannot be underestimated and it is important that it is introduced without undue delay.

The parliament determined these reforms provided the basis of our long-term planning, establishing new requirements, processes, procedures and roles for those involved, including parliament. Many elements of the new system are already operational, including the State Planning Commission, the Community Engagement Charter, the State Planning Policies, the first phase of the Planning and Design Code, the new assessment regulations and the Accredited Professionals Scheme.

The commission is now working to deliver the Planning and Design Code (the code) by 1 July 2020. The code has already commenced operation in land not within council areas (outback areas), with the code to be fully implemented by 1 July 2020. The government is committed to the delivery of this important reform. It is critical the new system commences as quickly as possible. Ongoing improvements in the enhancements to the system can then springboard off a solid foundation.

These regulations, which the Hon. Mark Parnell MLC seeks to have this council disallow, provide the critical regulatory environment for development assessment in this state. Importantly, prior to drafting these regulations, the Department of Planning, Transport and Infrastructure released a discussion paper, entitled Assessment Pathways: How Will They Work?, which sets out a range of proposals in relation to the new assessment scheme.

Following feedback on the discussion paper, a draft set of regulations was released for formal public consultation, and amendments were made to the regulations in response to the submissions. Details of what was heard and how the regulations were amended in response to the consultation are available on the SA Planning Portal.

The proposed motion to disallow the entire content of the Planning, Development and Infrastructure (Development Assessment) Variation Regulations 2019 seeks to throw away some of the 179 pages of critical regulations which allow the state's development assessment system to operate.

These regulations are already in operation in outback areas of South Australia and will commence operation in regional areas in April 2020 before applying to the whole of South Australia

in July 2020. To disallow these regulations would effectively bring South Australia's development assessment system to a halt. The 30 applications currently under assessment in outback areas across South Australia would also be brought to a standstill.

These applications include a large-scale horticultural development, water filtration systems, new jetty infrastructure, alterations and additions to health clinic facilities, toilet facilities, viewing platforms, residential and workers' accommodation, residential housing, a maintenance shed, pontoon facilities, the installation of outdoor gym equipment, the construction of a steel processing and galvanising plant, a 14.8-hectare expansion of a rubble borrow pit for construction of important road infrastructure (road infrastructure in regional South Australia that was neglected for 16 years by the previous Labor government), the construction of telecommunications facilities, the construction of a desalinisation plant and associated infrastructure, and a 200-kilowatt solar plant. I am sure the Hon. Mark Parnell would loathe to see a renewable energy project stalled unnecessarily as a result of political pointscoring.

The honourable member has stated that he wishes to disallow the regulations because the new planning system is, in his view, a dog's breakfast. In his view, there are problems with their heritage system and some errors in relation to maps, zones and height provisions. The honourable member says that in his opinion the government has not taken into consideration issues raised by the Labor Party, the Greens or community groups over the past few months. To the contrary, the government continues its extensive and comprehensive consultation on the new planning system and has and will continue to take into consideration the valuable feedback we have received on the Planning and Design Code as we move ahead towards full implementation by 1 July 2020.

The honourable member's motion to disallow these regulations, to send a shot across the bow in the midst of extensive consultation on the exact matters he takes issue with, is reckless. His reason to create havoc within the department is, quite frankly, a spiteful attack on the hardworking public servants who are working hard to deliver the most significant planning reform in South Australia in over 20 years.

Rather than articulate his issues via formal submissions to the State Planning Commission through the consultation period, he seeks to join forces with the Labor Party and take a nuclear approach to disallow the regulations currently in force. This nuclear approach to disallow regulations is being used right now for the proper and fair assessment of planning applications in outback South Australia.

Should these regulations be disallowed, new developments could not be lodged and the aforementioned planning applications could not be assessed or approved. It will prevent homeowners from undertaking minor developments on their land, not even a garden shed or a verandah. It will mean that state agencies can no longer build essential infrastructure for the people of South Australia.

This motion by the honourable member is reckless, misconceived and dangerous. The government's position is that the development assessment regulations are sound. They have been based on extensive consultation with practitioners, councils, developers, agencies and the community, and have sought to balance the interests of all stakeholders to achieve a fair and efficient development assessment system for all South Australians. We absolutely oppose the disallowance motion on the strongest possible grounds, and encourage all honourable members to do the same.

The role of an accredited professional surveyor is established through the Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019. The Development Assessment Regulations subsequently prescribe cases where an accredited professional surveyor can act as a relevant authority. Accredited professionals who are qualified land surveyors would be able to assess land division applications for planning consent but only where such a land division is deemed to satisfy under the code.

These deemed-to-satisfy applications must satisfy clear, numeric criteria and reflect anticipated development in the relevant zone. There are very limited cases where this is applied under the Planning and Design Code released by the State Planning Commission for public consultation. It is important to note that while an accredited professional surveyor could grant planning consent to deemed-to-satisfy land divisions, land division consent would still be required for

these applications requiring assessment by the relevant council's assessment manager. This will ensure that technical infrastructure and servicing requirements are still considered by government bodies before full development approval can be granted.

The time frame within which a decision must be made on an application, which is regulation 53—I think the honourable member wants to disallow them all—has been based on the time frames prescribed in the Development Act 1993 as well as baseline data on current assessment time frames. The regulations have adopted the recommendations from submissions to base time frames on business days and provide additional time when notification, agency referral or a panel meeting is required.

A 20-day business day baseline period has been prescribed for performance assessed applications. This time frame reflects current system indicator data, as reported in the annual report on the administration of the Development Act 2017-18, which demonstrates that it currently takes a median of approximately 18 business days to determine a category 1 merit application, which is procedurally similar to a performance assessed application when notification is not required.

The 20-business day period only applies for simple performance assessed applications. Where referral is required or where notice of the application must be given or where an assessment panel is the relevant authority, the time frame will then increase to 40 to 70 business days. All time frames will be monitored as the new planning system is implemented to ensure that the prescribed time frames achieve efficiency but do not jeopardise the ability of an authority to undertake a proper assessment.

With those words, I indicate that we will be opposing the disallowance and urge all members not to throw these regulations out in the reckless and nuclear manner that the honourable member proposes.

The Hon. F. PANGALLO (20:04): Again, I shall be brief because I am sure the members here have tired of hearing my voice. Them are fighting words and provocative words from the Hon. David Ridgway aimed at the Hon. Mark Parnell—words like 'having a nuclear approach' and all sorts of things about this planning code.

In public forums that I have attended, this new code has been under intense scrutiny and has caused quite a bit of consternation in our community, particularly in areas like Norwood and St Peters and Gawler. The other night, I had the pleasure of being at the Colonel Light Gardens RSL in the Colonel Light Gardens garden city, which is only a stone's throw away from where I live. There were probably about 200 people who attended that meeting, quite concerned and quite confused about what this code is all about.

On the night, the consensus was that what is on the website and how it has been explained is little more than confusing gobbledygook. It has caused people concern. In the Colonel Light Gardens suburb, they are particularly worried about their very unique garden city. I do not know how many of you have actually been through Colonel Light Gardens.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, please allow the member to speak.

The Hon. F. PANGALLO: The Hon. David Ridgway certainly lives near Colonel Light Gardens.

The Hon. D.W. Ridgway: Closer than you, Frank.

The Hon. F. PANGALLO: No, not at all.

The PRESIDENT: This is not a conversation. Allow the member to finish his speech.

The Hon. F. PANGALLO: In fact, Mr President, I make a point every night of driving down King William Road, down Victoria Avenue and across Cross Road to deliberately go through Colonel Light Gardens because I think it is one of the most beautiful suburbs, not only in South Australia but also in Australia. It is very unique, the design is very unique, based on the old English garden city concept. You will not find another suburb like this probably anywhere in the world. The people

zealously guard what they have there. What they fear are developers who could actually encroach, come in and just ruin the ambience that they have.

The Hon. D.W. Ridgway: Who convened the meeting?

The Hon. F. PANGALLO: Who convened the meeting? The meeting was actually convened by the residents of Colonel Light Gardens. There were people who spoke at that meeting who know that suburb intimately and have studied it. Again, as I said, there is concern that these unique heritage suburbs, these unique heritage homes, would be under threat under this code, which people are still trying to come to grips with. Even town planners in city councils like Norwood and St Peters and Gawler are finding it difficult to grapple with it.

There were over 200 people at the meeting at Colonel Light Gardens the other night. They expressed their concern about what was going on. They feel that what they have is actually being threatened. It is the same in Norwood and St Peters and Gawler. Of course, some of the issues also surround the contributory items in some of these areas.

The Hon. Mark Parnell has extensive experience and background in planning. For him to be attacked by the Hon. David Ridgway in such a manner—

The Hon. D.W. Ridgway: You have been here five minutes. I do it every year.

The Hon. F. PANGALLO: Yes, I know. The Hon. Mark Parnell certainly has extensive experience in this, and I am certain that he has studied what has been released and appropriately he is showing concern by introducing this disallowance motion. With that, SA-Best will support this disallowance motion.

The Hon. M.C. PARNELL (20:09): I rise to sum up the debate, and in doing so I thank the Hon. Clare Scriven, the Hon. David Ridgway and the Hon. Frank Pangallo for their contributions. The Hon. David Ridgway's contribution is not unexpected, but I think that in some of the words that he used he repeated some things that I have said, like 'shot across the bow'. Rather than just repeat those words, I would urge the government to reflect on how they are managing this planning system.

Even today, in earlier items on our agenda, we had the Hon. Clare Scriven referring to submissions that had been made by a number of country councils in the Mid North and Yorke Peninsula. Because we are short of time, I have not read all the submissions out. The LGA has also expressed grave concerns. I, at a personal level, have been poring through these planning documents, and I am finding mistake after mistake, which says to me that the government has not listened to what the community has been saying. There is a lot of work that still needs to be done. Whilst the Hon. Mr Ridgway says that this is going to destroy their critical regulatory environment, and he talks about these applications in the outback that he says will now evaporate, that is just not true—that is just not true.

What would have been true is if we had done this after the planning and design code phase 3 had come into operation, which relates to the whole of the state. That would be a serious disruption. Instead, we have moved this disallowance motion now, and I am glad that it has the parliament's support.

As I said when I moved it, I fully expect the government will take these 179 pages and bung them back in the *Government Gazette* either tomorrow or next Thursday. That is what they will do, but at least then this parliament has the opportunity, when we resume after the prorogation, to have another look at the whole package of what the government is proposing. If we do not do this now—and I am glad we are going to be doing it—then we would remove from ourselves the power to actually influence how this planning system is panning out.

I got an email just a little while ago from one of the councillors from Norwood Payneham and St Peters, who showed me a map of the sneaky changes that have been made to their local area. In areas that currently have a lot of character dwellings, dominated by one and two-storey buildings, they have stuck six-storey zones all over the place. Every school is zoned for six storeys now in Norwood Payneham and St Peters. There is so much more work that needs doing and the government needs to stop just saying, 'It's my way or the highway' and stop trying to ram this stuff through. They need to settle down a little bit, listen to the genuine concerns that are being raised by local councils and by the community, and do this job properly.

The Hon. David Ridgway was not quite sure why some of his notes were relevant, but as I said before, this motion is identical to one that the Hon. Clare Scriven moved on behalf of the Labor Party. They raised different concerns to the ones that I have raised. The Hon. Terry Stephens had a similar motion, but again, that is a holding motion—I will admit that—on behalf of the Legislative Review Committee. As we know, that committee simply puts these on the agenda and then discharges them, and we never find out what it was that was holding them up and what their concerns were. The Legislative Review Committee process is a very suboptimal process.

This parliament is doing what the people elected us to do: standing up for the community, standing up for what the people of South Australia want for their future, and planning is so much of what our future is going to deliver, either good or bad. I am glad that we have secured the agreement of the Legislative Council tonight to disallow these regulations, and I say to the Hon. David Ridgway, 'We will see you back debating planning in this chamber again next year.'

Motion carried.

MULTICULTURALISM

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Recognises that our identity as South Australian is made up of the threads of many stories woven into one intricate tapestry made richer and more vibrant by the contributions of our First Peoples and the migrants who choose to make Australia home;
2. Repudiates racism in all its forms and any retreat from a policy of multiculturalism; and
3. Gives its unambiguous and unqualified commitment to the principle that whatever criteria are applied by Australian governments in exercising their sovereign right to determine the composition of the immigration intake, race, faith or ethnic origin shall never, explicitly or implicitly, be among them.

(Continued from 19 September 2018.)

The Hon. R.P. WORTLEY (20:14): I rise on behalf of the opposition to support this motion. Labor is pleased to support the motion, because Labor values South Australia's cultural diversity and the enormous contribution immigration has made to building this great state, our community and our economy.

Our cultural diversity is our greatest strength and I thank every diverse community in South Australia for what they bring and contribute to our state. Labor rejects prejudice in all its ugly forms, including that based on race, religious affiliation and ethnicity. About a third of South Australians were born overseas, making us a rich, diverse and multicultural society—one which we should never take for granted.

There is a small minority in this country who would use race and religion to divide Australian society. They would seek to bind our migration laws to a person's race and religion, and seek to deny access to someone wanting to make this great country home based solely on the colour of their skin, where they were born or where they worship. There is also a small number in our community that would seek to impede the progress of reconciliation with our First Nation people by perpetuating hurtful stereotypes and denying them a voice.

Respect, unity, acceptance and diversity make our state a stronger, better, more vibrant place. Those values that we so often espouse are the ones that should guide and underpin all that we do and how we interact. Whenever and wherever xenophobic ideas are propagated, they must be challenged. In fact, this motion does just that, and that is why Labor is pleased to support the motion.

The Hon. J.S. LEE (20:16): I rise on behalf of the government to support this motion, and recognise that South Australia is made up of very diverse and multicultural community groups. There are certainly many, many stories, and mine is one, as is that of the Hon. Irene Pnevmatikos. We have the Hon. Connie Bonaros, the Hon. Frank Pangallo and maybe many, many others who have come from different countries to make sure our rich tapestry and our diversity becomes a valuable part of South Australian society.

We would also like to pay tribute to the First People. Our Indigenous community has not had the most glorious days in the past, but we are working towards reconciliation and our goal of ensuring that this is their place as well. We value their contribution enormously. We definitely repudiate racism in any shape or form; it should not be tolerated. People should embrace the concept of standing up to racism and prejudice in our community. We must all do our part, as elected members, to stand up and speak for those vulnerable communities who perhaps do not have a voice.

In terms of the motion to support and advocate, state, local and federal governments should all stand up and exercise our rights to ensure there is a balance in our communities. In terms of the immigration intake, that is a matter for the federal government as it is under their jurisdiction. With those remarks, I support the motion.

The Hon. F. PANGALLO (20:19): Again, I would like to thank the contributions of the Hon. Russell Wortley and the Hon. Jing Lee. They are two members who really embrace multiculturalism in South Australia. I often bump into Russell and his wife, Dana, and also Jing and Eddie are constantly at functions and are always well received by South Australia's multicultural and ethnic community.

Interestingly, what prompted me to file the motion was the maiden speech of Queensland Senator Fraser Anning. I am not going to remind you what he said, but it was appalling. All I can say is that he continued to be divisive in his short term in parliament and I for one was glad he met an ignominious end.

Since I filed this motion, multiculturalism, immigration, race and faith have continued to remain in the spotlight. In fact, in that period in between, of course, we had all the uproar relating to religion. We had the Israel Folau saga. When those issues do come to the fore, it actually bonds our nation, in a good way. There is always some good that comes out of those isolated incidents that initially will cause a furore but then the nation bonds together and everybody recognises the valuable contribution that we have from people from various backgrounds in our society.

They also value our way of life and we should protect strongly that our society is a free one that is also free of violence and uproar and the sorts of demonstrations that we see in many other parts of the world at the moment, such as Hong Kong, the Middle East—where unfortunately it still continues—and France. But we seem to be able to overcome those hiccups and come together strongly as a nation. With that, I thank everybody for their contributions and I commend the motion to the chamber.

Motion carried.

WORLD ELDER ABUSE AWARENESS DAY

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Acknowledges that since 2006, concerned citizens, professionals, older people and service providers gather on 15 June each year to commemorate World Elder Abuse Awareness Day and encourages members of the council to wear purple to raise awareness of elder abuse;
2. Notes that World Elder Abuse Awareness Day recognises the significance of elder abuse as a growing social and financial concern, public health matter, and human rights issue;
3. Acknowledges that elder abuse comes in many forms including physical, psychological, financial, social, sexual and neglect and can be experienced in the community as well as living in an aged-care facility;
4. Recognises that one in 20 older people are the victims of elder abuse and that more research is required to tackle this critical issue;
5. Supports the National Plan to address elder abuse and the need for governments at both state and federal level to work together to address violence, abuse and neglect of older people;
6. Encourages governments to work with the non-government sector which provides crucial support to older people who are at risk of abuse, or who are being abused;
7. Supports the implementation of adult safeguarding legislation that balances the state's duty to protect people from abuse and its duty to protect people's freedom and autonomy; and

8. Recognises that elder abuse is unacceptable in any form and that all older South Australians deserve to live a life free of violence, abuse and neglect.

(Continued from 6 June 2018)

The Hon. R.P. WORTLEY (20:22): I rise on behalf of the Labor opposition to indicate our support for the motion, which acknowledges World Elder Abuse Awareness Day on 15 June annually. The United Nations General Assembly first designated 15 June as World Elder Abuse Awareness Day in December 2011 as the main day in the year when the world voices its opposition to the abuse and suffering inflicted on older people. I would hope that the abuse and suffering inflicted on older people is in the forefront of our minds every day of the year.

Elder abuse is recognised as the mistreatment of an older person by someone they have a relationship of trust with, be it a partner, family member, friend, carer or other person. This abuse could be in many forms, including physical, social, financial, psychological, sexual or some form of neglect.

This year, Adelaide marked the day with the Aged Rights Advocacy Service's World Elder Abuse Awareness Day Conference held on 17 June. I understand that this event was attended by the shadow minister for health and wellbeing, the member for Kaurna in the other place, and was by all accounts a great success.

Awareness of elder abuse and taking action to combat it is increasingly important as the population in our state and, indeed, the world ages. Between 2015 and 2050, the global population aged 60 years or older is expected to more than double from 900 million to approximately two billion. As the proportion of older people continues to grow, so too should the focus on ensuring individuals remain connected to their communities, provided with support mechanisms and recognised as respected members of our society. This is important to ensure a continued quality of life.

More needs to be done in our state to combat elder abuse. Sadly, this government is not doing enough to address significant concerns regarding potential elder abuse in our state-run nursing homes. The state government took 133 days to release their independent audit into state-run aged-care facilities, releasing the document under the cover of the federal aged-care royal commission, with reported incidents of residents being restrained for more than seven hours at a time, undue force by staff not reported to police and squalid conditions, with soiled clothing and furniture, food left on the floor and residents' mouths not cleaned after meals.

We learned earlier this year of the alarming reports that in Barmera two state-run aged-care centres failed 21 of 44 accreditation standards, with a lacklustre response from the Minister for Health and Wellbeing on what steps will be taken to protect residents. What we know now from the government's audits is that these centres are not isolated in this neglect. This report has been heavily redacted, not allowing the South Australian people to review the performance of their government to manage these facilities.

Of course, the Marshall government's management of their upcoming trial of CCTV in aged care has been a disaster, with the entire process criticised by aged-care advocate Stewart Johnston, who I am advised stated:

> I would encourage anyone concerned to install their own hidden camera—it will be safer than any inferior solution SA Health may come up with in the future, let me tell you.

The deadline for this trial has been missed, with the government not specifying if a payout was made to Care Protect after breaking their contract. The government's chosen trial sites completely avoided the centres of abuse and neglect identified in their own audit of state-run aged-care facilities.

It is time the government stood up for elder Australians, providing the support and resources they need to enjoy the quality of life they deserve. No person should be subject to violence, abuse or neglect, and it is the responsibility of the parliament to provide these safeguards. It is time to invite stakeholders together to address the drastic shortfalls of this industry and put short and long-term resources into fixing one of society's biggest problems.

I commend this motion and on behalf of the opposition agree that it is the state's duty to protect people from abuse and protect people's freedom and autonomy.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (20:27): I thank the Hon. Frank Pangallo for bringing this motion to the council. The Marshall Liberal government is committed to tackling elder abuse wherever it occurs through awareness raising, nation-leading projects and initiatives, significant capital investments and, of course, partnerships with key organisations who share our commitment to safeguarding the rights and dignity of older South Australians.

The statistics on elder abuse are sobering. They tell us that one in every 20 older Australians is experiencing some form of abuse at the hands of somebody they know and trust. Fifty per cent of these cases are cases of financial abuse; 80 per cent are abuse committed by a family member. Abuse of older people is never acceptable. It must be identified, called out and stopped.

On 1 October this year, the new Adult Safeguarding Unit within the Office for Ageing Well opened. The unit is a national first under landmark legislation the Marshall Liberal government introduced into this council within our first 100 days in office, honouring an election commitment. To highlight how hollow the words of the Hon. Russell Wortley were, the recommendation to establish an adult safeguarding unit was first put down in 2011. Perhaps we could have avoided the shameful Oakden tragedy if the Weatherill government had any real commitment to the welfare of older South Australians.

The Adult Safeguarding Unit takes reports of abuse, neglect or mistreatment of people aged 65 and over, or 50 and over if they are Aboriginal or Torres Strait Islanders. The unit makes it easier for members of our community to report cases of suspected abuse or harm, and the unit must act on those reports.

A key focus of the unit's work is minimising harm and intervening early, supporting multiagency coordination and information sharing, placing the adult who may be vulnerable because of their health or circumstances at the centre of any decisions. It provides a place where adults who are at risk of abuse or who are being abused can have their voices heard, where their concerns can be responded to and where issues can be followed up to ensure that matters raised have been acted upon appropriately. The unit is staffed by skilled and dedicated professionals with significant experience in working with older people from diverse backgrounds.

The community can seek free confidential advice and support or report abuse by contacting the Adult Safeguarding Unit through the Elder Abuse Prevention Phone Line. Since the safeguarding unit opened on 1 October this year, up until 2 December it had received 199 calls. More than one-third of those calls were assessed as reports to be further investigated or followed up. While the volume of calls is disturbing, it is also testament to a growing understanding amongst South Australians that there is a way to seek help. The Adult Safeguarding Unit is only one of a number of actions and investments the Marshall government has made to better support vulnerable South Australians.

In the shadow of Labor's Oakden scandal, the Liberal Party from opposition committed to a clinical audit of every state-run aged-care facility to make sure that elderly South Australians living in government-run facilities were not living in what was or could become another Oakden. Labor refused to commission such an audit. There were close to two dozen facilities that were not subject to external review under the former Labor government. We promised to do it and we have kept that promise.

The audit process started in October 2018 and was completed in the first half of 2019. In all, 44 facilities were audited and reports of those audits have been publicly released. The audits identified key areas for improvements, both site-specific and statewide. In response, each regional local health network has come up with regional and site-specific plans to ensure that the care provided to hundreds of elderly South Australians living in these facilities is of a high quality and that each resident's safety and wellbeing is it at the forefront of everything we do.

This is an ongoing task and an example of the Marshall Liberal government responding strongly to a challenging situation that Labor refused to see or address. One in five cases of abuse involves people living with dementia. The Marshall Liberal government is determined to protect and better support elderly South Australians with dementia, in particular through the establishment of a centre of dementia care excellence on the site of the former Repat hospital.

As part of our commitment to reactivating the Repat, we are turning the former Ward 18 into an 18-bed neurobehavioural unit. That unit will sit alongside a brand-new, purpose-built, 78-bed

residential service which will provide care and accommodate people with varying stages of dementia. The Morrison and Marshall governments remain committed to trialling the use of monitoring equipment in facilities next year. What is commonly called the CCTV pilot will explore if and how technology can be used to reduce the risk of elder abuse and improve the quality of life of older South Australians for whom our facilities are their homes. This is another nation-first initiative.

Our work to respond to elder abuse reaches beyond our state borders. The Marshall Liberal government continues to work with the commonwealth and other states and territories towards a national approach to respond to the abuse of older Australians. South Australia was co-chair of the national Council of Attorneys-General working group on protecting the rights of older Australians, which developed the National Plan to Respond to the Abuse of Older Australians. We are working together with the Attorney-General's Department to implement the national plan to address elder abuse, prevention, recognition and response.

The government is continuing to work across both government and non-government sectors to provide crucial support to older people at risk of abuse and those who are being abused. We are continuing to ensure that South Australians know their rights and their responsibilities, to plan ahead and to know where to seek information and advice. In partnership with the Legal Services Commission, the Office for Ageing Well developed the comprehensive *Knowing Your Rights: a Guide to the Rights of Older South Australians* publication. It contains important factual information for older people to use to help them exercise their rights, maintain their independence and control decisions that affect them.

To ensure these messages are accessible for older people from culturally and linguistically diverse backgrounds, the Office for Ageing Well has partnered with the Multicultural Communities Council of South Australia to help tailor key messages from the *Knowing Your Rights* booklet for the Italian, Greek, Polish, Chinese, Vietnamese, German and Croatian-speaking communities.

Building on this approach and through its ageing well grants program, the Office for Ageing Well is partnering with a number of CALD community organisations—the Multicultural Communities Council of South Australia, the Council on the Ageing South Australia and the Aged Rights Advocacy Service—to establish local ageing well community networks.

These networks will bring together key community connectors, professionals and interested individuals within CALD communities and Aboriginal, LGBTI and regional communities to increase community understanding of rights and safeguards to support people to age well. Network members will share information, resources and learnings with each other, the broader community and the Office for Ageing Well.

Eighty per cent of elder abuse is committed by a trusted family member and often occurs secretly and in silence. The Marshall Liberal government is acting to end that silence, to shine the light on elder abuse whenever and however it occurs. That is something we have done with great energy and purpose in our first two years in government and something we will continue to do in the years ahead.

The Hon. F. PANGALLO (20:36): I would like to thank the Hon. Russell Wortley and also the Hon. Stephen Wade for their contributions. Let me say that I strongly commend the work the Hon. Stephen Wade has put into aged care and aged-care abuse. I look forward to the day when CCTV cameras are in aged-care facilities, and I sincerely hope that the trial does eventually get underway and provides positive results.

Again, since I filed this motion going back to earlier this year, much has happened in the sphere of what we call the aged-care sector. Of course, we have had the first interim report by the royal commission into ageing. As predicted, it was quite damning and highlighted the abject neglect of the elderly in our society. Hopefully, some good will come out of that. Interestingly, another debate has erupted as a result of this. I know it may not be related to elder abuse, but it is the issue of ageism.

I do not know whether members saw it, but there was a very good article written by my good friend Ian Henschke, who is the National Seniors Chief Advocate. In that article, he points to the fact that ageism could well be the last great prejudice in our society. Of course, ageism is not necessarily

directed at the older section of society: it also hits the 50s and over. Interestingly enough, 30 per cent of our population are what are termed 'boomers'. Every second voter is over 50 years of age; that is, one in every two voters is over 50 years of age.

When I see Ian, he always reminds me, 'Frank, it will either be you or me who will end up in a nursing home,' because one in two Australians end up in nursing homes.

The Hon. J.M.A. Lensink: No, they don't.

The Hon. F. PANGALLO: Yes, they do.

The Hon. J.M.A. Lensink: No, they don't.

The Hon. F. PANGALLO: One in two Australians end up in nursing homes.

The Hon. J.M.A. Lensink: Seven per cent of the population.

The Hon. F. PANGALLO: Well, we are talking now about a population that is ageing, and it is 30 per cent of them. Again, since I put in this motion, my mother has entered an aged-care facility. I am very fortunate that we have found a very caring and nurturing aged-care facility, but it has also enabled me to experience firsthand what happens inside an aged-care facility, the staff who run it and what goes on in ensuring that our senior citizens, people we need to respect, are really well looked after and cared for. That is the most important thing.

I was talking about the population and 30 per cent of the population being boomers. Of course, the new put-down in society today is, 'Okay, boomer,' which is something that the younger generation tend to use, aimed at the older generation. In fact, if you look at it also from the controversial and much-derided 'old mate' campaign, 'old mate' became the butt of jokes, probably more so because he was an old bloke, so we still have some challenges to confront.

Summing up again (I know I have digressed), I think the issue of elder abuse is now becoming a wider issue with ageism in society. With that, I thank everybody for their contributions. Again, I commend the Hon. Stephen Wade because I know he is quite passionate about the aged-care sector. I commend the motion to the chamber.

Motion carried.

NATIONAL REDRESS SCHEME

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Welcomes the establishment of a National Redress Scheme and the announcement of a national apology;
2. Appreciates that survivors have been waiting a long time for a National Redress Scheme and that the implementation of such a scheme is urgent and overdue;
3. Acknowledges the concerns that the scheme does not fulfil all the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse regarding the Redress Scheme;
4. Notes that critical issues, such as the adequacy of the maximum payments and the counselling available to survivors under the scheme, remain of concern to survivors and their representatives;
5. Recognises that relevant prior payments should not be indexed under the scheme; and
6. Encourages the state government to work with the federal government and other states to strengthen the scheme.

(Continued from 26 July 2018.)

The Hon. C.M. SCRIVEN (20:41): I rise to support this motion, which refers to the National Redress Scheme and the announcement of a national apology. When this motion was first moved in July last year, it noted the significant event that was the passing of the National Redress Scheme bill in the federal parliament and the announcement of a national apology. That year, 17 June marked the 10th anniversary of the formal apology offered by the government of South Australia to children abused in state care.

Many individuals and organisations have worked very hard over many years to make the Redress Scheme a reality. Survivors and survivor advocate groups must of course receive special mention: the survivors for the terrible things they have endured and yet have found the strength to communicate in order to prevent the same, horrific experiences happening to others, and the survivor advocate groups who have worked tirelessly to ensure that a scheme such as the National Redress Scheme does come to fruition.

The motion acknowledges the concerns that the scheme does not fulfil all the recommendations of the royal commission into institutional child sexual abuse regarding the Redress Scheme. It is not perfect, which is why paragraph (6) of the motion is so important. It says that the council:

> 6. Encourages the state government to work with the federal government and other states to strengthen the scheme.

'To strengthen the scheme' because the work is not over. Those who have suffered unimaginable abuse must have the significance of that abuse recognised, the long-term impacts on each individual survivor admitted and understood and the devastating effect on those betrayed by the very people and institutions whom they should have been able to trust.

There are other concerns with the scheme, however, and the Hon. Frank Pangallo referred to the way that previous payments of redress via other schemes are indexed. I note that the government has moved an amendment to remove that portion of the motion. I remind the council of one of the concerns that the Hon. Frank Pangallo raised. He said:

> The indexation of previous payments, part of which often went to pay legal fees to pursue redress in the first place, may mean that some survivors' redress payments are reduced to nothing.

'Reduced to nothing,' Mr President. Mr Pangallo went on to say that survivor advocacy group CLAN has campaigned for indexation to be taken out of the Redress Scheme, because past payments were usually small and consumed by legal fees. We consider that that is an important point.

We know that many survivors of child sexual abuse only reveal their abuse many years after the event. Ongoing support, particularly through counselling, is hugely important for healing—healing being something that some survivors will not achieve for many, many years, if at all, such is the abhorrent nature of sexual abuse. We should thank those who laboured so long to achieve the establishment of this Redress Scheme. Whilst it is not perfect, it is certainly a step in the right direction. I therefore commend the motion to the council.

The Hon. J.M.A. LENSINK (Minister for Human Services) (20:45): I thank the Hon. Mr Pangallo for his continuing interest in the National Redress Scheme. Firstly, I would like to put on the record in this place the government's support generally for the motion before us today. I would like to congratulate the Premier and the Attorney-General for their action on opting into the National Redress Scheme and swiftly passing the legislation through this parliament.

There is a lot of work being done by ministers across the country in making this scheme the best that it can be for survivors. The government particularly agrees with items 1 and 2 as proposed by the member, noting that the national apology was actually delivered by the Prime Minister on 22 October 2018. We recently celebrated the one-year anniversary of this apology, with the Attorney-General and Minister for Child Protection supporting a number of events with survivors and their representative groups.

The National Redress Scheme is an important and overdue response to the past wrongs against children that have gone unanswered for too long, which is why this government moved swiftly to ensure its full implementation in South Australia. I am also conscious that the National Redress Scheme will never be able to fully compensate survivors of institutional child sexual abuse for the lifelong trauma that many have and will continue to endure.

The scheme has now been operating for nearly 18 months of its 10-year lifespan, and I can pass on the following data in relation to the scheme's operation:

- the scheme has received over 5,000 applications since its commencement on 1 July 2018;

- as at 8 November 2019, 835 determinations have been made by the commonwealth scheme operator;
- around 728 redress payments have been made in total across both government and non-government institutions;
- as at 14 November 2019, the South Australian government has received 324 requests for information in respect to 171 unique applicants, and 248 requests for information relating to 138 unique applicants have been responded to;
- 27 offers of redress have been made by the commonwealth scheme operator to applicants where the South Australian government has been determined to be the responsible institution, to a total value of $2.6 million, with 23 of these having been accepted.

In terms of items 3 and 4 of this motion, I acknowledge there are differences between the National Redress Scheme, as established by the relevant commonwealth legislation, and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I can understand the interest of members and others in why the scheme may not, in every way, fully reflect the recommendations of the royal commission.

It is important to recognise that the National Redress Scheme was developed in response to the recommendations of the royal commission and following significant consultation between federal, state and territory governments, an independent advisory panel comprised of survivor representatives, and non-government institutions.

Although this government was not involved in the relevant negotiations, I am advised that any departure from the royal commission's recommendations was considered necessary in order to secure the greatest possible participation by institutions in the scheme and, therefore, that the greatest number of survivors would have access to the redress offered under the scheme.

This applies in particular in relation to concern that the upper limit of a redress payment under the scheme is $150,000, rather than $200,000, as recommended by the royal commission. Even though the royal commission recommended an upper limit of $200,000, it also anticipated an average redress payment of around $65,000. To date, payments made to South Australian applicants under the scheme have averaged closer to $85,000. This also applies to the adequacy of the counselling aspect of redress as contemplated by the scheme, which in South Australia amounts to an additional payment of up to $5,000 to an eligible applicant to source therapeutic services of their choice.

I acknowledge that the royal commission recommended that unlimited lifelong counselling be made available to persons who suffered institutional child sexual abuse. Again, the scope of counselling available under the scheme represents the position arrived at by all jurisdictions following significant consultation, with the aim of securing the greatest possible participation by institutions in the scheme. I note that an applicant's receipt of redress under the National Redress Scheme does not affect their eligibility for low-cost or free mental health services via Medicare Better Access programs, which include up to 10 sessions per year.

At item 5 the member has called for the abolition of indexation of relevant prior payments for the purposes of the deduction of those prior payments from a redress payment under the National Redress Scheme. The government has concerns with this proposal, as indexation of prior payments at roughly the rate of inflation is required by section 30 of the commonwealth act. The indexation of prior payments to bring them up to present value is the fairest way of accounting for those prior payments across all eligible applicants, irrespective of when those payments were received.

In practice, where an applicant can show that a significant portion of a relevant prior payment went towards their legal fees at the time, and therefore was not actually received by them, that portion can be removed from the relevant prior payment, which is then indexed for the purposes of calculating the total redress payment under the scheme.

In relation to the sixth item, this government, along with all participating jurisdictions, continues to closely monitor the implementation of the National Redress Scheme to ensure its fair and consistent operation. The Ministers' Redress Scheme Governance Board recently met in

Adelaide, specifically on 29 November, and agreed to a number of actions to improve the timeliness of determinations under the scheme. A review of the scheme is required after the first two years, which will take place in July next year, and this will provide an opportunity to further reflect on and refine the scheme's operation.

It continues to be important for potential applicants to seek advice about their options and about how the National Redress Scheme might apply to their particular circumstances. I encourage any potential applicants, or others seeking further information about the National Redress Scheme, to access the dedicated website established by the federal government at nationalredress.gov.au or to call the dedicated hotline on 1800 737 377.

Information and assistance for South Australian applicants is also available from the Victim Support Service, Relationships Australia and Nunkuwarrin Yunti, all of which have received funding to provide dedicated redress support services in this state. Once again, I thank the honourable member for his continuing interest in this scheme, which this government is privileged to participate in.

The Hon. F. PANGALLO (20:53): I thank the Hon. Clare Scriven and the Hon. Michelle Lensink for their contributions, and I commend the government for its legislative support for the scheme.

My colleague the Hon. Connie Bonaros and I have spoken at length in this place about the significant deficiencies within the National Redress Scheme. The effectiveness of the scheme relies on adequate redress to acknowledge the significance of the abuse from the perspective of the survivors. In the view of SA-Best it falls short of that aim, for reasons outlined in my speech to this motion and in other speeches on the issue.

As the Hon. Michelle Lensink has outlined, the National Redress Scheme has received over 5,290 applications and made 835 decisions, with only 728 payments being made out of the large number of applications. It is heartening to see that a large number of inquiries have been received in South Australia, although disappointingly just a few have been given offers.

The average wait for processing an application can stretch out to 12 months. So many more institutions are yet to join and have until July 2020 to do so; in fact, 604 applications are on hold because certain institutions are yet to join the scheme. This is hardly fair to the many survivors of sexual abuse in our institutions and only further serves to compound their trauma.

Disturbingly, I have recently been informed that the Jehovah's Witnesses in Australia, including in South Australia, have been secretly disposing their property holdings to avoid any claims that may be lodged against them. The effectiveness of the scheme relies on adequate redress to acknowledge the significance of the abuse from the perspective of survivors. I note that the government has an amendment to the motion to leave out paragraph 5, which refers to indexation. Again, as I indicated we will be strongly opposing that. I will do so because the way the previous payments of redress via other schemes are indexed is very important to survivors applying for redress under the National Redress Scheme.

The indexation of previous payments, part of which often went to pay legal fees to pursue redress in the first place, may mean that some survivors' redress payments are reduced to nothing. Care Leavers Australasia Network (CLAN), a national independent body that represents, supports and advocates for people who were raised in Australian and New Zealand orphanages, children's homes and foster care, has campaigned tirelessly for indexation to be taken out of the Redress Scheme because past payments were usually small and consumed by legal fees. Survivors describe indexation as theft—a tax that should not be used.

The human cost of what indexation means to survivors is best illustrated by a recent article on the issue published last week on ABC News online. The article states:

> Sixty-four-year-old David Emery is a survivor of child sexual abuse, who, despite being chronically ill, is considering turning down his offer of $70,000 from the National Redress Scheme.
>
> [Mr Emery] was raped as a child while in the care of the Salvation Army, at the Box Hill and Bayswater Boys Homes east of Melbourne—places he described as 'hell holes'…

[Mr Emery] was awarded $37,000 in 2008, after pursuing legal action against the Salvation Army and the Anglican Church…his previous payment has been 'indexed' under the terms of the National Redress Scheme, at a rate of 1.9 per cent for every year since 2008—including the 14 months it took the Redress scheme to assess his application.

That is hardly fair. The article continues:

The redress scheme now considers Mr Emery's previous payment to be $44,733—and that's the figure they've deducted from his offer.

Even with that $44,733 taken out, Mr Emery has been made an offer of just under $70,000—well short of the maximum of $150,000 payable under the scheme.

He has now appealed to the scheme to receive a breakdown of how it calculated the offer—but he has not yet received it.

Mr Emery was quoted in the article as saying:

'I'm very upset. I really can't understand how they could come to that sort of offer, with, knowing what happened to me, and having that explained to them again and again. It's just, it's wrong.'

In closing, and for the reasons outlined, SA-Best strongly believes the previous payments should not be indexed and cannot support the amendment.

Amendment negatived; motion carried.

Bills

GAMBLING ADMINISTRATION BILL

Committee Stage

In committee (resumed on motion).

Clause 20.

The Hon. C. BONAROS: I was speaking to the clause before the dinner break and I will now continue speaking to that clause. The amendment that we are dealing with, just to refresh members' memories, is the one in relation to data. I was quoting from the Consideration of Proposed Harm Minimisation Measures South Australia 2019 report by Associate Professor Michael O'Neil.

Prior to the dinner break, I was referring to the comments that Associate Professor O'Neil made that the Anderson review did not address the complex question around regulating safeguards for harm minimisation in its review of commercial gambling. Associate Professor O'Neil stated in his report:

The Anderson Inquiry (2016) is critical of the time taken and the extended argument around the proposed SAJC gaming proposal at Cheltenham which was ultimately rejected. Anderson (2016) proposes replacing the current Social Effect Inquiry Process 'with a new Community Impact and Public Interest Test better aligned with liquor licensing requirements'...

It might be said that the industry, local councils, the community sector and individuals are severely restricted in presentation of their case to any inquiry precisely because the lack of access to venue, SLA and LGA gaming data. Without access to the most important source of data related to gaming it is simply not possible to present an objective and verifiable argument.

Would a proposed retail outlet consider setting up a shop without analysis of existing competitors, their floor space, parking, population density, per capita consumption trends, hours of opening and estimate of current turnover?

SACES has assisted the VCGLR revise the data requirements to assist them in decisions regarding new venues and the movement of machines under what is called the 'no-net detriment test' which is heard by the Victorian Civil and Administrative Tribunal (VCAT).

It is argued that the 'Cheltenham case/decision' took so long precisely because the necessary data was not available, assumptions were entirely subjective and each was challenged and the final decision was, with great difficulty, almost totally reliant on the credibility of witnesses and the belief that they would or could implement regulatory conditions that might be imposed on them.

Indeed if I was an existing venue operator I might wish to oppose an application on the basis the area is already well served for liquor and gaming and that the proposed new venue will cannibalise my revenue. A local council might wish to use the same argument.

The proposed Community Impact and Social Impact test will fail for the same reason—objective analysis is not possible without access to the most important source of data. Existing venue level data is necessarily required and there is no reason why Parliament should not legislate accordingly.

He concludes by saying:

It is my view that a 'contemporary gambling regulatory framework' is associated with and characterised by an open, transparent, mature and informative supply of data, research and sensible debate regarding the policy framework.

That venue level gambling data is made available is the first test of a contemporary gambling regulatory framework. The availability of data equivalent to that provided by the VCGLR is also essential in the process of any social inquiry and community impact test.

The comments of Professor O'Neil are important in more than one respect because they also point to another issue that has been ignored in this debate, and that is how all these measures combined serve their purpose. When we have one, or change one to the detriment of another, their impact in terms of harm minimisation is limited.

I turn now again to the correspondence. Earlier, I referred to correspondence sent to the shadow treasurer on 21 October 2019, and that was the second piece of correspondence that had been sent to the shadow treasurer. This appendix A, which I will read from now, from Professor O'Neil, is the first of the two letters sent to the shadow treasurer in relation to this very issue. He states:

I am also asking that the Labor Opposition include in its amendment that venue level data each month be available through Consumer and Business Services. This is the case in Victoria. Venue level data is available for all clubs and hotels on a monthly basis, stretching back a number of years, it is not regarded as commercial in confidence and there is no reason to treat it as such. It is not the only source of data for a venue; venues offer accommodation, meals, alcohol, rental of rooms, conference facilities, gambling is one activity. The Government has licensed operators and there is no reason why a venue should argue 'commercial in confidence'. The relevant Minister may publish the data where publication is in the public interest.

Let me illustrate this point again with the example of the cashless debit credit card introduced into Ceduna where there is one venue. Gambling by Indigenous (and others was very high) in Ceduna. What impact has the cashless debit card had? I cannot tell you without access to the venue level data and if Government requires policy based on evidence any researcher requires access to the 'before and after data' to dissect the circumstances, remove confounding events and come to a considered position. This data is not and should not be commercial in confidence and the Ceduna Hotel or the Feathers Hotel are prime examples of venues that offer a range of other revenue generating services. I have asked business people in SA (finance sector, property development, investment groups, to name just a few) if they consider gambling data is 'commercial in confidence' and the resounding reply is NO. I have mentioned this to the Liquor and Gaming Commissioner and I'm asking that the Opposition put this as a non-negotiable amendment. At the very least this is a simple matter of transparency.

What was the impact of allowing gamblers access to cash in the gaming area? Without venue level data no person can say.

What value is a social impact test? No person can say without reference to impact on revenue, cannibalisation of existing venue revenue. A business investor makes a decision based on venue data, not some aggregated data at a SLA or LGA level.

And that is the level that we have available to us. He continues:

You know and I know if any government had a referendum on EGMs in local community hotels and clubs the resounding view of the community would be to remove them, centralise them, whatever but restrict advertising and remove them from local venues. Yet on simple harm minimisation measures both the Government and the Opposition go to water. How is it that Government avoids testing the will of the majority. It cannot be due to adherence to John Stuart Mill 'excessive' liberalism (i.e., government should not intervene…nanny state stuff). It cannot be that both political parties have ties to clubs/venues that generate revenue for political activity or elements of the business sector donate to political parties. It cannot be that Government is desperate for revenue (Ok, so we exploit the most vulnerable).

It is because Government has failed in its duty to protect those who are, at various stages in their life and for various reasons, vulnerable. If Problem gambling is an addiction, then how are you helping to reduce the potential for addiction, such as governments worldwide are doing in regard to alcohol and smoking?

The letter then goes on to state, 'The Labor Party should require venue level data be made available by the relevant authority.'

When the Leader of the Opposition says to me, 'Well, why haven't we seen proposed amendments?' my response to him is, 'Perhaps you should have checked with your shadow treasurer before a deal was stitched up on these two bills, because you don't need to take my word for it on the arguments for the requirement for this data. Professor O'Neil has made a very strong case for the need for that sort of data.'

I can say, for the benefit of the Acting Leader of the Opposition in this place, that I had a discussion with the shadow treasurer today to discuss a number of amendments, including this one. I probably got more out of that short session with him than I have had in this debate so far, not that we saw eye to eye on many of the points raised. Indeed, the shadow treasurer indicated his willingness to consider amendments but highlighted the difficulties he would have in doing so if, as has been agreed in this chamber by the two parties, this bill is finalised this week or next or in coming days, and he indicated that in all likelihood he was not sure how he would be able to speed up a caucus meeting, how he would be able to make that happen before next Monday—assuming, he said, that parliament sits next Monday.

I made my willingness to the shadow treasurer crystal clear and, on that basis, and given the extraordinarily critical nature of these amendments, and for the reasons that have been pointed to—not by me because this is not a case that I have argued; this is a case that has been argued by industry experts—I am keen to hear from the Acting Leader of the Opposition about whether or not in the hours that have passed she has had any discussions with the shadow treasurer regarding our discussion and his willingness, on the part of the opposition, to consider this particular amendment before this bill is finalised, even if that means that the passage of this bill is postponed.

I should reiterate for the record that the correspondence read onto the record earlier tonight, outlining the importance of this amendment—and this is an amendment that I intend to divide on because it is perhaps one of the most critical amendments in the package of amendments that I will be moving, depending on the contribution of other matters—this correspondence, as annexed to the report of the SA Centre for Economic Studies, and addressed to the shadow treasurer, dated 16 October and 21 October respectively, was made available to the opposition well in time for this debate.

If it assists, I remind members opposite that this clause could be recommitted if necessary in order to allow the consideration of the merits that Professor O'Neil has put in relation to the need for this data in line with the discussion that was had with the shadow treasurer a few hours ago. With those words, I commend the amendment to the chamber and look forward to a response both from the government and the opposition specifically in relation to the questions I have just asked.

The Hon. R.I. LUCAS: We have already canvassed this issue. The government's position on the amendments is quite clear, and that is that we will be opposing them, and for the reasons that I have outlined, but given that the member has spoken at length in relation to the reasons why she believes they should be supported, I will place again on the record the government's position in relation to the issues.

When we debated this issue on clause 1, I quoted information that had been provided to the honourable member and other members, indicating that we do not propose to require disclosure of in-venue specific data. I quoted as follows:

> The Commissioner…receives this data, which is appropriate. While there are broader concerns around the commercial confidence of separate venues' earnings, there is also community safety interests to ensure venues are not specifically targeted by crime groups. Venue staff and patron safety may be at risk here. Victoria is the only other state to publish this information.

Let's make it quite clear: South Australia's practice is the practice generally followed by virtually all other jurisdictions, with the exception of one, which is Victoria.

Whilst I always respect the views of Michael O'Neil in relation to not only this issue and indeed others—we have had respectful conversations in the past—I disagree with his views in relation to gambling regulation. He is aware of that. He disagrees with my views. His views are much closer to the Hon. Ms Bonaros's, which is fair enough.

The Hon. C. Bonaros: No, my views are more closely aligned to his. This is his view.

The Hon. R.I. LUCAS: Well, that is the same thing. His views are closely aligned to the Hon. Ms Bonaros. Ms Bonaros's views are closely aligned to his. I think it is the same issue. I acknowledge that and respect that. I certainly am not critical personally of Michael O'Neil. He has expertise in terms of economic issues, and he has developed an interest and an ongoing interest in gambling issues over a period of time and is often quoted by members and indeed other commentators in learned journals about the issue. I make no criticism of Michael O'Neil at all.

There is a considerable amount of statistical information that is already made publicly available by the Attorney-General or the commissioner: the annual report for the Attorney-General's Department, gaming revenue (statewide) quarterly statistics, gaming machine licence quarterly statistics, gaming manufacturers' quarterly market report, gaming revenue aggregated by local government area annual statistics, register of gaming machine entitlements sortable by premises, name or suburb and trading round results. I acknowledge that all of that is not what Michael O'Neil is specifically seeking, but the government's position remains firm and that is we will not be supporting the particular amendments.

The Hon. Ms Bonaros seems to be working on the mistaken impression, having quoted Michael O'Neil at length, that her amendments actually support Michael O'Neil's position. They actually don't, because Michael O'Neil is looking for venue-specific data. The Hon. Ms Bonaros's amendments, should they pass, do not actually provide venue-specific data, they provide data in relation to council areas on a monthly basis. It is one aspect of what Michael O'Neil has been talking about. In relation to venue-specific data, they do not actually provide what Michael O'Neil in that letter to the shadow treasurer and his public commentary in other fora is seeking as well. Be that as it may, the government's position remains that we are opposed to this amendment or indeed any other version of the amendment.

The Hon. T.A. FRANKS: I rise to indicate that the Greens will be supporting this amendment. I was going to indicate that we would be dividing on it if it is called for the noes. So we look forward to that division.

One of the things that has been made clear to us by stakeholders and indeed just one of the issues that has not been dealt with in these bills when it comes to gambling in South Australia is that it is incredibly difficult to be well informed about the impacts of changes to gambling legislation when we just do not have sufficient data. This, of course, should be of concern to every single one of us in this place as legislators. We cannot form evidence-based or informed policy without that evidence.

In their recent report titled 'Consideration of Proposed Harm Minimisation Measure South Australia 2019', the South Australian Centre for Economic Studies identified the reasons for this lack of information as being due to, and I quote:

> (a) the reluctance of administrators/regulators to commission and appropriately support research inquiry that is substantive including that it is industry and state specific where required; and
>
> (b) that statistical data which is of public interest and the availability of which should be a condition of a gambling licence is not made available.

This is not the only report that laments the lack of appropriate timely and public data available to study gambling-related harm in our community. In this debate, we have heard, for example, that localised revenue data cannot be released, as somehow this could have a detrimental commercial effect. Thankfully, we do actually have enough information to know that that particular claim is bogus.

Interstate, the Victorian Gambling Regulation Act 2003 provides for aggregated and disaggregated data, where publication is in the public interest, and it is not unreasonable. This includes total gambling expenditure for all approved venues in a municipal district, and if a municipal district has less than three approved venues, the total gambling expenditure for all approved venues in that municipal district, together with an adjoining municipal district or districts, so that the statistical information indicates gambling expenditure for at least two approved venues. Those provisions provide for venue-level data, which is available on a monthly basis. It can be done, it should be done, and we need to have it done here.

As a total summary of the amount and type of statistical data available under Victoria's act, they have, for example, historical gaming data by venue provided for each month, aggregated and disaggregated data available on a current and historical basis by venue and by local government association, and expenditure statistics that are calculated and provided on a population basis. This data relates to gambling only, and it is clearly not commercial-in-confidence, as it does not have all revenue generated by that club or hotel, which of course may also provide accommodation, meeting facilities, food service, bottle service and the like.

Not having this information available to us leaves us as policymakers and researchers to fall back on conjecture and assumptions, and in this bill and the others that accompany it, we are making some quite significant changes. Some of those changes have been put forward by the Labor opposition as intending to do good, to minimise gambling harm. Without this sort of data, we will not be able to test those assumptions. That gamble, if you like, that the shadow treasurer has taken will be left unsupported by the data.

Should harm be actually increased by some of the changes that we have seen, not just the note acceptors but of course the facial recognition technology and other measures within the Labor amendments to the government bill, as well as within the government bills themselves, who is to know? Certainly, we as legislators are abrogating our responsibility to ensure that full, clear analysis is able to be made by those who do not have an industry stake in this particular debate and to inform better debate in the future, should we be making mistakes in this debate now, and certainly for those mistakes that we have made in the past. With that, I fully support the amendment.

The Hon. C.M. SCRIVEN: Firstly, in response to the Hon. Ms Bonaros, I am very glad that she found her meeting with the shadow treasurer today useful, and I note that he agreed to a meeting on the very day that the honourable member asked for it, being today. Perhaps if that had been sought earlier, some of these things could have been sorted out with due—

The Hon. C. Bonaros: Don't be smug.

The CHAIR: The Hon. Ms Bonaros, show some respect to the member, as she showed you.

The Hon. C.M. SCRIVEN: Perhaps if that meeting had been sought sooner, some of these issues could have been worked out and the amendments filed in a manner that gave the Labor opposition the time to go through our usual processes to consider their merits or otherwise. My understanding is that the shadow treasurer communicated to the Hon. Ms Bonaros that, given how late they had been developed and filed, it was not feasible for the Labor Party to consider them through our normal processes.

Further, the opposition is unsure what the arguments were both for and against Associate Professor O'Neil's suggestions. He is yet to articulate what benefit to actually reduce problem gambling would result from the change that is being proposed. I note the comments made by the Hon. Ms Franks in regard to data; that may well be useful, but it is not going to directly reduce problem gambling. We would also need to look at what sort of risks his proposal might create, and we do not see any of that information at this stage. Therefore, given all of those matters, the opposition will not be supporting the amendment.

The Hon. C. BONAROS: For my own benefit, when I attend these meetings, I take pretty thorough notes about what is said. I try to take note of absolutely every word that is said, so I completely and utterly reject the assertion that the shadow treasurer did not tell me that this is something that could not be considered in time, and did not suggest to me that if there was a way to expedite that debate he would, but that in all likelihood the earliest he may be able to do that is next Monday. I also reject any assertion that this information was not provided to the shadow treasurer.

Perhaps if, on Monday when we had set the agenda for this debate, the opposition had not agreed to bring on this debate before the amendments were filed, and before they had an opportunity to consider them and had not formed their position on the bill before that was done, then they would now be in a better position to make an enlightened decision in relation to the amendments that have been put before this chamber.

Can I say, in relation to the comments of the Treasurer, that I have sought clarification to make it clear. We have not gone down the path of replicating Victoria's legislation, but what we have

done is move an amendment that provides the commissioner with the discretion to provide the information on a venue basis if he so chooses. I have faith that if that discretion was available—I have faith in the commissioner, and I have faith in the Attorney and in the way that she would conduct these issues and reflect on the debates in parliament.

The clear intent of that, while it deals with LGAs, is also to provide the commissioner with the discretion to be able to provide the information that I have been speaking of on this amendment. To correct the record: it is not true to say that this amendment would not enable that data to be made available; the commissioner would have a discretionary power to allow that information to be made available.

The Hon. C.M. SCRIVEN: I am not sure what the honourable member was referring to when she talked about when the information was being provided. Obviously, there were a number of people at the meeting with the shadow treasurer today. The shadow treasurer has communicated to me his understanding of that meeting. The Hon. Ms Bonaros may have a different understanding; that is obviously within her interpretation of what occurred at the meeting.

I think we need to remember that this bill was passed in the other place on 13 November. That was three weeks ago. If the honourable member had not delayed receiving a briefing from the government, then this perhaps could have been debated last week, rather than just this week. We could have had the normal processes go through.

I would like to place on the record that it is the view of the opposition that this has not been rushed through; this bill was passed three weeks ago. The opposition has not proposed any amendments. This is a government bill, and there have been three weeks to file amendments. That is the reason we cannot support anything new that was filed yesterday or today.

The CHAIR: No, the Hon. Ms Bonaros, we are not having any more debate on this. The Hon. Mr Darley, would you like to make a contribution? Honourable members have to remember that, whilst some of these issues are important, we are debating a particular amendment that is before us.

The Hon. J.A. DARLEY: For the record, I will be supporting the amendment.

The committee divided on the amendment:

Ayes 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived; clause passed.

Clauses 21 to 43 passed.

Clause 44.

The Hon. C. BONAROS: I move:

Amendment No 5 [Bonaros–1]—

Page 29, line 23 [clause 44(3)]—Delete 'refuse' and substitute 'accept'

The amendment relates to clause 44 of the bill, which deals with barring orders. As we know, those provisions allow the commissioner to make a barring order in relation to a person at the request of the person, or at the request of a family member, where the person is at risk of harm or causing harm to themselves or to a family member because of their gambling.

I am really pleased that since the commissioner took over the role of barring orders the success rate in relation to those being approved has dramatically improved. In fact, when asked at the briefing on Monday—and I have asked this question of the commissioner previously, and I have kept track of the progress in relation to barring orders since he took over from the IGA—he was able to confirm that there had been 47 involuntary barring orders compared with just 12 the year before, when they were issued by the IGA. I believe that there were only perhaps a handful—maybe two or three—that had been disputed by the individual concerned.

Given the success rate and the extremely timely manner within which the commissioner is dealing with those applications, the question I asked was: what is the need to refuse an application if it is not responded to within the set time frame in the legislation? Clause 44(3) provides:

(3) If no decision is made within 14 days after the making of a request by a person under subsection (1)(a) or (2)(a), the Commissioner or the gambling provider (as the case may be) will be taken, for the purposes of this Part, to have made a decision to refuse the request.

My question to the commissioner was whether there would be any objection to making that a positive obligation and ensuring that in those circumstances, and given that it is not taking anywhere near 14 days for those applications to be considered—whether he would consider it appropriate for a positive obligation, which would result in the word 'refuse' being substituted with the word 'accept'. In other words, if a decision has not been given by the commissioner, then it would be deemed to have been accepted if the application has not been dealt with within 14 days.

I will be gobsmacked, absolutely astounded, if, based on the advice provided to me and to the Hon. Tammy Franks at the meeting on Monday, the Treasurer indicates that the government does not support this amendment, because not only did the commissioner indicate his support for the provision, and the fact that he thought it was very reasonable for it to be a positive obligation, but I think it is fair to say he did not even anticipate that such a provision would exist in the legislation.

On that basis, given that the commissioner and not the government is the expert in this area, given that the commissioner is telling us his success rate is great, given that the commissioner is telling us it takes nowhere near 14 days to deal with these and given that the commissioner is telling us he has absolutely no issue with a refusal of an application being replaced with a positive obligation that would see that application accepted when we are dealing with an individual or a family member who has approached the commissioner because they have a gambling problem and are pleading for help to not be able to attend venues, I will be—I do not even have enough words to describe how extremely astounded, but moreover disappointed, I will be if either the government or the opposition were to oppose this amendment.

The Hon. R.I. LUCAS: Well, the member can prepare herself to be gobsmacked and astounded, I think, to quote her words. The government is opposing the amendment. The amendment is a hangover from the role of the independent gaming authority (IGA) in providing barring orders. The government has already taken proactive steps to ensure same-day barring orders under changes which have moved the barring orders to the commissioner and abolished the IGA.

Since Consumer and Business Services (CBS) assumed all gambling regulatory functions on 1 December last year, the Liquor and Gambling Commissioner has approved barring orders involving over 200 individuals. This is a process that the commissioner will proactively continue. The amendment is unnecessary due to the swift action of the government and, therefore, it is not supported.

Following the transfer of responsibilities from the IGA to CBS in December 2018, the commissioner undertook to overhaul the barring process, thus ensuring that people could apply for and receive a barring order on the same day. Under the previous system, it could take up to 10 days

for the IGA to process a voluntary barring order and months to review an order to determine whether it should remain in effect.

When comparing the period before and after the transfer of responsibilities, the results speak for themselves. For the period 1 December 2017 to 30 September 2018, the number of barring orders initiated at the request of the person was 158. The number of barring orders initiated by a licensee or third party, not at the request of the person, was 10. The number of orders signed was 8,658. For the period 1 December 2018 to 30 September 2019, the number of barring orders initiated at the request of the person was 312. The number of barring orders initiated by a licensee or third party, not at the request of the person, was 43. The number of orders signed was 18,397.

The final comment I would make on behalf of the government is that it is the government that ultimately determines policy positions in relation to gambling matters and issues that come before the parliament. Of course, we take on board views of the commissioner and others. I am not aware of the views of the commissioner on this particular issue. I am therefore not in a position to confirm or dispute—and I do not seek to dispute—the member's clear impression of the views that might have been expressed by the commissioner.

I just remind the member that it is ultimately the government that is elected by the people of South Australia to make decisions. It is ultimately the parliament that makes the final decision. It is the government's position in relation to this that we oppose the amendment.

The Hon. C.M. SCRIVEN: The opposition will not be supporting this amendment on the same basis as I previously mentioned. Perhaps to clarify, my understanding is that the shadow treasurer today said that he would be open to considering changes but we would not—the Labor Party and the opposition—be in a position to support them. Again, had they been filed earlier, obviously that would have been quite different. So we will not be supporting this amendment.

The Hon. T.A. FRANKS: I share the Hon. Connie Bonaros's 'gobsmackedness'. I am not sure that is a word but I am also not sure that this is at all logical. At the moment, we now are instituting a provision where we are relying on the bureaucracy to work. Should, after 14 days, the bureaucracy not have worked and supported that person who sought to be barred, then we provide them with no protections whatsoever and we deny their ability to be barred.

So let's hope everything goes well. Let's hope that the commissioner continues to be just as efficient as this one currently is. But in recent memory, there was a government and there was a bureaucracy that was not nearly as efficient as the one that we have now and, in fact, people had to front panels to get themselves barred. They were grilled and asked inappropriate questions by a board that treated them with contempt and a lack of understanding. People who had been barred had those barrings lapse and had to go through the process again.

This is an extraordinary slap in the face to people who have an addiction, who have a health problem, who deserve the protections of legislation that does not require everything to go smoothly and the bureaucracy to get it right every single time. This is extraordinary. This is a very simple change. I was in that briefing as well and I can tell you the commissioner expressed to all of us at that table that this was a very sensible suggestion that would do no harm; in fact, it could do good. I am absolutely disgusted that the opposition and the government see fit not to consider this issue on its merits.

The committee divided on the amendment:

Ayes.................5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived; clause passed.

Clauses 45 and 46 passed.

Clause 47.

The CHAIR: I give the call to the Hon. Ms Bonaros.

The Hon. R.I. Lucas: Is it consequential, Connie?

The Hon. C. BONAROS: No, it is not consequential. I move:

Amendment No 6 [Bonaros–1]—

Page 31, lines 11 and 12 [clause 47(2), penalty provision and expiation fee provision]—Delete the penalty provision and expiation fee provision and substitute:

Maximum penalty: $35,000.

This amendment deals again with barring orders and, more specifically, with the contravention of a barring order. It seeks to delete the penalty provision and expiation fee provision entirely and substitute it with a maximum penalty of $35,000.

This would apply in instances where one of those problem gamblers we just talked about—somebody who has gone to the commissioner and said, 'I am a problem gambler,' or whose family member has gone to the commissioner and said, 'I am a problem gambler. I am a gambling addict.'—has been approved a barring order, subsequently makes their way into a venue and a venue allows them to gamble, knowing full well that they should not be there in the first instance.

What we are saying is that in that instance there is absolutely no place for an expiation fee to apply because, in this instance, the venue has a very positive obligation to ensure that the individual does not step foot in their gaming room. They have a duty of care to ensure that that individual does not suffer any further harm from gaming in a venue that they should not be in in the first instance because the commissioner, according to the government's policy and legislation, has issued a barring order over them. They have said, 'You are not to step foot in that venue because you are a problem gambler,' 'You having a gambling addiction,' or, 'Your family has made an application saying you are a problem gambler, a gambling addict or are likely to suffer significant harm as a result of your gambling behaviour.'

The commissioner, according to the policy and the legislation implemented by the government, according to its own policy agenda, has agreed that that individual has no place in the gaming venue. There is no place in that instance for an expiation fee to apply, in the first instance, but it is an extraordinarily serious form of offending. The penalty that applies in relation to that should reflect the fact that it is a serious form of offending.

There have been ample cases over the years where individuals have gone into venues that they should not be in and have continued to pour money into poker machines when the commissioner has said that they should not be in that venue. I recall the very first case that I worked on regarding a barring order that went to the courts. It involved an individual who came to see us and said, 'I want to be prosecuted by the police, because it is clear that the authorities are not going to take any action in relation to the venue that lets me go into their gaming room every single day and continue to pour money into a poker machine.'

They pleaded with us. We advised that constituent that, if we were to go down that path, he would be prosecuted because he has breached his own barring order. He said, 'Please do it. Please take me to court. Please prosecute me. Please take me to the police and prosecute me, because I

have no control over my own gambling.' That is exactly what we did: we went to court, he was prosecuted and he faced the penalty, because that was the only solution he could think of that would help him against a venue that completely ignored its duty of care to him when a barring order had been put in place.

Funnily enough, after he was prosecuted and after he faced his criminal penalty, our next question was, 'Has the venue been prosecuted? Has there been any investigation into the venue that is the subject of this prosecution?' Lo and behold—wait for it—there had been no investigation and there had been no charges laid against the venue. The venue neglected its duty of care and saw an individual end up in our court system, pleading with a magistrate to prosecute him, because that is the only way he could stay out of a gaming room that he was not meant to be in, based on government policy. If that ought to be the subject of an expiation fee—I have no words. That duty of care towards that individual should take precedence above all else.

His is not the only case. Over the years, we have advocated for a number of gambling addicts who have been in the exact same situation. They have not wanted to front up to the courts and get prosecuted. They have not wanted to have a penalty imposed against them, so they have chosen not to take the same action that that individual did, but it has happened and it continues to happen time and time and time again.

If the government thinks it is fit in that instance for someone to neglect their duty of care towards an individual and give them a slap on the wrist with an expiation fee, then that can be on their head, but it is clear that the penalty that is reflected in the legislation at the moment should be increased to reflect the duty of care owed to that problem gambler, who the commissioner has said has no place in a gaming room.

The Hon. C.M. SCRIVEN: I just have a question for the mover as to how she came up with the figure of $35,000 and whether that compares with some other figure that is considered to be commensurate.

The Hon. C. BONAROS: The figure of $35,000 was a discussion that we had with parliamentary counsel in relation to the scale that usually applies to penalties. But it is our view that that penalty is in terms of the maximum that can be imposed, given the severity of what we are dealing with—given that we are dealing with a known addict, somebody who has already been barred under the government's own policy by the commissioner and who has no place in the gaming room that they have been barred from. If venues are going to ignore the fact that patrons continue to frequent their venues when they ought not be there because there is a barring order in place, then the maximum penalty that applies should be reflective of the duty that they owe to that individual.

The Hon. R.I. LUCAS: The government opposes the amendment for the same reasons we opposed amendment No. 2 much earlier in the debate, I think this morning. We see the reasons why we opposed that amendment as consistent with why we oppose this one. The current provisions of the government's bill provide the discretion to the commissioner for an expiation or, indeed, to take formal action for a prosecution in a court. It is ultimately a decision and a discretion available to the commissioner. As we discussed in that earlier amendment much earlier today, the government believes the options available to the commissioner are the most sensible solution, and that should be consistent in relation to this particular provision as well.

The Hon. C.M. SCRIVEN: I just want to follow up my previous question to the mover of the amendment. I heard that she spoke with parliamentary counsel, but it was not clear to me on what schedule or what comparison the figure of $35,000 was arrived at, as opposed to what I understand is the $10,000 figure in the current one. I fully understand the rationale in terms of increasing the penalty, but I am interested to know how that particular figure was arrived at.

The Hon. C. BONAROS: I will give the Acting Leader of the Opposition the same courtesy that I have had during this debate. That is a penalty—a maximum penalty—that reflects the offending of the venue that has deliberately and wilfully allowed a problem gambler into their venue to continue to pour money into a poker machine when the policy of the day is, and the commissioner has said, they have no place in that venue.

The Hon. C.M. SCRIVEN: I will try one more time. I understand the rationale. I am not disputing that rationale whatsoever for why the mover thinks it should be more. It is just not clear to me how the figure of $35,000 has arisen. If it is simply three and half times what was in the bill, then that is fine. I am just trying to understand what the reasoning is.

The Hon. C. BONAROS: There are provisions in the bill that provide for higher penalties. What I am telling the Acting Leader of the Opposition is that we believe that penalty better reflects the offending of a venue that has allowed a problem gambler onto the floor of their premises to continue to pour money into a gaming machine when they should not be there. That is our policy.

The Hon. T.A. FRANKS: The Greens support the intent of the Hon. Connie Bonaros's amendment, but we also have great sympathy for the government that they have actually taken measures here to ensure there are ways of taking action that are far easier than the courses currently available. We do welcome expiation fees in that particular debate, and we do welcome more tools for the commissioner to ensure action is able to be taken, without recourse to the courts, to address gambling harm.

I think that some of the expiation fees are pretty nominal, given the context and the depth of the problem we are talking about. In terms of the fines, the equivalents of these fines are to some quite minor misdemeanours, if you like, yet we are talking about quite significant levels of harm already having been done, to the point where somebody is subject to a barring order. So for that, and for the purpose of keeping the debate alive with government, we would support this.

The committee divided on the amendment:

Ayes 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived; clause passed.

Clauses 48 to 53 passed.

New clause 53A.

The Hon. C. BONAROS: I move:

Amendment No 7 [Bonaros–1]—

Page 33, after line 21—Insert:

53A—Barred person entitled to recover amount from gambling provider

(1) A person subject to a barring order under this Part may apply to the Commissioner for determination of an amount for the purposes of subsection (2).

(2) If a gambling provider suffers or permits a contravention of a barring order under section 47(2), the person subject to the barring order is entitled to recover from the gambling provider—

(a) an amount determined by the Commissioner equal to the total amount spent by the person during the period of the contravention on gambling activities from which the person was barred; or

(b) another amount as determined by the Commissioner.

(3) A person aggrieved by a decision made by the Commissioner under this section may apply to the Commissioner for a review of the decision.

(4) The Commissioner may confirm or revoke the decision and the Commissioner's decision on the matter is not subject to review under section 54.

This amendment effectively flips clause 53 of the bill on its head and applies the exact same scenario not to a gambling provider—in other words, not to a venue—but to an individual who, having been the subject of a barring order manages to go into a venue and continue to lose money in a gaming room that they have no right to be in because they have been barred. For the members' benefit, clause 53 of the bill provides:

(1) A gambling provider may withhold winnings from a person if satisfied that the person is subject to a barring order under this Part, and in that event, must obtain the person's name and address and inform them of the right to have the decision reviewed.

Then there is a further provision which allows:

(2) A person who is aggrieved by a decision to have their winnings withheld may, within 14 days of being informed of the decision under subsection (1), apply to the Commissioner for a review of the decision.

(3) The Commissioner may confirm or revoke the decision and the Commissioner's decision on the matter is not reviewable.

That section goes on to provide:

(4) A gambling provider must deal with any winnings withheld under subsection (1) as follows:

(a) if the Commissioner revokes a decision made under subsection (1), the withheld winnings must be paid to the person;

(b) if the Commissioner upholds a decision under subsection (1) or if the person does not apply to the Commissioner for a review of the decision under subsection (2), the withheld winnings are forfeited to the Commissioner and must be paid into the Gamblers Rehabilitation Fund…

The amendment that we are seeking to insert provides that:

(1) A person subject to a barring order under this Part may apply to the Commissioner for determination of an amount for the purposes of subsection (2).

(2) If a gambling provider suffers or permits a contravention of a barring order under section 47(2), the person subject to the barring order is entitled to recover from the gambling provider—

(a) an amount determined by the Commissioner equal to the total amount spent by the person during the period of the contravention on gambling activities from which the person was barred; or

(b) another amount as determined by the Commissioner.

(3) A person aggrieved by a decision made by the Commissioner under this section may apply to [them] for a review of the decision.

(4) The Commissioner may confirm or revoke the decision and the Commissioner's decision on the matter is not subject to review under section 54.

This is another amendment that was discussed at the meeting with the Attorney's staff present and the commissioner in relation to ensuring that somebody who has been barred but has been allowed to enter a venue and continue to gamble is able to recover the losses that never should have been poured into a gaming machine in the first instance because they were barred from that venue and that venue had a duty of care towards that individual to ensure that they could not or should not be there in the first place pouring their money into a gaming machine.

We had a conversation with the commissioner about how this sort of provision would work. During that discussion, I referred the commissioner to a number of cases that have occurred in the

past where individuals have been able to substantiate via the use of CCTV footage, and via the use of bank records and any other records, how much money has been poured into a poker machine. Those stories have been verified time and time again through investigations conducted by the commissioner in a number of cases.

There is a case on foot at the moment that involves an individual who was withdrawing funds from EFTPOS and ATM facilities above and beyond what the law has prescribed. CCTV footage has an important role to play here as does the commissioner's discretion. If the commissioner is not able to substantiate just how much money somebody has poured into a poker machine when they have no right to be there, obviously, they can make a determination to that effect.

But there have been cases over the years where those amounts of money have been substantiated. Indeed, the facial recognition technology that has been offered as an amendment by the opposition would assist the commissioner in his role in this scenario. If somebody is in a gaming venue, and they have no place there because they have been barred, and they have continued to pour money into a machine, the commissioner can use all tools at his disposal—including CCTV footage, facial recognition technology, bank records and the evidence of staff present in the venue—to verify or otherwise, if he can, the losses of an individual on a poker machine.

If the commissioner, using his discretion, is able to do that, then they can make a determination that the individual should have those funds returned to them because they never should have been in the venue in the first place, because they were an individual barred by the commissioner under the government's legislation.

The Hon. R.I. LUCAS: The government opposes the amendment. The honourable member seeks to insert a new provision in the bill to allow a barred person who has of their own accord actively entered the premises and gambled to be able to recover from the gambling provider their losses and the amount they spent. A scenario similar to this was flagged in the briefing provided to the honourable member. The commissioner provided information about the difficulty in obtaining the amount spent and lost by a barred person.

Furthermore, such an amendment as has been moved by the honourable member appears to diminish significantly the deterrent for a barred person to gamble, in that should they for whatever reason avoid detection and identification as a barred person, and lose money gambling, they are entitled to simply recover that money straight back from the gambling provider. The government in this bill is already taking active steps to ensure that, firstly, barred persons are not permitted into gambling premises and, secondly, that any earnings of a barred person are paid directly to the Gamblers Rehabilitation Fund. For those reasons, the government does not support this amendment.

The committee divided on the new clause:

Ayes 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

New clause thus negatived.

Clauses 54 to 56 passed.

Clause 57.

The Hon. C. BONAROS: I move:

Amendment No 8 [Bonaros–1]—

Page 34, lines 36 to 38 [clause 57(2)(b)(ii)]—Delete subparagraph (ii) and substitute:

(ii) a representative of charitable or social welfare organisations;

(iii) a representative of an organisation or group providing support to persons suffering harm from gambling;

(iv) a person who has suffered harm from gambling;

(v) such other representatives as the commissioner thinks appropriate so as to be representative of the gambling industry and government.

The amendment relates to clause 57 of the bill, which prescribes the gambling advisory council. Those provisions state:

(2) The Gambling Advisory Council consists of—

(a) the Commissioner or a nominee of the Commissioner; and

(b) the following members, appointed, from time to time, by the Commissioner on terms and conditions determined by the Commissioner:

(i) a nominee of the welfare agency;

(ii) such other members as the Commissioner thinks appropriate so as to be representative of charitable, gambling support or social welfare organisations, the gambling industry and government.

The amendment that I am moving seeks to delete subclause (2)(b)(ii) and substitute that with the following: the gambling advisory council, in addition to a nominee of the welfare agency, would also explicitly have to have on it a representative of charitable or social welfare organisations, a representative of an organisation or group providing support to persons suffering harm from gambling, a person who has suffered harm from gambling, and then such other representatives as the commissioner thinks appropriate so as to be representative of the gambling industry and government.

The intent of the amendment ought to be clear to all honourable members, and that is to ensure that those individuals—other than the hotels and clubs lobby, and other than just one nominee of a welfare agency—are explicitly provided a seat at the table of the gambling advisory council. I am sure it is fair to say that they would have appreciated a seat at the table when these bills were being debated so that they could provide their expert knowledge in relation to the matters that are ultimately implemented in law by government and that affect the very individuals that they represent or advocate for.

It is intended simply to make it explicitly clear which individuals will be included in the make up of the gambling advisory council, but importantly it will make it abundantly clear that somebody with lived experience deserves a seat at the table of a gambling advisory council that is considering issues related to problem gambling and gambling harm, and advising the commissioner and the government accordingly.

It is a simple amendment which makes it clear that those individuals should be involved in discussions around our poker machine laws and our gambling laws, especially insofar as they relate to gambling addiction, and especially insofar as they relate to lived experience. I do not think this is the first time we have argued in this place for the inclusion of individuals with lived experience of an issue being included on issues that they know the impacts of better than any of us in this place.

I do note that the commissioner has a discretion under clause 57, but the simple intent of this provision is to make it explicitly clear which individuals it will be expected will have a seat at the table of the gambling advisory council.

The Hon. R.I. LUCAS: The government opposes the amendment. The amendment seeks to change the way the government has drafted the clause and specified who may be members of the established gambling advisory council. This council will have a role in directing the use of funds

of the GRF and was established in changes through the Budget Measures Bill. Notably, the honourable member seeks, as she has just explained, to require a person who has suffered harm from gambling to be present on the council. Beyond this, the council, under the government's proposal, already requires the council to be representative of the charitable, gambling support or social welfare industry. This group, in the government's view, no doubt covers and advocates for those who have suffered harm; as such, the proposed amendment is opposed by the government.

The Hon. T.A. FRANKS: The Greens rise to support this amendment. It is very similar to previous pieces of law reform we have brought before this place for debate and, indeed, to strengthen the voice of those who support those who are harmed by gambling. In these debates we hear time and time again the very meagre resources of groups such as SACOSS and Uniting Communities and those who support those who suffer from gambling harm, minimised and marginalised in these debates. The odds are often stacked against them. The die is always loaded against them. The industry is well resourced. I think that is not lost on any of us tonight: the industry is very well resourced. Those with lived experience of gambling harm, those who support them through our various social welfare organisations, rarely get their voices heard.

I will just outline the gambling advisory council's current membership, which, of course, consists of the commissioner or a nominee of the commissioner. The following members are appointed from time to time by the commissioner on those terms and conditions that the commissioner determines and include, as the honourable Treasurer has noted, a nominee of the welfare agency and such other members that the commissioner thinks appropriate so as to be representative of charitable gambling support or social welfare organisations, the gambling industry and government.

The functions of the gambling advisory council are to assist the commissioner in formulating and advise the commissioner on implementing policies and legislative proposals affecting the minimisation of harm caused by and associated with gambling, recognising the positive and negative impacts on communities and to the maintenance of a socially responsible gambling industry. It also is to provide a forum for the exchange of information and views between industry, welfare and government sectors concerning issues relating to responsible gambling and harm minimisation practices, as well as considering any other matters that are referred to it by the commissioner.

Therefore, it seems quite reasonable to require that a representative of a charitable or social welfare organisation be there at the table for that exchange of ideas. It seems quite reasonable that a representative of an organisation or group providing support to persons suffering harm from gambling be at that table and, of course, a person who has suffered harm from gambling, a person with lived experience be at that table.

The fact that these conversations in the past have happened without those voices at the table in appropriate number is to all of our discredit and it can be rectified here quite simply. It is a very simple amendment. It simply ensures that there are more voices at the table for the commissioner to take on different views. We know the industry is cashed up, we know that those the industry takes the cash off do not get a voice at the table.

This amendment here tonight will give people with lived experience and those who support them—the social welfare, the social sector—an actual voice at the table, rather than collecting crumbs at the end of the day when they have already been marginalised, when the deals have already been done and when they have such meagre resources that they are not equipped to provide responses in the way that the industry can.

The committee divided on the amendment:

Ayes 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived.

The Hon. C. BONAROS: I move:

Amendment No 9 [Bonaros–1]—

Page 35, after line 12—After subclause (3) insert:

(4) The Gambling Advisory Council must, on or before 1 September in each year, prepare and submit to the Commissioner a report in respect of the preceding financial year on the following:

(a) the performance of the Council's functions;

(b) any research or other activities undertaken by the Council;

(c) any other matter the Gambling Advisory Council thinks relevant.

(5) The report under subsection (4) must, as soon as it is received by the Commissioner, be published on a website determined by the Commissioner.

I do not think the amendment could get any simpler than this one. All it requires—I have said that a few times this evening—is that the gambling advisory council prepare and submit to the commissioner a report in respect of the preceding financial year on the following: the performance of the council's functions, any research or other activities undertaken by the council, and any other matter the gambling advisory council thinks relevant.

That report is then required to be published on a website determined by the commissioner. It is a straightforward reporting requirement that would ensure that the commissioner receives a report as to the functions of the committee and the outcomes of that committee, but more importantly that that report is then made publicly available in a way that the commissioner deems fit.

That provides all of us who are interested in following gambling legislation updates, problems and issues that arise in relation to the functions of the Gambling Advisory Committee with an ability to inform ourselves of the issues that the council has informed itself of, especially insofar as that relates to then implementing policies and legislative proposals that affect the minimisation of harm caused by gambling, recognising the positive and negative impacts of gambling on communities and the maintenance of a socially responsible gambling industry, and the dialogue and exchange that occurs between various industry welfare and government sectors concerning issues relating to responsible gambling and harm minimisation practices.

It does not get any easier than this. The commissioner gets a report, the report is published on the website, and we are all able to inform ourselves of the progress, or of the issues that have been raised with or by the gambling advisory council, insofar as it relates to legislative proposals that we are required to debate in this place when it comes to recognising not only the negative but also the positive aspects, if there are any, of gambling on communities.

The Hon. R.I. LUCAS: The government opposes the amendment. It requires the gambling advisory council, as outlined by the amendment, to prepare a report on the performance, research and activities undertaken. In the government's view, this amendment is unnecessary due to the new requirement of an annual report to take into account the use of funds from the GRF; therefore, the amendment is not supported.

The note the minister's office has provided me states that we are not sure that any other advisory boards or councils actually provide their own standalone reports. I can certainly acknowledge in my own area two or three advisory boards, committees or councils that provide

advice either to me as minister, or to one of my standing agencies. None of those provide separate standalone reports.

This does not mean that, should the parliament ultimately decide that a particular one should do so—the government does not believe this particular one should do so. We believe it is consistent with the general approach by past governments and this government to advisory boards being there to provide advice.

The Hon. T.A. FRANKS: The Greens rise to support the requirement of an annual report. I do not believe I have ever seen the rejection of the requirement to produce an annual report when it has been put in legislation such as this. I look eagerly to see how the Labor Party justifies this particular betrayal.

The Hon. C.M. SCRIVEN: My question is to the mover of the amendment. Can she outline what information she expects to be included in the report, if this amendment was successful, that would not appear in the annual report?

The Hon. C. BONAROS: The information that would be provided in this report relates specifically to the matters outlined in clause 57(3), which specifically relates to the functions of the gambling advisory council, insofar as:

> [advising] the Commissioner on implementing, policies and legislative proposals affecting—
>
> (i) the minimisation of harm caused by…gambling, recognising the positive and negative impacts of gambling on communities; and
>
> (ii) the maintenance of a socially responsible gambling industry—

and providing for an exchange of views between the various sectors that are represented on the gambling advisory council. If we are going to have a gambling advisory council, it is our position that the council should be reporting on the outcomes of the exchanges they have because they will serve to inform us when we make decisions on policy and legislative proposals around the issues of problem gambling, the benefits of gambling and the exchange of ideas amongst the individuals who are represented on that gambling advisory council.

I acknowledge that some of this may be covered in an annual report, but that is not necessarily the case. Given that is the explicit role of this council, it is only appropriate the commissioner receive a report, which is made available to us, so that we can also be informed of the discussions that are being undertaken by a gambling advisory council.

The Hon. C.M. SCRIVEN: Clause 61, which I think was an amendment put forward by the Labor opposition and adopted in the other place, provides:

> (1) The Commissioner must…prepare and submit to the Minister a report on the performance of the Commissioner's functions under the gambling Acts during the preceding financial year…

It goes on further. I am just trying to get an understanding of what would not be covered under the annual report that would be covered under this proposal.

The Hon. C. BONAROS: It is because these are not the functions of the commissioner. These are the functions and powers of the gambling advisory council, made up of the individuals I referred to previously involving the sectors with an interest in gambling. It is not the views of the commissioner that we are interested in; it is the views of the gambling advisory council. I am acutely aware of the provisions relating to the annual report and that the commissioner is to provide a report based on his or her functions under the gambling acts, but this is specifically related to the functions of the gambling advisory council.

The Hon. C.M. SCRIVEN: The gambling advisory council is established under the Gambling Administration Act. Am I correct in thinking that falls under the commissioner's functions and therefore would be covered? I do not know if that is a question for the mover of this amendment or for the government.

The Hon. C. BONAROS: I sought advice in relation to that when I was drafting the amendment and I made it clear that we wanted to make it explicitly clear in this bill so that there is no doubt that, in preparing a report on the functions of the gambling advisory council, not the role of

the commissioner, the outcomes of those deliberations are included in a separate report and not muddled up in an annual report concerning the functions of the commissioner, which may not cover the issues considered by the gambling advisory council.

The committee divided on the amendment:

Ayes................5
Noes................15
Majority............10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived; clause passed.

Clauses 58 to 60 passed.

Clause 61.

The Hon. C. BONAROS: I move:

Amendment No 10 [Bonaros–1]—

Page 36, lines 1 to 3 [clause 61(2)]—Delete subclause (2)

The amendment relates to clause 61 of the bill, which we have just touched upon, and the annual reporting requirements. That clause provides that the commissioner has to prepare and submit to the minister a report on the performance of the commissioner's functions under the gambling act during the preceding financial year. It goes on to provide:

> A report of the Commissioner required under this section may be combined with a report of the Commissioner required under any other Act…

It then provides details as to what should be in that report. The purpose of this amendment is to ensure that this is a standalone report that cannot be combined with any other act and that deals specifically with the matters contained in subclause (3). That is to say, it needs to be a standalone report commissioned by the commissioner in relation to the total net state wagering revenue of all authorised betting operators under the Authorised Betting Operations Act and the total net gambling revenue of the holders of all gaming machine licences and the special club licence under the Gaming Machines Act. Of course, that report must then be provided to the minister, who is required to table it before parliament.

If we are going to be having reports on social issues as important as these, which impact our most vulnerable members of the community, then it is our view that they should not be tied up with any other reporting requirements that may apply separately. They should be a standalone report and reflect those issues outlined in subclause (3). It is not unreasonable to expect the commissioner to provide a report that deals specifically with the issues outlined in subclause 61(3) and ensure that they are given the level of attention they deserve.

The Hon. R.I. LUCAS: The government opposes the amendment, as it requires, as the member just outlined, that the commissioner provide a standalone gambling report. In the government's view, this is unnecessary as a report is already required as a part of the Attorney-General's Department annual report, which is tabled in parliament and made public each year.

The Hon. T.A. FRANKS: The Greens support more transparency, not less, so we will support this amendment.

The committee divided on the amendment:

Ayes 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Amendment thus negatived; clause passed.

New clause 61A.

The Hon. C. BONAROS: I move:

Amendment No 11 [Bonaros–1]—

Page 36, after line 12—After clause 61 insert:

61A—Annual report into effect of gaming machines in the State

(1) The Premier must, by 31 October in each year, cause a review to be undertaken of the economic and social impacts of the operation of gaming machines in the State during the preceding financial year and a written report on the review to be prepared and submitted to the Premier.

(2) The review under subsection (1) must—

(a) seek and consider written submissions from government representatives and persons with expertise in evaluating the economic and social impact of gaming machines; and

(b) address the effectiveness of any legislative amendments to the *Casino Act 1997* or the *Gaming Machines Act 1992* proposed or commenced during the relevant financial year.

(3) The Premier must cause a copy of the report submitted under subsection (1) to be tabled in both Houses of Parliament within 12 sitting days after its submission.

This amendment seeks to incorporate a new provision into the bill—another annual reporting requirement into the effect of gaming machines in this state—except this time it is not the commissioner we are asking to hear from on the work that he has done. It is the Premier we are asking to hear from. The Treasurer himself has indicated that the commissioner's role is one that is prescribed by legislation and the government of the day has its own role to play in terms of setting gambling policy.

For those reasons, it is entirely appropriate that the Premier causes a review to be undertaken concerning the economic and social impacts of the operation of gaming machines in this state during a preceding financial year and that a report to that effect be prepared and submitted to the Premier. It is entirely appropriate that the review seek and consider written submissions from government representatives and persons with expertise in evaluating the economic and social impact of gaming machines and address the effectiveness of any legislative amendments to the Casino Act and the Gaming Machines Act, proposed or commenced during the relevant financial year.

The Premier would then of course provide a copy of that report to both houses of parliament. This is not asking the commissioner, as such, to provide an annual report; the commissioner will already be providing an annual report. This is ensuring that the Premier causes a review to be undertaken to inform the government of issues surrounding the effectiveness of any legislative amendments of government policy concerning the Casino Act and the Gaming Machines Act.

Again, I think it is entirely consistent with other review provisions that we have inserted into a multitude of acts in this place, which are ordinarily supported by all members of this place because they enable us to be informed of the issues that are at stake. In this instance, the issue that is at stake is the effectiveness of legislation concerning gaming. It is a straightforward amendment. It is entirely consistent with amendments that we have moved on numerous other occasions, and it will enable us to be informed as to the outcome of such a review.

The Hon. R.I. LUCAS: The government opposes the amendment. This amendment would require a full economic and social review into the effects of gaming machines in the state to be undertaken every 12 months. So it is not a one-off, but every 12 months there would be a full economic and social review.

In 2016, a report into gambling in South Australia was finalised by the Hon. Tim Anderson QC. The report was made public by the government in 2018 and progress has been made around the conclusions. The honourable member or someone earlier in this debate, perhaps earlier this morning, has already made a commitment to progress a proposal to establish a select committee to look at online gambling as well. For those reasons and many, many others, the government opposes this amendment.

The Hon. C.M. SCRIVEN: As mentioned by the Treasurer and has been mentioned elsewhere in this debate, one of the agreements that the government has provided to the opposition is for a select committee to look at online gaming and sports betting. In his contribution earlier in this debate, the Hon. Frank Pangallo talked about online gambling starting to become the preferred mode of gambling.

He talked about more frequent betting by those who bet online and that those who bet online are more likely to be at-risk gamblers. With that in mind, rather than spending money every year on a review of poker machines or gaming machines, it seems more appropriate to address the emerging and rising risks and problems of gambling, specifically, at this point in time, the rise of online gambling and sports betting. As a result, we will not be supporting this amendment.

The Hon. T.A. FRANKS: It will come as no surprise that the Greens will support this amendment. It may come as a surprise to some in the chamber that I suspect it would depend on which Premier we had what this report might look like. Indeed, in the words of a former premier, Lynn Arnold, in the last 12 or so hours:

I am appalled—

posts on Facebook the former premier Lynn Arnold—

that our state parliament should have passed these amendments to what was already a very bad piece of legislation…'Hear, hear' [I say to] Mark Parnell, I fully agree with your comments! During my time in state parliament—

goes on the former premier Lynn Arnold—

I crossed the floor when pokies were first introduced, and have not resiled in my opposition to them since.

I fear that we will never see a Premier again allowed to express their conscience in this place on poker machines. I certainly do not believe we are going to see a Premier required by either the Liberal or the Labor parties of this place to actually be called to account by the parliament for their position, which is in lock step, on poker machines and their harm.

The committee divided on the new clause:

Ayes................5
Noes................15
Majority............10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.
Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

New clause thus negatived.

Clause 62 passed.

New clause 62A.

The Hon. C. BONAROS: I move:

Amendment No 12 [Bonaros–1]—

Page 36, after line 20—After clause 62 insert:

62A—Limitations on advertising of gambling activities

(1) A gambling provider must not authorise, cause or permit the publication of gambling advertising that is aimed at inducing a minor to gamble.

Maximum penalty: $35,000.

(2) A gambling provider must not authorise, cause or permit the publication of gambling advertising unless—

(a) the advertising contains a mandatory warning message of a kind prescribed in the relevant advertising code of practice; and

(b) if the mandatory warning message is contained in gambling advertising with audible content—the minimum duration of the mandatory warning message is not less than 30% of the total duration of the audible content of the advertisement; and

(c) if the mandatory warning message is contained in gambling advertising with visual content—the size and type of the mandatory warning message is not less than 30% of the total size of the visual content of the advertisement.

Maximum penalty: $35,000.

This amendment seeks to include a new clause after clause 62 that relates specifically to the limitations on the advertising of gambling activities targeted at minors. If I was gobsmacked before, then I am absolutely speechless on this one, because now we are not dealing with adults: we are dealing with minors. We are dealing with children.

We have a pretty healthy record in this place of doing our utmost to protect children in every single instance where they are vulnerable. We have done it time and time again. I have passed a bill in this place with the support of the government and the opposition that ensures our children are protected to the utmost level under our laws. That is precisely what this amendment seeks to do when it comes to gambling advertising that is directed specifically at minors.

It is directed at those people who are under 18, those children who manage sometimes to make their ways into venues—and there are plenty of instances of those—those children who manage to be influenced by advertising that is directly aimed at enticing them to take part in an activity that is clearly illegal, which is underage gambling.

The new insertion provides that a gambling provider must not authorise, cause or permit the publication of gambling advertising that is aimed at inducing a minor to gamble. The maximum

penalty here is again $35,000, which is reflective of the maximum penalties that apply under the Gaming Machines Act for the more severe type of offending. If this is not the most severe type of offending, then I do not know what is. The new clause provides:

> (2) A gambling provider must not authorise, cause or permit the publication of gambling advertising unless—
>
> (a) the advertising contains a mandatory warning message of a kind prescribed in the relevant advertising code of practice; and
>
> (b) if the mandatory warning message is contained in gambling advertising with audible content—the minimum duration of the mandatory warning message is not less than 30% of the total duration of the audible content of the advertisement; and
>
> (c) if the mandatory warning message is contained in gambling advertising with visual content—the size and type of the mandatory warning message is not less than 30% of the total size of the visual content of the advertisement.
>
> Maximum penalty: $35,000.

I am expecting the Treasurer is going to say that advertising is covered in the codes of practice, but this provision seeks to make it explicit in the body of the legislation that any advertising material on gambling activities that is aimed at inducing a minor will be the subject of the highest level of penalty that applies under this legislation.

The Hon. R.I. LUCAS: This is just too good an offering. We will see whether or not the honourable member keeps her word. She has promised that, if the government opposes this, she will be speechless. She will be judged in accordance with whether she keeps that particular promise or not. I am pleased to say the government will not be supporting this amendment. We will look forward to the honourable member being speechless.

The government's advice is that currently in the codes of practice there are already provisions relating to advertising in the offering of inducements, which cover everybody, including minors, so the provision is not just limited to minors. It is therefore not necessary for them to be replicated in the bill.

The government accepts the need as outlined by the honourable member, but, contrary to the impression sought to be given by the honourable member that this is in some way an additional protection for minors in relation to the offering of inducements, the advice is that this is already covered under the current codes of practice. It includes all people and not just minors, but certainly it does include minors already.

The Hon. T.A. FRANKS: Obviously, the Greens will support this amendment. I note that there are companies out there that have advertisements that include such things as fairytale characters; fluffy kittens; small, cute rhinoceroses and turtles in pastel colours; something called 'Fluffy Favourites', packed with pink elephants and happy hippos and dinky dragons. These marketing measures are the very thing that the Labor opposition say they are concerned about and say they are going to address. They have an opportunity here to support an amendment that will provide penalties not just for a blanket coverage but particularly for advertising that is 'aimed at inducing a minor to gamble'.

I hear time and time again from some in the community, 'What about the children?' I never thought I would say that in this place but, my goodness, what about the children? How about we stop and prohibit behaviours that are aimed at inducing children to gamble. What harm can that cause, supporting what I think 99 per cent of the community would expect us to be passing in this place?

The committee divided on the new clause:

Ayes................. 5
Noes 15
Majority 10

AYES

Bonaros, C. (teller)	Darley, J.A.	Franks, T.A.

AYES

Pangallo, F.	Parnell, M.C.	

NOES

Bourke, E.S.	Dawkins, J.S.L.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ngo, T.T.
Pnevmatikos, I.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

New clause thus negatived.

Remaining clauses (63 to 66), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (23:14): I move:

That this bill be now read third time.

Bill read a third time and passed.

LOTTERIES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2019.)

The Hon. R.I. LUCAS (Treasurer) (23:16): I thank anyone who gave a contribution, whenever it was.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (23:18): I move:

That this bill be now read third time.

Bill read a third time and passed.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 November 2019.)

The Hon. C. BONAROS (23:19): I rise to speak on the Statutes Amendment (Gambling Regulation) Bill 2019, and I start with three facts. The first is that more than one person dies each day in Australia as a result of gambling addiction—one a day. If you are horrified by the fact that one woman is killed each week by a partner or someone they know, then I do not know how for the love of God you could not be horrified by that statistic.

Fact 2: the Liberal Marshall government and their convenient bedfellows, the Labor opposition, have come to an arrangement that is resulting in these changes to poker machine laws being put through this place in the last weeks of parliament, totally ignoring their own processes in a blatant and callous bid to prop up the poker machine lobby with zero consideration for the impact

these measures will have on our community. In relation to that position I ask where is the moral compass for both major parties in this debate? I for one could not sleep at night passing not only the measures we have just passed, or opposed, under the previous bill but perhaps, worse still, the ones that are due to be debated next.

Fact 3: this week's debate on poker machines can be described as a Claytons' debate at best. To borrow from a number of my colleagues, perhaps if note acceptors on poker machines were depicted as vaginas and involved the sexual and reproductive rights of women, we would have a conscience vote on the government's pathetic poker machine laws due to be pushed through this place in the cosy deal that has been done between the government and the opposition. I ask again: where is the moral compass? I know that I have stood in this place time and time again and have been lectured to about my moral compass and the importance of issues of social conscience, so I ask the question: where is the moral compass? Where is the social conscience? Where is the conscience vote on this issue that impacts our most vulnerable members in our communities?

More than one death a day is the direct result of gambling addiction. That is not my quote but that is a fact. Let me repeat for the benefit of the opposition and the Acting Leader of the Opposition, who was absent during my contribution on the last bill, that the opposition's contribution on this bill in this chamber is a reflection not only of the deal done but the lack of courtesy and respect shown to the crossbench, and, more importantly, every single family member impacted by problem gambling and by poker machines. It has been abysmal, and, with the harm they wreak on our communities, it is a complete and utter disgrace.

The next time any member in this place, particularly of the opposition, chooses to stand up in this place, as the Acting Leader of the Opposition has done previously, and accuse me or my colleague of blind ideology when it comes to issues that relate to her party's platform, I will be more than happy to remind her of the complete disregard shown by the opposition as a whole on this social issue.

Next time the opposition comes into this place spruiking the union-backed rhetoric I will have one thing to say to them, and that is: take note of your own hypocrisy. One hundred and thirty one words: that is the importance the Acting Leader of the Opposition afforded gambling addiction in this debate during the second reading speech—131 words. You can say a lot in 131 words, but I have read them very carefully and there was zero substance—absolutely zero substance—to those 131 words.

The opposition could not even fake some concern for problem gambling such is the disdain with which they have approached this issue. They spoke fewer than 600 words in total on the entire reform package during the second reading debate. That is what the opposition has chosen to do in this debate. I for one will take great pleasure in sharing on their behalf the contribution made in this place with every group who has even the slightest interest in social conscience issues—every single one. I will gladly post those speeches and ensure that they know the level of respect and courtesy shown to problem gamblers in this jurisdiction during the second reading debate of this bill and the previous bill.

We all have our platform issues, key issues that saw us elected to this place in the first instance. The crossbench has never stood in the way of those debates. I fully acknowledge that the Treasurer has given us ample opportunity in this place to make our views well known, but the fact remains that we have been put in a position where we are debating this bill without having had the opportunity to prepare for it as we would any other piece of legislation that we would be debating.

I would like to remind the opposition that the other week, when I filed an amendment on the Monday of the sitting week dealing with labour hire legislation, a key platform issue for the opposition, the Hon. Ian Hunter, at our Monday whips meeting, indicated that the opposition would not be in a position to deal with that bill despite the fact that it was a minor amendment. Why? Because he was following convention and process, something that has been completely undermined and ignored during this debate when it comes to preparation, when it comes to filing amendments, when it comes to having adequate time to deal with the substance of the bill and with the amendments.

I reflect again that on Monday it was made very clear to us that irrespective of whether your amendments are filed—and I note again for the record, for the benefit of anyone who was not here,

that the minute this bill was made available to us we trotted off to parliamentary counsel and started the process of drafting amendments. We run our offices on the smell of an oily rag. We have done nothing but deal with gambling in every spare minute we have had over the last three weeks to ensure that we could have a measured debate on this issue.

But it does not matter what efforts we put into a measured debate because, as has been reflected, up until this point of this package of amendments every single amendment we have proposed so far, every single issue we have raised so far has been opposed by the opposition and by the government. I can almost accept the government's position but the slap in the face from the opposition is incomprehensible and it is something that I will certainly remember for a very long time in this place.

Sitting across the floor and allowing us to speak for hours on end in an attempt to allow us to prepare for this debate does not mean that you have followed process. In fact, in the last couple of weeks we have done a pretty good job in this place of completely and utterly ignoring process convention that would normally apply. As I said, we on this side already operate on the smell of an oily rag. We may have the same staff members as the government—as the opposition certainly—but we do not have the same numbers. We do not have the benefit of splitting portfolios amongst all our colleagues. We deal with everything, and the opposition is acutely aware that the last week of debate in this place was taken up entirely by land tax.

That is what we were trying to deal with but, at the same time, in every spare minute we spent our time on these gambling bills in an effort to bring some meaningful amendments to this place, which ought to have been supported in the previous bill and which ought to, at the very least, be considered based on their merits in this bill, but we know that will not happen because the last bill was a reflection of that.

We just voted against the amendments that deal with advertising aimed directly at minors. We voted against amendments that deal specifically with barring orders where somebody has a barring order in place because they have a gambling addiction, and we are about to do it now in relation to note acceptors, in relation to EFTPOS, in relation to ATMs, in relation to facial recognition—

An honourable member interjecting:

The Hon. C. BONAROS: I think note acceptors are part of this bill. I think facial recognition is part of this bill, and note acceptors, and they will be the focus of my speech. One dollar maximum bets will be the focus of my speech—a number of matters will be the focus of my speech.

Just on yesterday, I, like other honourable members, am extremely grateful to everybody who spoke in an effort to allow us to prepare for this debate in the time available, despite the fact that on Monday we had not been listed to speak, despite the fact that on Monday we had indicated when we would like to speak and that we had amendments coming, and all of that was ignored. I am particularly grateful to my colleague the Hon. Frank Pangallo for his marathon effort yesterday that enabled me to sit here and sift through all the data I have before me to be prepared for this debate to the best of my ability in the time available to us.

The biggest concern I have with the bill before us is in relation to the introduction of note acceptors for the first time in this jurisdiction and the dumping of the social effects test. What upsets me in the cosy deal that has been done between the government and the opposition is the overwhelming support of the bill by them that will see note acceptors introduced into this state. The AHA, Clubs SA and the Casino must be absolutely rubbing their hands with glee because they get to turbocharge the poker machine industry in this state and wash their hands of the harm these machines cause. That is an absolutely shocking outcome that we should all be absolutely afraid of.

Australians are world beaters at gambling. In fact, Australia is the biggest gambling nation on earth, losing more than $24 billion a year. We have 20 per cent of the world's poker machines, yet only 0.3 per cent of the world's population. We lose more at gambling than any other population in the world, with $1,000 in per capita losses mostly because of the prevalence and ferocious hunger of poker machines.

Coincidentally, the 35th edition of the national gambling statistics were published the other day and the results of those statistics should shock all of us. They indicate that an astounding $24.887 million was lost by Australians gambling in the year 2017-18. Gambling has grown across the board, from poker machines through to sports betting, draining money from Australian communities. Poker machine losses accounted for over half the total national gambling losses, with $12,520 billion in losses—over half. South Australia contributed $682,252 million to that total.

Some 200,000 machines later, poker machines are the biggest driver of the nation's gambling industry. That has come at a very expensive cost because about one in six Australians who plays regularly has a serious addiction and loses on average about $21,000 a year, according to government data. The social cost of gambling to the community is estimated to be at least $4.7 billion a year.

According to the government's own statistics, stats that the Treasurer dismissed as not having to be accepted by the government during question time a few weeks ago, $11,000 more is lost on poker machines today than when poker machine numbers ballooned 17 years ago. The number of problem gamblers has almost doubled over the past 14 years. When I quoted these figures recently on radio, Ian Horne, who has referred to this legislation as 'our legislation', not the government's legislation but 'our legislation', was quick to call in and tell me I was wrong. He was not even willing to accept government statistics on gambling. Not my statistics, not Professor O'Neil's statistics: these were government statistics. These were statistics that this government, this government's agencies, have come up with. Why? Because it did not suit what Ian Horne called 'our legislation'.

Poker machines, the crystal meth of gambling, are in the vast majority of the state's pubs and clubs, housed in over 500 venues in this jurisdiction, with more than 12,000 machines still taking money from South Australians. That is an average of nine poker machines per 1,000 South Australian adults. They are concentrated in the state's most disadvantaged areas, with South Australians losing more than $682 million in 2016-17.

This is the environment in which the government and the opposition have hatched their deal, the very same environment and the very same communities that they profess to support on so many social and welfare fronts: housing, poverty, cost of living, government payments like Newstart; the list goes on and on. These are the very same people who stand to be hardest hit by what is being debated here today with zero consideration or sympathy for those addicted to these insidious machines, machines and measures that are deliberately targeted towards our most vulnerable citizens, while at the same time propping up poker machine barons. In that regard, the policy intent of this piece of legislation speaks for itself.

According to *The Economist*, Australian gambling losses of $1,068 per adult in 2017 were 40 per cent higher than in the next highest country (Singapore), more than twice as high as in the United States, about three times the level of the United Kingdom, more than four times that in Germany and France, and 30 times as large as those in Ireland. What a world title we have—something to be proud of.

The reason why Australians became the world's biggest gamblers during the 1990s was, of course, the expansion of gambling, a deliberate government policy choice. It was the Bannon Labor government that introduced poker machines in this state and the Marshall Liberal government that seeks to turbocharge them with the measures contained in these bills. In fact, we need to go back to that time because when the Labor Party first proposed, through the private member's bill of Frank Blevins, to introduce note acceptors, I understand, according to *Hansard* dated 4 September 2010 the contribution of the Hon. Iain Evans was:

> …we all remember the great drama of Mario Feleppa being chased down a corridor by premier Bannon and others to get that last vote to get it through the upper house. One of the arguments given was that the hotel industry was struggling and this would be a boon to the industry.

Well, what a boon it has been for them ever since on the back of the most vulnerable and disadvantaged in our communities. We are ridiculed the world over for our position on gambling and poker machines. Poker machines in Australia have been likened to guns in America—governments

will not give them up. Annual poker machines losses are around $12 billion and account for half the total losses across the nation.

Australia was not a highly ranked gambling nation in the 1970s. There was betting at racetracks, at government-owned TABs and on lotteries. Sports betting was illegal, and although there were poker machines in clubs in New South Wales and the ACT they were unsophisticated contraptions that could only be played with small coins. Even the first casinos in regional centres were poker machine free.

During the 1980s and early 1990s, state governments became cash strapped because of the abolition of various taxes, including death and gift duties, and burgeoning demands on health, education and community services. With the exception of resource-rich Western Australia, where poker machines continue to be confined to the casino, governments turned to poker machines to help resolve the revenue shortfall. Poker machines were introduced into pubs and clubs not in response to public pressure but in spite of it. In Victoria, Tasmania and South Australia, the policy change was opposed by a majority of the population. Their governments pressed on regardless.

The new licensed machines were not the 'one-armed bandits' featured in New South Wales clubs since the 1950s. In one of the most life-destroying design innovations in Australian history, local gambling company Aristocrat Leisure's cross-disciplinary team of researchers, whose expertise included neuroscience and behavioural psychology, developed electronic machines with features specifically designed to keep people at them, playing longer and faster.

Stimulating the release of the neurotransmitter, dopamine, in a manner that brain imaging has shown is similar to what occurs with cocaine use, proved to be central to the inherently addictive nature that Aristocrat Leisure founder, Len Ainsworth, memorably described as a 'mouse trap'. The name given to the invention was 'electronic gaming machines' (EGMs), thus rebranding high-intensity poker machine gambling as a game.

The proliferation of poker machines that subsequently occurred in Australia was unique in the world. By the turn of the century, there were around 200,000 poker machines across the nation—around 18 per cent of all the poker machines on the face of the earth. Even more remarkably, as an Australia Institute report found in 2017, a country with just 0.3 per cent of the world's population had 76 per cent of the world's poker machines outside of gambling-only venues.

Today, the rapid growth of sports betting has led to gambling losses of more than $1 billion dollars a year. Annual pokies losses are over $12 billion and account for half the total losses across the nation. In New South Wales and Victoria, each poker machine gambler loses an average of about $3,500 a year in pubs and clubs alone—nearly three times the average $1,245 spent annually on electricity and gas, the repercussions of which dominate political debate. The irony is astounding.

Why did the evidence of social harm that led governments overseas to limit EGM proliferation not lead to similar action in Australia? The answer is simple: it is because they are conflicted by the tax revenue that they reap. A more important factor in sustaining the status quo has been the political power of the gambling industry. I fully accept that the Treasurer does not accept my views on this, but the poker machine licence holders have almost no commercial risk. The only serious threat to their profitable business model is policy reform.

This reality, and this reality alone, has ensured that the industry has become an active participant in our democratic process, and we saw that at the last election. I again remind members that Ian Horne has referred to these bills as 'our legislation'. The government and the opposition have given AHA SA, Club Safe and the Casino a very special Christmas gift indeed, and they should absolutely hang their heads in shame.

They are unconcerned about this country's gold-medal losses, and do nothing as the gambling industry causes untold and preventable harm to millions of our most disadvantaged citizens, their families and communities. For their sake and the good of our democracy, it is time for the political power of the industry to be confronted head on and for Australia's 30-year experiment—because that is what it has been: an experiment—in radical gambling liberalisation to be brought to an end. But that is not what we are doing. Instead, we are going into superdrive with these bills.

I am going to reflect on the dark side of poker machine addiction—the stories that end with suicide, the stories that I have had to sit through and listen to in that regard because, as I said at the outset, it is estimated that there are 400 Australians with gambling-related problems who take their lives each and every year.

I am going to reflect on two such stories. The first is Anthony Neave, who lost his wife, Chieu, to poker machine addiction. Mr Neave met his future wife, Chieu, as a student at Woodville High School in Adelaide's north-west in the 1990s. As a child, Chieu arrived in Australia after her parents stole a boat to flee from war-torn Vietnam. The hardworking migrants worked at various jobs, including stints in a linen factory, to make a life for themselves in their adopted homeland. As a teenager, Chieu had a passion for R&B music, including boy band New Kids on the Block.

Anthony and Chieu started dating after school when they were about 18 or 19. They were married on 6 September 1998 and had a son the following year. In November 2014, the pair separated, with Anthony and Kae, their son, leaving the family home. Almost a year later to the day, on 8 November 2015, Chieu took her own life. Mr Neave believes it was his wife's addiction to poker machines that triggered a pattern of behaviour that ultimately led to her death.

During happier times, Anthony and Chieu would enjoy daytrips around SA. They would head to the Barossa Valley, the Adelaide Hills and Victor Harbor. One year, they took an impromptu trip to Tasmania, where they sought to see as much as possible in four days with a map and a hire car. Anthony describes his wife as a very outgoing person and always the life of the party. He said she was a beautiful person inside and out. Poker machine addiction, like any addiction, changes people. Chieu began to lie, steal and cheat to support her habit. She was a poker machine addict. She played poker machines for many years before taking her own life and she kept the addiction hidden very well.

After her death, Mr Neave discovered a raft of transactions, some unauthorised, on both Chieu's debit card and her mum's credit card. Chieu lost $55,000 in the last four months of her life. Mr Neave said that Chieu would go to these venues and be given $200 four or five times a session—upwards of $1,000 a session, in most cases. The question has to be asked: why did the venue she attended not exercise their duties in responsible gambling and prevent her from gambling and speak to her about her addiction?

One of the venues she frequented is now the subject of criminal action in the Magistrates Court. The matter involving the Mansfield hotel has yet to be—

The Hon. F. Pangallo: Yes, it is. They pleaded guilty today and were fined a paltry amount.

The Hon. C. BONAROS: There we go. There is the update from my colleague. They have pleaded guilty in relation to their actions concerning—

The Hon. F. Pangallo: And no conviction.

The Hon. C. BONAROS: —Chieu's gambling and no conviction has been recorded. Mr Neave wanted the former coroner to investigate the impact that EGMs have had on people as they take their lives. He said bank statements showed there is financial behaviour that indicated that 'pokies were one of the main reasons, if not the main reason, Chieu took her own life'. The tragedy is that there was no inquest, and I think Mr Neave asks himself each and every day, as do many people: what will it take for a thorough investigation to be undertaken into the link between gambling addiction and suicide?

Further, the Coroner's office has stated that records are not kept of gambling-related deaths. Why not? It is estimated that more than one person a day, as I said, takes their life as a result of gambling addiction and this is not something we talk about. It is underreported. It is not investigated. It is not reported, and that is something that needs to change in this debate.

I also want to tell honourable members about Katherine Natt. Katherine Michelle Natt, 24, died in hospital in 2006 a few days after taking an overdose of paracetamol. In that instance, there was a coronial inquest. It was a coronial inquest that I was involved in together with my former employer, and we advocated on behalf of Katherine's family and represented them—her mother—during that coronial inquest.

The Coroner's Court heard she had struggled for four years with a poker machine addiction. It started after she began work at the Adelaide Casino when she was 18. Her father, Edward Strudwick, told the court he understood many employees worked at the Casino because it prevented them from gambling there, but he said many, including his daughter, would still gamble at other venues after work. He said his daughter did not reveal the extent of her problem to the family, and he wished that she had been offered help. He said his daughter accumulated a debt of more than $100,000.

In a statement to the media, Casino owner SkyCity said it provides rigorous training for its staff to recognise and deal with problem gamblers and has a confidential counselling service for all employees. The company said Ms Natt was a wonderful employee who was loved by many staff and her death was a tragedy. I quote the Coroner's all too brief report into Katherine Natt's death:

> Sometime late on Monday, 31 July 2006 or in the early hours of the following morning, Katherine Natt consumed a large amount of paracetamol. At or about the same time she wrote a note in her journal which might be described as a suicide note. It says in part:
>
> > 'I ruined my marriage with my pokie addiction and then it affected my Dad finacilly when he had to bail me out off my me$$ that I had gotten myself into. but it was too late my pokie addiction was too big I couldn't stop. I CAN'T STOP! but what finally did it was when it took away something I wasn't sure I would ever get back. Because I was so so so far in debt I couldn't quit my job to try and find a job with 9-5 hrs because I couldn't afford to take a pay cut so if I fight for Taneeshka I'm scared I'll loose. But if I say yes what happens in 5-6 years will he let me have her back, will she want to come back.'
>
> Katherine did not disclose her consumption of paracetamol to her partner, Mr Kane Nitschke. She was admitted to Flinders Medical Centre two days later and died on 5 August 2006.

One of the most shocking parts of that inquest that we all sat through was to learn that when she was in that hospital and she had come to the realisation of what she had done, even if she wanted to reverse that decision, she was told by the doctors there was nothing they could do to save her. So she died a slow death and one that her family had to witness. The finding states:

> A post-mortem examination showed that death was the result of hepatic encephalopathy due to hepatic necrosis due to paracetamol toxicity—

Again, that is not something you can go to a hospital and be saved from. She sat in that hospital room and awaited her final outcome, as did her family. The finding continues:

> …Katherine's suicide note and the evidence taken at this Inquest show that she was addicted to gambling on poker machines as a result of which she suffered heavy financial losses and became concerned that she would lose the custody of one or both of her children. In consequence of these matters she took an overdose of paracetamol in what was clearly an act of suicide.

Katherine, as I said, was 24 years of age at her death. She was the mother of two young children, a daughter, aged six, and a son, aged 2½, and those children have grown up without their mother. The finding further states:

> It is clear that for several years prior to her death that Katherine was in a worsening financial position and was betting heavily on poker machines.

The finding states:

> With the…note in her journal Katherine left bank statements in her name covering the period from 24 June 2006 to 23 July 2006. The statement records withdrawals from an ATM at the Aberfoyle Hotel. The Aberfoyle Hub Tavern has an automated teller machine near the front door and alongside the gaming room. [During] the evening of 27 June 2006 Katherine withdrew a sum of $200 from the ATM at 1949 hours. She withdrew a further sum of $200 at 2020 hours, a further sum of $200 at 2035 hours and a further sum of $160 at 2035 hours, a total of $760. The account records that the same evening at 2012 hours Katherine transferred the sum of $760 into the account from her credit card.
>
> On 29 June 2006 Katherine withdrew sums of $200 from an ATM at the Lonsdale Hotel at 0406, 0412, 0413, 0427, 0427 [for a second transaction], 0438 and 0439, amounting to a total of $1,400.
>
> Also on 29 June 2006 Katherine withdrew sums of $200 from the Aberfoyle Hub Tavern at 0945 hours and 0946 hours respectively. A total of $400, making a grand total for 29 June 2006—

on one day—

of $1,800.

On 4 July 2006 Katherine withdrew the sums of $200 from the Aberfoyle Hub Tavern ATM at each of 2225, 2231, 2238, 2300 hours and a further withdrawal of $100 at 2300, making a total of $900. On the same night at 2257 hours she transferred the sum of $900 from her credit card into her savings account.

There is no direct evidence that Katherine spent the money withdrawn on these occasions from the ATM on the poker machines. However, having regard to the suicide note she left, the fact that the bank statement was left together with the suicide note, and the particular references in the evidence to Katherine's concerns at her growing indebtedness, [it was considered] reasonable to infer that the entirety of those monies was gambled on poker machines. There is no evidence as to whether Katherine had any winnings on the poker machines in return for those sums gambled.

Exhibit C14c contains a number of other bank statements which show other withdrawals from the ATM at the Aberfoyle Hub Tavern and also at the Strathmore Hotel on North Terrace, Adelaide.

A hotel that was widely regarded as a frequenting place for members of the staff of the Adelaide Casino. It continues:

Evidence taken at the Inquest indicated that Katherine was known to gamble on poker machines at the Strathmore Hotel. [She] was a full-time employee of the Skycity Adelaide Casino. She worked as a dealer on the table games. Under the terms of her employment with the Casino Katherine was not permitted to gamble in any way at the Casino, including by use of the poker machines.

The evidence showed that Katherine was a shift-worker and much of her work at the Casino was carried out during the night. She would often complete her shift in the early hours of the morning and, with other staff, would visit the Strathmore Hotel on the other side of North Terrace, Adelaide to wind down after a shift. Almost invariably Katherine would play the poker machines at the Strathmore Hotel.

Katherine was, as her suicide note suggests, assisted financially by her father. Indeed, [her] father, Mr…Strudwick, lent her $40,000 during her marriage. [He] said that after Katherine and [her husband's] relationship came to an end, she owed $16,000 on her credit card, $40,000 to him and between [her and her husband], a total indebtedness of over $100,000. He thought her share of the debt was about $60,000. He assumed responsibility for paying off the credit card amount of $16,000 and effectively assumed control of Katherine's income at that point. He agreed with Katherine that she would cancel her various credit cards, that he would assume responsibility for paying her utility and other expenses and that she would be given an amount of cash each week for petrol and other…expenses. [Her father] believed that Katherine had continued to draw money on the credit card while he was supporting her and that she was using those funds to continue with her habit of gambling on the poker machines…

A table of ATM withdrawals and [credit card transactions] between September 2005 and July 2006 for Katherine's Bank SA account shows that in this period she withdrew a total sum of $12,710 at hotels in the Southern suburbs. A table indicating ATM withdrawals and account [credit cards] between 2 March 2006 and 31 July 2006 for Katherine's CPS Credit Union account shows that in this period she withdrew $5,650 at various hotels…

Having regard to all of the evidence received at the Inquest, [the Coroner] concluded that Katherine's suicide was a direct result of her inability to cope with a poker machine addiction and the resulting financial consequences of that addiction including, particularly, her fear that the addiction may lead to her losing custody of her children. It is true that there was another stressor in her life at this time [because for the past] 3 months prior to her death, a wrist injury had kept her away from work and she was not earning any income. [That was said to only] heighten an already seriously adverse financial situation…

Counsel for Katherine's mother urged [the Coroner] to draw a link between Katherine's exposure to gambling as an employee of the Casino and her addiction to poker machines. [It was said that while] it is clear from material tendered by counsel for Katherine's mother that statistically persons employed in the gambling industry are more likely to have gambling problems than other members of the community, there is no…basis on which to conclude that there was a particular link between Katherine's employment at the Casino and her undoubted gambling addiction using poker machines. In particular, investigations were carried out with the Casino to determine whether Katherine had ever made use of the Employee Assistance Program counselling service provided by the Casino with a view to seeking assistance for her gambling addiction. She did not. While some of her co-workers at the Casino were undoubtedly aware of her gambling problem, there is nothing to suggest that senior managers at the Casino were ever made aware of this [in the Coroner's view] nor that Katherine ever raised the issue at a management level herself. Indeed, all the evidence suggests that Katherine was very secretive about her addiction and her problem.

For those reasons, the Coroner stated:

I decline to make any comment upon the relevance, if any, of Katherine's employment at the Casino to her gambling addiction.

He did note that two staff at the Casino knew about her gambling addiction, including her direct manager, and neither did anything about it. The only recommendation made by the Coroner was to refer the report to the Gillard government at the time—that was it. I have to say that it was the first

time I was completely and utterly disappointed with the outcome of a coronial inquest, particularly because it was the first one that ever shone a light on the issue of gambling addiction and suicide.

That is the effect of gambling addiction in this state: the people who are the collateral damage in the greed for poker machine revenue. What happened federally was that we came close to enacting new safeguards in 2010 when Andrew Wilkie agreed to support the minority Gillard government in return for stricter rules on poker machines, including allowing maximum $1 bets. It is against that backdrop that the Coroner referred the matter to the Gillard government. That is a discussion that I have had with the Coroner and I acknowledge the reasons why he did that, despite the disappointment that I have expressed tonight. I quote:

> After a campaign by club lobbyists branding the measures 'un-Australian', Gillard tore up the deal. And the election of the Coalition government killed [absolutely] any chance of reform.
>
> The [poker machine] lobby's influence compares to the power wielded by the National Rifle Association in the US, [according to] Tim Costello, Alliance for Gambling Reform spokesman. He said the states and the gaming industry have helped pokies 'to spread, particularly through the poorest postcodes, and it's a wilful blindness by the [state and] federal governments to say, 'well, who cares?'

Well, I care and I know a number of others in this place care. I do want to say this in relation to both of the individuals I have referred to, Chieu Neave and Katherine Natt, because I understand that these are very sensitive issues that involve family members and that involve kids who have grown up and who have to live with knowing what their mums have done.

The reality is, of course, that in every one of these situations, there is a mum, there is a dad, there is a brother, there are sisters, and there are children who have been left behind to pick up the pieces. That is what happens when 400 people a year, more than one a day, take their life as a result of a gambling addiction.

I am told that there is an unwritten rule in the media not to report widely on deaths that are the result of suicide. That stems from concerns around copycat suicides and, of course, privacy reasons. I am told that there are a number of reasons around those issues and why we do not report on the fact that one particular department store in the city is said to have had to install nets and sails to curb the incidence of gamblers leaving the Casino, walking over to Rundle Mall and getting access to one of the top floors in order to take their life as a result of their gambling addiction. These are the things we do not talk about when it comes to problem gambling. That is the dark side of poker machine addiction and problem gambling.

For us on this side of the crossbench, this is a very sad day for South Australia. For me, it is another growing example of greed, arrogance and hypocrisy. I was disappointed when the Attorney-General said that the proposal in relation to note acceptors in particular was simply bringing SA into line with other states, because we know that that completely undermines all the evidence around note acceptors.

As I said, the Attorney-General's own figures reveal that in the last financial year, $11,000 more was lost on each poker machine compared with when the number of those machines had ballooned in this jurisdiction 17 years ago. The number of problem gamblers, 85 per cent of whom play poker machines, has almost doubled over the past 14 years. Those figures cannot be ignored and they cannot be denied.

Let's turn now to the specific issue of note acceptors. I have said time and time again during this debate that I am yet to hear from one industry expert—not one—that supports the introduction of note acceptors in this jurisdiction. There is absolutely no question that the prohibition of note acceptors in this state has been the single most effective harm minimisation measure that we managed to implement in terms of reducing harm caused by poker machines. That is something that I attribute to my former employer, Nick Xenophon, during those debates. Since that time, we have managed to hold the line. We have managed to refrain from giving in to the pleas of the poker machine barons, to the benefit of our communities.

As Tim Costello, one of our most well-regarded advocates, has warned, other jurisdictions are now looking at backing away from note acceptors, not increasing their usage. Why? Because there is no credible evidence—zero—that supports their use as a harm minimisation measure. That is the backdrop against which the government and the opposition have agreed to pass this bill. That

is the backdrop against which the opposition has agreed to lend its support to the government to get these bills through.

Mark my words—in fact, you do not need to take my word for it because the statistics that I have referred to and the statistics that are provided to us each and every day reflect the fact that this situation that will see the introduction of note acceptors in this jurisdiction will mean that the damage caused by poker machines in South Australia is about to get a lot worse.

The Australian Institute yesterday published a paper, some new research, that indicates that South Australians, the people we represent, overwhelmingly reject allowing poker machines to accept notes. They have revealed that four in five South Australians (80 per cent) believe that allowing poker machines to accept notes will increase harm in the community. The key findings of the Australian Institute's report are these:

- Four in five South Australians believe allowing poker machines to accept notes would increase the level of harm that results from poker machine addiction.
- More than four in five South Australians (82%) either want poker machines to be restricted to accepting coins only or for the machines to be banned entirely.
- 41 per cent wanted machines restricted to accept coins only.
- 41 per cent wanted poker machines to be banned.
- Only 13 per cent of South Australians say that poker machines that accept any money should be permitted.

Allowing poker machines that accept any money was the least popular choice for men and women and all voting intentions, age groups and income groups.

According to Noah Schultz-Byard, Director of The Australia Institute SA, 'This research has shown that community opposition to the government's reforms is very strong.' He said:

> The Parliament is currently considering Government reforms which would allow poker machines to accept notes, but the level of opposition from the community is coming through loud and clear.
>
> Problem gambling does enormous harm to communities across Australia and allowing poker machines to accept notes is seen as a negative move by the vast majority of South Australians.
>
> South Australians are overwhelmingly convinced that these reforms will have a negative effect on the community.
>
> Only 13% of South Australians support the Government's plan while more than 40% want to see poker machines banned outright.

For the purposes of ensuring that the record reflects clearly the findings of the Australian Institute, I will highlight the method that was used by them to conduct a survey of South Australians between 1 and 13 November 2019 online through Dynata, post-weighted to reflect social demographics by age and gender in South Australia. Voting crosstabs show voting intentions for the lower house. Those who were undecided were asked which way they were leaning; these leanings are included in voting intention crosstabs, but results are also shown separately for undecideds. 'LNP' includes separate responses for Liberal and National. 'Other' includes Centre Alliance, Jacqui Lambie Network and Independent/Other.

I am going to turn now to the feedback I received today from the shadow treasurer regarding note acceptors, during a discussion in which he indicated that he had heard the arguments for note acceptors but not those against note acceptors, and that is why the opposition chose to support the measures. He was clear that support for note acceptors came about as a result of a push from industry to maintain their share of the gaming market. He said that note acceptors—this is not a direct quote, but they were words to this effect—would lead to an improvement in that regard. In other words, it would increase revenue share.

I do not know if the shadow treasurer has been living under a rock, but I think I made it clear during the course of this debate that the arguments against note acceptors have been made clear—not by me but by industry experts—for some time now. How it is that he has not heard the arguments against note acceptors simply beggars belief.

In fact, I am not sure it is even accurate because, according to the correspondence I read onto the record during the debate on the Gambling Administration Bill, Professor O'Neil addressed at least two letters, two items of correspondence, to the shadow treasurer, and they were annexed to the South Australian Centre for Economic Studies report on the Consideration of Proposed Harm Minimisation Measures South Australia 2019.

I am going to refer to those letters now, and I will only refer to those parts of the correspondence that I have not referred to during the previous debate and those parts that refer specifically to this debate. I quote:

Appendix A: Correspondence to the Hon. Stephen Mullighan MP (16 October 2019).

Stephen, I understand you recently met with Simon Schrapel and Mark Henley regarding the proposed reforms to gambling in SA. I would like to have attended. I would like to make several points that I believe require some considerable thought prior to any final decision on note acceptors.

The first is that research evidence points to high use by problem gamblers and at risk gambler of note acceptors and for that reason SA decision to not allow note acceptors was a smart decision. Note acceptors are also used to 'wash money' as they are a fast way of doing so. I have seen this in ACT clubs, a Vietnamese groups feeding $50 and $100 bills into a machine located in a very corner of a venue and operating several machines for more than an hour. There is a very big difference between using notes and using coins where the latter has the impact of slowing down rates of play and hence losses.

Not all states allow note acceptors. It is hardly a risk minimisation measure notwithstanding your proposal to establish facial recognition for exclusion about which I wrote some 6-8 years ago.

SA is alone [in] now allowing access to cash inside the actual gaming room (I can find nowhere else in the world where this is allowed and to put it bluntly that was an absolutely stupid decision initiated by [minister] Gail Gago, without any foundation, no evidence and without proper consultation. I note the current court case involving the Matthews Hotel Chain regarding an abuse of these arrangements), SA then allows access to EFTPOS in a venue with restrictions that are easily avoided, it allows ATMs in the Venue and ATMs may be located outside, but in immediate proximity to a venue. Put that all together and reflect on any statement that SA is engaged in harm minimisation. You don't have to bar access to cash but why not force removal of ATMs from gambling venues and close down access to cash inside a gaming area. Victoria has those arrangements.

You may not approve of the Commonwealth's cashless debt credit trial but here we have the C/W endeavouring to restrict funds for alcohol and gambling and we have the SA Government seemingly doing everything in its power to facilitate access to cash to gamble.

You apparently make the point that now EGMs are embedded in the community and venues requiring gambling money as the core element in their business model. While there is an element of truth in this statement, this is not a sound business model and entrenches many venues to promote gambling over and above their original purpose. The Labor Government's (Minister Rau) facilitation of small bars/small venues illustrates this point that many people desire a social environment without gambling and that trend will continue. As to why hotels and clubs should be shielded from competition by government I cannot fathom.

In the second of his letters, he states:

It is untenable to argue we are following other states in regard to land tax aggregation, note acceptors, facial recognition, EFTPOS etc., but we choose not to follow them on making public information that should be in the public domain.

I am also going to refer to an email that was sent to me by Shonica Guy, a Pokies Anonymous advocate, who helps individuals with poker machine addiction. She says to me that she and Stephanie Thompson met with Stephen Mullighan on Friday 1 December 2019 at 10.15am at his office. She asked about Labor's amendments to the government's latest gambling reform package. One of her questions was: had anyone with lived experience—an issue that we have debated tonight—been consulted about any of the amendments prior.

According to Shonica, Stephen Mullighan's response was that he consulted with his assistant and he pointed to him. He said, 'These are the resources I have. Him and the person at the front desk. There are three of us.' Stephen Mullighan's assistant said, 'None of my friends play the pokies. When we go out, none of them say, "See you; we are going to the pokies."'

I can fully comprehend why Shonica was frustrated that that was the response she received from the opposition while also accepting that the shadow treasurer does only have the staff that he referred to and does not have the resources of the government. But if we are going to support the government in their position on this and we are going to move amendments as part of that package,

then I think that what Shonica expected was a bit more detail around the arrangement that had been done and certainly a bit more detail around any consultation that had been done with people with lived experience in relation to gambling addiction.

I am going to speak about evidence in relation to removing note acceptors and look at some models and the results of those models outside of Australia and in Australia. I will start by referring to the Norwegian government, which banned note acceptors on EGMs. That resulted in a 16 per cent drop in the number of calls to the national problem gamblers helpline and a 24 per cent reduction in the number of people seeking help for problem gambling. In summary, in that jurisdiction, the gambling losses and gambling harm reduced significantly with the removal of note acceptors and the reductions in harm were sustained. They are one of the few jurisdictions to remove note acceptors.

In May 2013, the NT allowed up to $1,000 in any note denomination to be loaded onto poker machines. As a result, gambling in that jurisdiction increased by 24 per cent in the following year for venues with poker machines, and that reflects an increase in harm and financial loss for those with problem gambling issues.

The Productivity Commission obviously looked at this issue when it did both of its reports. It found that problem gamblers were much more likely to use note acceptors than any other gamblers, with about 62 per cent of problem gamblers using this feature often or always, compared with 22 per cent of non-problem gamblers. In 2019, the commission said that the amount of cash that players can feed into machines at any one time should be limited to $20, and this would not be compatible with note acceptors.

In relation to South Australia, the SA gambling prevalence study 2019 found that 85 per cent of people with a gambling problem in SA played the poker machines. That is nearly double the rate of any other form of gambling. Since 2012, there has been a reduction of 30 per cent in the number of people playing the poker machines in SA, but only a 9 per cent reduction in poker machine losses. This indicates that fewer people are playing the poker machines but that those who continue to play the poker machines lose more.

The situation is being echoed around the world. The proportion of revenue coming from people with gambling problems is rising and poker machines are taking even more money from people with an addiction. I refer also to another statement by Associate Professor Michael O'Neil regarding responsible gambling, terminology and behaviour that is ill-defined at the very least, and a summary of policy and practice. He stated:

> Responsible gambling, terminology and behaviour that is ill-defined at the very least refers to responsible individual behaviours with respect to consumption, responsible provision of gambling on the part of the provider and responsible regulation with the intent to do no harm on the part of government. Just as with the consumption of alcohol, the supply of alcohol in legislation related to alcohol, there are three parties involved. Responsible gambling cannot only refer to the individual.
>
> That note acceptors are not permitted in South Australia is a positive harm minimisation strategy. In jurisdictions where note acceptors are permitted, there are significant environmental differences to the situation that exists in South Australia. For example, ATMs are not permitted in the actual gaming venue. EFTPOS is not able to be accessed inside the gaming venue. Access to EFTPOS must involve a face-to-face transaction. In some jurisdictions a person can only access cash using a debit card.
>
> The situation in South Australia is that a person can access EFTPOS inside the actual gaming area, they can access EFTPOS in other parts of the venues and they can access an ATM inside the venue and access an ATM proximate to the venue. They can use either a debit or credit card. That is to say, access to cash is not constrained. Relatively easy access to cash withdrawals coupled with the proposal to allow note acceptors constitutes a package of measures that could not be better designed to increase harm.
>
> The attached table summarises harm minimisation measures that are in place in various jurisdictions, many of which have no evidence, no credible research to attest to their effectiveness. The distinguishing features about the table is that the most significant and most effective harm minimisation policy measures are those which have been introduced outside the control of venues. To allow note acceptors in the current environment in South Australia cannot in any way be claimed to be a harm minimisation measure.

The Treasurer may be surprised that I have highlighted a number of harm minimisation measures that we have often advocated for very strongly in this place, but I think it is important to note that we do so for very good reason, one I think the opposition has completely missed in this debate. When

they dismiss arguments about note acceptors they fail to appreciate that in order to be effective a number of these measures are reliant upon one another.

That is to say, for instance, you cannot expect barring to work by itself if it is not backed up by appropriate enforcement and compliance measures. You cannot expect electronic warning messages to work if they are not part of a coordinated precommitment system or other measures to identify problem gamblers in venues. You cannot expect ATM removals to work if you replace them with EFTPOS inside gaming rooms. You cannot expect facial recognition to work if you do not back it up with self-exclusion. The list goes on and on. There are some standalone measures that are effective on their own, and that is important to note because note acceptors is one of those measures, in fact, one of the single most effective if not the most effective measure we have ever had in this jurisdiction.

If you are going to tackle problem gambling on poker machines, then the last thing you do—the absolute last thing you do—is water down those harm minimisation measures altogether. During my briefing on Monday, I asked specifically: did the government inform itself of what the experience has been in other jurisdictions with regard to note acceptors? Did they consult? Did they seek input from anyone other than the poker machine lobby? The response in relation to whether note acceptors were consulted upon was no. In fact, at the round tables I referred to, note acceptors were not put on the table as one of the issues that was discussed at all.

The government then said at that briefing that after the round tables the government announced its position, the government announced its proposal, and at that point invited industry stakeholders to a consultation process in relation to note acceptors. But of course we do not know the outcome of that consultation process insofar as it relates to note acceptors.

We have not had the submissions made available to us but, worse still, all the stakeholders we have spoken to, many of whom are on the list that the government provided, have indicated that there has been a complete lack of any acknowledgement of the issues they have raised in relation to note acceptors, and not one of them has indicated their support for note acceptors.

I am going to refer to two articles specifically dealing with the issue of note acceptors. One from *The Canberra Times* in 2015 is entitled 'Move to allow $50 notes in Canberra poker machines withdrawn after revolt'. The article by Kirsten Lawson states:

> Facing a revolt from Greens Minister Shane Rattenbury and opposition from the Liberals, Chief Minister Andrew Barr has reversed the move to allow $50 notes in poker machines, backing down on the change made in the days before Christmas.
>
> Mr Barr announced the backdown at 6pm on Tuesday, one day after The Canberra Times revealed the change, and just hours after Mr Rattenbury told him he would move to overturn it on the next assembly sitting day.

Mr Barr said, and I quote:

> As a result of discussion within the community over the past few days, the government has decided to withdraw the regulation which allowed $50 note acceptors on electronic gaming machines in the ACT pending further work on practices in other states and implementation of cash input limits…

According to the article:

> Ms Burch made the change in the days before Christmas, lifting the note limit for poker machines from $20 bills to $50 bills, despite Mr Rattenbury's opposition. She did it quietly, without announcement, and without even informing Mr Rattenbury.
>
> Mr Rattenbury said Cabinet had not agreed to it, and the first he knew of it was when he read it in The Canberra Times on Monday.
>
> Mr Barr is also believed to have been taken by surprise on the timing and Ms Burch was called into his office on Tuesday. It appears cabinet had expected the $50 change to be introduced alongside a limit on the amount people could bet at a time, but that limit is yet to be worked out or introduced.
>
> Mr Barr's spokesman would neither confirm nor deny the scenario.

So in 2015 we have a scenario where in Canberra the revolt by the community and by the Liberals was so huge that almost effectively any move to increase the amount that could be pumped into a note acceptor was withdrawn.

> Mr Rattenbury told Mr Barr he would move to overturn the $50 limit in February when the assembly sits, leaving Mr Barr no choice but to withdraw it or face defeat in the assembly.

Now, wait for it, the article further states:

> Liberal Leader Jeremy Hanson also opposes the move, saying the case had not been made and he shared the concerns of anti-gambling groups.

He said:

> 'The way that this was done was sneaky. It was underhanded. It was deliberately aimed to implement a policy without any scrutiny…The manner in which this was done was underhanded and disgraceful by the Minister Joy Burch…Whichever way you look at it, this is a very bad start to Andrew Barr's administration.'

That was based on the fact that there was community revolt almost immediately overnight in response to an announcement to increase the amount that could be pumped into a note acceptor.

More recently, there have been examples overseas where the maximum amount permitted to be staked on betting terminals has been cut in the UK from £100 to £2 after the ministers ignored pleas from bookmakers and branded the machines a social blight. That change, which was subject to a parliamentary vote this year, was intended to reduce the government's tax take from the machines but would be paid for by an increase in duty applied to online gambling.

So they acknowledged the need to address note acceptors and also acknowledged in that jurisdiction the lack of contribution that had been made up until that point by the online gambling sector and sought to make up that difference through that means. The article states:

> These machines are a social blight and prey on some of the most vulnerable in society, and we are determined to put a stop to it and build a fairer society for all.

The sports minister, who led the review, said that the government had been particularly concerned by the consistently high rates of problem gamblers among players of these machines. Nearly 14 per cent of people who use FOBTs are problem gamblers, according to the gambling commission figures from 2016, higher than every other form of gambling—very similar to the situation right here in Australia and specifically South Australia.

In that jurisdiction, individual gamblers lost more than £1,000 on FOBTs on more than 233,000 occasions in a single 10-month period, while one user lost in excess of £13,700 in just seven hours. As part of that package, the government indicated that it would be implementing a number of measures designed to protect vulnerable people and the young. That included the use of spending limits for online gambling until companies had carried out affordability checks to ensure gamblers had enough money to even play in the first instance. That is something that certainly has never been contemplated here.

It also included TV adverts for gambling that would have to show responsible gambling messages for the entire duration while there was also to be a dedicated TV ad campaign targeting addiction. It also included that the age limit for the National Lottery, which could be played at 16, was to be reviewed, while online gambling firms would also be required to tighten up age checks. The Association of British Bookmakers, which campaigned against a state cut, said:

> This is a decision that will have far-reaching implications for betting shops on the high street…We expect over 4,000 shops to close and 21,000 colleagues to lose their jobs.

They did not have much regard for the issues that had been highlighted in relation to the losses that resulted from note acceptors in that jurisdiction but, much like the poker machine lobby in this jurisdiction, were more concerned about maintaining their market share that ultimately results in revenue.

I am going to move on from note acceptors to the issue of ATMs and EFTPOS. I will refer again to the report entitled Consideration of Proposed Harm Minimisation Measures South Australia 2019. I think on the first page, that report says:

> The previous Labor government put forward an amendment to the Gaming Machine Act 1992 to remove the prohibition on access to cash through EFTPOS facilities located within the gaming area of hotels and clubs. The South Australian Parliament approved that amendment…

It goes on to provide a comparison of all Australian jurisdictions when it comes to EFTPOS and ATM provisions in gambling venues. The report says—and I think this is something we all know:

> …South Australia is currently the only jurisdiction to permit, via EFTPOS facilities, access to cash in the actual gaming area of a hotel or club. The situation prior to this amendment…which is a clear summary of the intent of the public policy to minimise harm and protect consumers. The decision to enable gamblers to access cash in the actual gaming area runs counter to the efforts of all jurisdictions and regulators (including evidence and policy advice of the Productivity Commission and researchers) to restrict access to cash whether that involves ATMs, the cashing of cheques and restrictions on credit facilities. The South Australian Centre for Economic Studies based on a research of articles in gambling journals, gambling websites and websites of regulators cannot find one jurisdiction that permits access to cash or credit facilities located directly in a gaming area.

I acknowledge on that front the limitations that have been put on access to EFTPOS in venues, but the fact remains that we are the only jurisdiction, not only in Australia but most likely in the Western world, that has allowed access to EFTPOS of any amount in a gaming area. It was a retrograde step when it was implemented, and it is one that this government should have reversed. The report goes on to say:

> It is interesting to now reflect on that amendment with the current court case against the Matthews Hotel Group for allegedly breaching laws limiting cash withdrawals in hotels and clubs. Recall that gambling staff, managers and licensees are expected to monitor EFTPOS withdrawals (in ways unspecified) yet it was staff and a hotel manager in one of at least 40 transactions that did the alleged offending. Some eight charges of breaching the EFTPOS laws have been laid.
>
> Note further that the alleged offending was not detected by the Office of the Liquor and Gaming but rather the alleged offending came to the 'attention of Consumer and Business Services when a husband concerned about his wife's withdrawals reported the transactions.'
>
> The simple fact is that the frequency of transactions are not monitored, that the regulator is not in a position to monitor or prevent offending…
>
> Contrast this with the situation in Victoria where ATMs are not permitted in a venue that offers gaming, and VCGLR rules that provide that an EFTPOS device or ATM must not be accessible by any person (staff or gambler) within the gaming machine area of an approved gaming venue for the purposes of withdrawing cash.
>
> Other states have banned ATMs and EFTPOS in gaming venues outright. It is undesirable that South Australia stands alone as the worst jurisdiction in the ability to access cash in a gaming venue with which to gamble.

During the course of debate on this bill, I intend to refer at length, specifically when we get to my amendments, to the SAJC case regarding the social effect certificate test. This is a policy measure for which I have openly given the opposition lots of credit in recent years, because it was a good proposal and a good measure that finally saw some positive outcomes in this jurisdiction when it comes to the granting of poker machine licences.

I will not do so at this moment, but when we get to those provisions, I think it is important in the context of this debate to point to the evidence that was given on record by not only parties that are directly involved but also the experts who were called to give evidence in relation to the appropriateness (or otherwise) of the approval of that application.

I think that is a really important decision that we need to talk about in the context of this debate, not only in relation to the changes to the social effect certificate test but also in relation to the changes the government has indicated it will be pursuing regarding the transfer and amalgamation of licences, where there are small venues involved.

I have been involved in at least two matters regarding amalgamation. In the first case, which ended up before the courts, there were very good reasons as to why the application was rejected, both on the basis of the impact it would have in the community for which it was intended and also on the basis of the underlying contractual arrangements involved in that case. That case set a precedent for similar cases.

Despite the fact that there were challenges post that case, it was not until the SAJC decision that we had a precedent that had considered all of those previous cases, including the case involving the BH Club in Port Pirie, which I think I referred to yesterday. Whilst I acknowledge and accept the difficulties that these small clubs face in terms of their operation, the fact of the matter remains: that is the direct result of a failure of the training system that we have had in place. If anything, the social effect certificate test has improved outcomes in this jurisdiction in relation to applications for poker machine licences.

When we get to that part of the debate, I will certainly be seeking further information from the Treasurer regarding the level of consultation that took place specifically on the issue of amalgamation. I will ask him at that point to confirm which groups were consulted in relation to amalgamation, who provided any written submissions in relation to that, what the reasons were for supporting the introduction of that measure in this jurisdiction, and how that sits against the framework of the current legislation and the social effect test that we have in place?

I will also reflect on the evidence given, specifically during the SAJC case by Professor Paul Delfabbro, who not only covered issues concerning the appropriateness or otherwise of having that application approved but also, importantly, covered extensively the issue of EFTPOS facilities and ATM access in gaming areas.

I will also refer to the evidence of Nick Xenophon, who provided written submissions and was involved in that case. I will also refer specifically to the evidence provided by Dr Livingstone in relation to all the similar issues that I have just outlined, and his particular area of expertise, but I will save those comments for when we get to the actual provisions relating to the social effect certificate and also to the amalgamation proposal that the government has referred to.

At that point, I will also canvass—perhaps I will do it when we are dealing with the amendments—the amendments that have been proposed in relation to $1 maximum bets and $500 maximum jackpots and the impact they can have in the harm minimisation setting.

Before I finish—do not get nervous—there are some questions that I will refer to the Treasurer and the Acting Leader of the Opposition in relation to the $100 limits that have been proposed and accepted by the government; that is, legislating the $100 limit on the amount of credit that a player can add to a gaming machine, down from $1,000. That is a measure that we support, Mr Treasurer. It would be the lowest in the nation, along with Queensland.

My specific question in relation to those measures is on the interplay that they have with any application made under the Gambling Regulation—Systems Criteria—Prescription (General) Variation Notice 2019. I am happy to deal with that further when we get to those particular provisions. I think it is important that we canvass that, not because we do not support these amendments—we think these are good amendments—but because I want to be certain that there is no inconsistency between those new limits and the ability for clubs and hotels to apply for increases to their cashless spending, as was done by the Casino. Again, we will canvass those further when we actually get to the amendments in question.

Perhaps to the surprise of many honourable members, everything else that I intend to speak to relates directly to either amendments that have been proposed by the opposition or amendments that we are proposing and, as such, I will speak to those amendments and those proposals during the course of this debate.

In closing, I reiterate for the record our disappointment with the approach that has been taken with respect to these bills and our disappointment with the arrangement that has been reached between the government and the opposition to the exclusion of the crossbench, in fact when it was too late for us to add anything to that debate that was likely to result in any meaningful change in this chamber. As we know, that deal was signed off well and truly in advance of when we were able to make a contribution.

Mr Acting President, I do not want to shock you, given the hour, but I have indicated that I will speak to the rest of the matters as the amendments and as the clauses come up for debate. With those words, I indicate that we will not be supporting this piece of legislation, but we will certainly be moving a number of amendments all aimed at improving what can only be described as a dud deal struck between the government and the opposition.

The ACTING PRESIDENT (Hon. D.G.E. Hood): The Hon. Mr Pangallo, do you wish to make a contribution?

The Hon. F. PANGALLO (01:02): Yes, thank you very much, Mr Acting President—and I will not be cruel by calling a quorum for members to be here.

The Hon. R.I. Lucas: I'm listening.

The Hon. F. PANGALLO: Good. I am glad you are, and we have the Hon. Mr Darley here and the Hon. Emily Bourke.

The Hon. R.I. Lucas: Mr Darley's here.

The Hon. F. PANGALLO: Yes, he is, and I thank him again for showing support. I am going to be short and succinct.

Members interjecting:

The ACTING PRESIDENT (Hon. D.G.E. Hood): The Hon. Mr Pangallo has the call.

The Hon. F. PANGALLO: Thank you. I can soak up some time if you like, Mr Acting President and Treasurer. I am going to be short and succinct. The people of South Australia should be alarmed that when it comes to grubby donations from filthy rich gambling lobby groups, like the Australian Hotels Association—the pokie barons—and the Casino, the Marshall Liberal government and the Peter Malinauskas-led ALP have absolutely zero moral or social compass.

I think every member of those parties should hang their heads in shame tonight that they have let down some of the most vulnerable people in our community, that they do not care about the social destruction of the most vulnerable people in the state. Governments and elected members have a duty of care to ensure the welfare of each citizen they represent and to be model legislators. They have failed miserably on all counts. In saying that, we obviously will be opposing this bill.

The Hon. T.A. FRANKS (01:04): I rise to indicate the Greens' position on the Statutes Amendment (Gambling Regulation) Bill 2019. This bill allows banknote acceptors to be fitted to gaming machines in clubs and hotels and automated table game equipment in the Casino, originally with the consequent regulations to prescribe restrictions on the denomination of the banknotes and the amount of money that could be inserted by a player. But I note that there are Labor amendments in the other place that have put that into the act rather than by regulation.

It also allows sporting and community clubs that hold a gaming machine licence to merge together or transfer gaming machines more easily. It requires unclaimed winnings on gaming machines to be paid into the Gamblers Rehabilitation Fund. It expands the scope of that fund to include public education, treatment and counselling programs, as well as gambling research.

It replaces the current social effect inquiry process with a new community impact and public interest test better aligned with liquor licensing requirements. It imposes a fixed maximum number of gaming machines to operate in South Australia. It enables the amount of money a person can obtain on any one card within 24 hours when using EFTPOS facilities in a gaming machine venue to be regulated.

With regard to those Labor amendments, which were passed in the House of Assembly some three weeks ago, it sets that legislated maximum at a $50 note denomination for the note acceptors. It also ensures that gaming machines cannot be operated on Christmas Day and Good Friday. It inserts a statement of parliamentary intention to reduce the gaming machine numbers.

It allows amalgamated clubs to hold a maximum of 60 gaming machines. It limits cash facilities and transactions to a daily limit of $250 technically, although there is some dispute whether or not that limit in practical effect would apply. Where a gaming facility has 30 or more machines that accept banknotes those particular places with the note acceptors must then operate a facial recognition scheme.

It also enables the ability for the commissioner to approve facial recognition systems and provides provisions for the regulation of those facial recognition systems. But I note there is scant detail on that in the act and that is all to be done over a 12-month process entirely through regulations. I note that the ALP has no conscience vote on this matter, although both parties have in the past had conscience votes on these matters, and the Libs indeed. The Liberal Party more recently has been very proud of exercising their conscience vote on all issues, certainly in most recent debates.

But this time, I understand, through a joint party room decision, the Liberal Party has no conscience vote. Indeed, seemingly there is little consciousness left either, with a mind-numbingly scant 133 words and 397-word speech to these companion bills. The opposition speeches are bland to the point—speeches, plural, being the only member prepared to come into this place, the single Labor member who spoke to either of these bills—of being a word blancmange, bereft of any substance or structure and certainly with no detail about how their Labor amendments made in the other place would actually minimise gambling harm.

That is not to say that the amendments cannot be put to that purpose but in the final wash-up there is no guarantee that those much heralded safeguards that Labor has apparently secured do anything other than actually salvage the remnants of their dignity or their decency on this issue. Indeed, the opposition benches should look more to their predecessors such as the former premier Lyn Arnold for an example on conscience and consciousness in this debate.

At this point, I particularly wish to point and turn to facial recognition technology, something that has been heralded by the shadow treasurer as some sort of silver bullet, a panacea. In exchange for accepting the banknote acceptors, the Labor Party has saved the day with the Trojan Horse, I would say, of facial recognition technology. Privacy concerns aside—and there are many privacy concerns when it comes to this technology, but that debate is for another day—casinos and gaming rooms are already subject to expensive security CCTV and the like. In that respect, that privacy concern is not the nub of this debate.

The casinos' likely use of object recognition, or facial recognition, and the consumer's privacy have already been sacrificed in many of the debates and, indeed, are already sacrificed in this day and age with the extensive use by people of social media. People will give up their information and allow casinos to film them just for the chance to win money, just as they will allow Facebook to access and disclose their data just so they can wish their friends happy birthday on a time line.

Let's look at what facial recognition technology is. It is one of the most commonly adopted forms of biometric authentication. Its use is becoming very commonplace. It is applied in day-to-day tasks, like unlocking your phone. It is also used in retail, where facial recognition can basically ensure that you never need leave the house to empty your wallet. Your credit card details can be associated with your facial recognition profile should you leave the house, and your payment can be made simply by presenting your face within a retail store.

It is also used in the hospitality industry, in ATMs and in digital advertising. Particularly, I would like members to pay attention to the fact that it is used for personalised customer experiences, that is, helping retailers to identify their most loyal customers or perhaps to work with border control or national security to identify potential threats. It has been changing the game across a wide range of sectors, and casinos do have the potential to use facial recognition technology to spot problem gamblers.

I draw members' attention to the reports that The Star Casino in Sydney has decided to deploy facial recognition technology, but they did so after a croupier was caught by CCTV, the cameras directly above his head, when he was attempting to steal a $5,000 chip and hide it in his sock. That facial recognition technology was used to catch him in that act. I understand that the report after that attempted theft is that some $10 million in security upgrades will be made for that facility.

But here is the kicker: in addition to the use of the technology to address that staff theft problem, The Star's surveillance chief, Catherine Clark, added in a report to the media that the biometric technology:

> …will also be incorporated into our customer service where we can recognise customers and welcome them back personally, telling them their favourite drink is waiting at the bar.

This has also been evidenced in a showcase in Las Vegas and was reported in the *Las Vegas Review-Journal* by journalist Bailey Schulz. The industry showcase there outlined how the facial technology would be used in what they have called 'new Vegas'. The displays will show the title of the game and easily blend into the background amid the lights and sounds of slot machines.

But with the press of a button, live camera footage of you as the player can appear on the screen, with digital dots lining your mouth, eyes and face. You will not see it, but behind that

technology will come the information 'existing user found', with your details that—in the case of this particular article—you are male and over 21.

You would not see it, as the patron. It is designed to provide a very smooth experience that integrates with the rest of what is happening on the casino floor, but it could be a game changer in the industry.

Indeed, operators are very excited about the money-making potential of this. It has, as I say, been touted as bringing back old Vegas. It will apparently bring back the potential to have the old Vegas feel when that technology can track how often a player has been to the property, how much money that person usually spends, and which in-house restaurant that person likes to frequent and has frequented.

All these details are also sent to the casino hosts to make that player's experience more satisfactory. One industry player was quoted as saying, 'The staff will know exactly where you are, say hello and could offer you the thing that you would like to eat.' The hosts will be the key to a lot of that old Vegas vibe. They will know people on sight and use that new technology to bring back the old Vegas.

With that, casinos will be able to gather more data than ever before. Instead of just tracking players with a loyalty card, they may be able to track players who forget their cards at home or even those who are not enrolled in rewards programs. In fact, another industry figure has stated, 'Right now, casinos don't have a way to incentivise an uncarded player', and that facial recognition technology 'opens it up so they can start reinvesting in and understanding those players'. Those reinvestments could keep those players coming back for more and, indeed, industry players have observed:

> There's definitely some lift in revenue (for casinos) in doing this. There are new opportunities once you get this data to make people feel special and get them to come back and stay at the facility.

In this bill and with these Labor amendments, the technology has been touted as a harm minimisation measure. The reality is that it is not just that, it is also something that, of course, will benefit the industry and bring in profits. Indeed, it could be a benefit to regulators: the devices could be able to alert staff when players are spending too much money, or should those players choose to be self-barred, they can help them stay away from these casinos and other venues.

With this kind of technology, you can indeed employ responsible gaming and you can keep barred people out of pubs, clubs and casinos, but it is clearly not the only role it can play. It may well turbo charge the potential for gambling harm through technology.

New Zealand has been pointed to in the briefings and I note and point people to the examples given there. I know that they are still finetuning the technology there. There have been, as I alluded to in the previous bill debate, situations where racial profiling in particular has shown that this technology and the algorithms are not perfect. It is not fail safe and it is not the silver bullet; it can be used to minimise gambling harm, but it also can be used to create gambling harm, and I know where the profit is for those who will be putting in this technology.

There is a quote by William Gibson that, given the early hour, seems even more appropriate than it did four hours ago when I found it. That is:

> I think that technologies are morally neutral until we apply them. It's only when we use them for good or for evil that they become good or evil.

This bill will decide how we use that facial recognition technology, whether we use it for good or allow it to be used for evil. The current version of the bill does not prohibit the use of facial recognition technology for evil. It does not prohibit its use to create gambling harm. It does not require that it only be used in the way that it has been portrayed—as a harm minimisation measure—and it certainly leaves this technology wide open to being exploited by those who seek to make money and create more gambling rather than less. Technology cannot be value neutral unless we make sure that it is not used for the purpose to promote rather than prohibit gambling and cause gambling harm, and we will only have ourselves to blame when it is.

We know, according to the Australian Institute's polling this week, note acceptors are overwhelmingly rejected by the South Australian community. Four out of five South Australians are scratching their head and wondering why this parliament is introducing note acceptors.

Only 13 per cent of South Australians say that poker machines should accept any money in the way that is put to us in this bill. Indeed, two in five South Australians believe poker machines should be banned, and a further two in five say poker machines should only accept gold coins.

Those figures do vary across the political parties, but I point out to the Labor Party that 45 per cent of Labor supporters believe poker machines should be banned; 36 per cent believe they should only accept gold coins; 12 per cent believe that any money could be accepted, which is what is put before us in this bill, and some 7 per cent were unsure. Of Labor voters, 82 per cent believe that poker machines increase harm; 1 per cent believe that they decrease harm; 15 per cent believe there is no effect; and 3 per cent were unsure. I am not sure who Labor is representing in this place today, but they are not representing Labor supporters.

With those words in these late, early hours of the morning, where I feel a little like I am in the Casino because there is no natural light, and we have no real indication of what time it is except for that clock on the wall behind me rather than in front of me, I do not commend this bill to this place. I urge Labor members to question the deal that has been done in their name. I urge all members of this place to consider why they do not have a conscience vote on this issue and why they have not been allowed to negotiate on crossbench amendments in this debate. Quite reasonable crossbench amendments were put up in the last bill, many of which will be put before them when we resume this debate later today.

The Greens' amendment that I particularly highlight, but we do have many, is a provision to ensure that facial recognition technology, which has been inserted into this bill with a Labor deal with the Liberal government, is not used to create gambling harm, that it is in fact only a technology employed to minimise harm.

It is a simple request of the Labor Party to examine their consciences. They have said today that they have no time to go back to a shadow caucus, and yet we have seen many debates where a shadow caucus can be brought on at the drop of a hat, within an hour. We have seen many debates where the lead speaker for the Labor Party, with all of the discipline that they have, is given power to negotiate on what are quite reasonable amendments. We have not seen that so far in this debate.

As we enter the wee hours of the morning, the Greens will be opposing this bill. We will seek to minimise harm where we can, and we will raise a concern about facial recognition technology that has been put up as a panacea but in fact could cause far more problems than the note acceptors themselves, because it will allow technologies in our pubs and clubs, in our casino, to provide what is called that old Vegas experience, where that technology tailors an experience to groom people to gamble more. I do not commend the bill to you, Mr President.

The Hon. R.I. LUCAS (Treasurer) (01:24): I thank honourable members for their erudite, articulate and, on occasion, lengthy contributions and look forward to the continued debate later today in the committee stage.

The council divided on the second reading:

Ayes................14
Noes 5
Majority 9

AYES

Bourke, E.S.	Hanson, J.E.	Hood, D.G.E.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	Ngo, T.T.	Pnevmatikos, I.
Ridgway, D.W.	Scriven, C.M.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	

NOES

Bonaros, C.	Darley, J.A.	Franks, T.A.
Pangallo, F. (teller)	Parnell, M.C.	

Second reading thus carried; bill read a second time.

At 01:29 the council adjourned until Thursday 5 December 2019 at 11:00.

Answers to Questions

RETURNTOWORKSA

In reply to **the Hon. T.A. FRANKS** (29 October 2019).

The Hon. R.I. LUCAS (Treasurer): I have been provided the following advice:

Of the 135 impairment assessors accredited to 30 June 2022, 48 reside outside of South Australia. Of these 48 impairment assessors:

- 41 provide assessments via medico-legal report services—these services cover the cost of travel for visits to SA.
- 5 do not travel to SA and only provide services to injured workers who reside in the same state.
- 2 assessors occasionally visit SA for personal reasons and provide assessment services when here.

No additional travel or ancillary costs are incurred as a result of assessors from outside SA being accredited. Further, the fee schedule for impairment assessments applies equally to all assessments regardless of the assessors' location.

There were 52 FIFO impairment assessors before March 2018, none of whom were paid for travel.

I am advised that there have been no delays as a consequence of using interstate assessors. All impairment assessors are required to meet the same time frames required by the conditions of accreditation.