LEGISLATIVE COUNCIL

Thursday, 5 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 and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: In the briefing that I attended on Monday afternoon, I asked those present—and I do thank them for that briefing, although I also note that while I asked for all of the submissions that were made to these pieces of legislation, not a single one of those submissions was provided. One of the answers I did get was in regard to a question the Hon. Connie Bonaros raised in regard to whether the modelling had been done on the revenue intended to be raised from this bill in the series of the three gambling bills, if you like, that have been before this council this week.

The answer that I got to the question with regard to modelling on revenue was: 'Modelling has been done on this bill, as with all pieces of legislation. This is a matter for the Treasurer.' So as this is a matter for the Treasurer, can the Treasurer please outline what modelling has been done for these bills?

The Hon. R.I. LUCAS: I thank the member for her question. The advice I have received from Treasury is that the expected increase in revenue starts off at about 2 per cent, which is equivalent to about $6 million extra, and then by I think it is the third year of the forward estimates it is $9 million, which is 3 per cent. Current revenue, in ballpark terms, for gaming machine revenue to the state budget it is about $300 million; I think it is a little bit less or a little bit more, depending on which particular year of the forward estimates.

The reason for what I might call the ramp-up in revenue terms is that clearly not everyone will move to the situation straightaway. That is the assumption. The long-term stable prediction is a revenue increase of about 3 per cent on the $300 million, which is approximately $9 million, and that will be the number that will be factored into the Mid-Year Budget Review on the assumption that the legislation was to pass the chamber.

The Hon. T.A. FRANKS: Thank you for that answer. Can the Treasurer provide a breakdown in regard to the increase of that 2 per cent of $6 million and then, in later years, the 3 per cent of $9 million? How much of that is predicted to come from the Casino and how much of that is predicted to come from clubs and hotels?

The Hon. R.I. LUCAS: I am not in a position to provide that level of detail. In terms of the Mid-Year Budget Review aggregates, we are looking at the total revenue collection from gaming

machines collectively so the only number I have—which was the question that was asked in relation to the modelling on revenue—was the total revenue. As I said, it is estimated to be $9 million or 3 per cent on the total receipts.

The Hon. T.A. FRANKS: I thank the Treasurer for his answers. A little more detail that I would be very interested in is: can the Treasurer refresh the council's memory about the various different percentages, if you like, of revenue that we see received from the machines in the Casino—I think there are two tiers: the VIP and the broader Casino, but I am operating on memory there—and the clubs and the hotels. What percentages do each of those electronic gaming machines provide back?

The Hon. R.I. LUCAS: I am happy to take that question on notice. The advisers that I have available to me are essentially non-Treasury advisers. They are the Attorney-General Consumer and Business Services and the policy people. The people who crunch these numbers are the Treasury people. I am happy to take it on notice, but it will be clear in the legislation in terms of the gaming machine legislation what the percentages are. I am a bit like the honourable member. I have a recollection, but they are not the sort of numbers that I commit to my memory. We are not changing the percentages. They are in the legislation, but I am happy to take it on notice and provide an answer to the honourable member.

The Hon. T.A. FRANKS: That is actually the nub of my question. Why has the government not looked at the different tiers, if you like, of those particular takes to government from that gambling revenue and perhaps tweaked that, given the Casino and the hotels and pubs and clubs will all be affected in various ways by this? Some have more to gain than others, and perhaps some should be paying more than others. Did that question attract the government at any stage in terms of changing, perhaps, the percentage that the Casino returns to this state to a higher level than it currently is?

The Hon. R.I. LUCAS: I am sure at varying stages the issue may have been raised by some of the stakeholders. I know, for example—

The Hon. T.A. Franks: I imagine the AHA would have raised it.

The Hon. R.I. LUCAS: No, clubs are the one that I was going to say. Clubs have continued to highlight to me and those of us who go to the Clubs SA annual dinner—and they had a wonderful function this year, their 100th year or whatever it might happen to be—the parlous nature of clubs and the fact that they do need what they would see as additional incentives or benefits or inducements. At varying stages, I know, informally they have raised with me, and I suspect therefore with other members of the government on occasions, that they would like to see further taxation concessions or benefits. Other stakeholders similarly might have.

We are not really getting into too much detail about debating the taxing arrangements in relation to the Casino, because they are not covered in the bill, but I am happy to respond generally. As someone who has been in opposition when the Casino arrangements came in, and now in government again, I am reminded that there are quite complicated provisions in the contractual arrangements that the state has with the Casino and that if certain things occur, compensation has to be paid.

I am not entirely clear whether or not the taxation arrangements in relation to gaming machines fit that bill or not, but I do know in relation to certain areas that there are tight contractual requirements that the state has. I know, for example, in relation to the exclusivity or the monopoly status of the Casino, if the government or the parliament were ever to take a decision there are provisions that relate to that in their contract, etc. I am not suggesting definitely it is in relation to gaming machines, but I do know there are complicated provisions.

The simple answer to the honourable member's question is that this review is largely being driven by Attorney-General and Consumer and Business Services. I was obviously actively engaged by the Attorney in terms of the ongoing discussion, but the principal purpose was in relation to a whole range of regulatory issues, etc. Treasury was not, and I was not as Treasurer, driving the opportunity to restructure completely the taxation arrangements between the Casino, hotels and clubs.

The Hon. T.A. FRANKS: Again, I thank the Treasurer for his answer. I will ask a question on notice, given he has raised this, but I do not expect an answer now. It would be of interest to know when that contract with the Casino expires and what the time frame of that is. I understand that I am unlikely to get further details, necessarily, of the contract itself, but I would appreciate the date that it expires, in terms of that particular contractual arrangement.

I would like now to move onto the modelling that was done on the additional $1 million to the Gamblers Rehabilitation Fund existing, being $3.84 million of gaming machine revenue that is hypothecated to this fund, with a $1 million increase, which sees, in the answers that were given to us, a stated 25 per cent increase in existing contributions to that fund. Given we now are set to have an increase of 2 per cent and then 3 per cent in gaming machine revenue to the state, will the GRF continue to be increased accordingly?

The Hon. R.I. LUCAS: In relation to this, this was a policy decision that the government took. I think it is actually about a 25 per cent increase in existing contributions already made to the fund, albeit that the total revenue collections coming to the state are an increase of 2 per cent and then 3 per cent eventually. So certainly the increase in the amount of funds going into harm minimisation measures is significantly greater than the quantum, percentage-wise anyway, coming into the budget. In terms of the background to that, it was simply a policy decision of the government in terms of what, we believe, seemed to be genuinely a significant increase in the level of funding—as I said, a 25 per cent increase in the level of funding going into it.

The Hon. C. BONAROS: I know that the Treasurer is much better at economic modelling than all of us, so I am just going to ask him to confirm: what proportion of total gambling revenue for the government does the Gamblers Rehabilitation Fund equate to? Also, regarding the payments that are made into that GRF by the hotel lobby and by the Casino, can the Treasurer confirm whether any of those payments are mandatory payments as opposed to voluntary payments, and has there been any discussion in relation to further increasing their contributions to the GRF?

The Hon. R.I. LUCAS: I am advised that the stakeholders—the Casino, hotels and clubs—put in $2.4 million. I think the honourable member's first question was: what is the percentage of the GRF? Well, the $3.85 million, which is $4 million, it would be 1½ per cent or something, approximately, of the total receipt, because total receipts are about $300 million in terms of the state. If you add the $2.4 million in from stakeholders, if you want to put it that way, that takes it up to about $6½ million out of $300 million, so it is a bit over a couple of per cent going into it.

The Hon. C. BONAROS: So confirming the government's contribution to that fund is around about 1½ per cent; my next question was: are those contributions that the Treasurer has referred to from the Casino, hotels and clubs, made on a voluntary basis, or are they mandated by legislation?

The Hon. R.I. LUCAS: They are on a voluntary basis, but the government has no concerns at all that the industry, acting in good faith, has demonstrated their commitment to making those voluntary contributions as an understanding. They continue to do so, and the government has faith that they will continue to make those particular commitments. So the answer to the honourable member's question is it is not mandated; I think the honourable member might be seeking to mandate it. When we get to that amendment, the government will be opposing the mandating of it.

The Hon. C. BONAROS: Can the Treasurer provide a breakdown of the contribution that is made by the Casino, the hotels and the clubs in terms of their contribution to the GRF?

The Hon. R.I. LUCAS: I might have to take that particular aspect on notice. I am able to share, as I already have, that the total quantum is $2.4 million. I suspect the clubs component would be a relatively smaller percentage of the total, given their capacity to make contributions, but I am happy to take that on notice.

The Hon. C. BONAROS: Can the Treasurer also confirm whether or not any discussions have taken place during the course of this debate or prior in relation to the Casino, hotels and clubs increasing their contribution to the GRF?

The Hon. R.I. LUCAS: My advice is, no, that has not been the nature of the discussions.

The Hon. C. BONAROS: Can the Treasurer confirm in relation to the Casino and its licensing agreements and contractual arrangements with the government, what basis does the Casino's contribution to the fund have when those agreements are up for renegotiation with the government?

The Hon. R.I. LUCAS: I am happy to have my answer checked but, given the advice that I have received, these are voluntary arrangements, therefore I would be pretty confident they are not tied up in any licensing agreement or anything like that in terms of the quantums that are provided. The advice I have been given is that they are voluntary contributions which have been entered into and agreed. The government has no concerns that the Casino and the Hotels Association will not continue in good faith to make those contributions. We have no evidence to the contrary.

I think everyone has a shared concern in terms of problem gamblers and the need for harm minimisation. Everyone needs to put their shoulder to the wheel in terms of providing funding. These stakeholders have demonstrated a willingness to do that and the government does not have any evidence to the contrary.

The Treasury officers are obviously riveted to the live coverage. In relation to one of the earlier questions, the Casino has a licence until 2085 and it has exclusivity until 2035. So it is certainly going to be well beyond my term in this parliament, perhaps not the honourable member's. Can I clarify that I have now been provided with advice that the total contribution from stakeholders is not $2.4 million. It is $2.75 million; it is actually higher. The AHA and the clubs together put in $2.4 million, which is the original figure. The Casino puts in $300,000 and the independent hotel group, whatever that is—I assume that is separate to the AHA—puts in $50,000. In ballpark terms, it is $2.75 million from stakeholders.

The Hon. C. BONAROS: Can the Treasurer confirm when the Casino's contribution to the GRF was last increased and by how much?

The Hon. R.I. LUCAS: No, but I am happy to take it on notice and see what information I might be able to provide.

The Hon. C. BONAROS: Specifically, can the Treasurer also confirm whether the timing of that increase correlates with the previous agreement that was reached with the Casino for their extension?

The Hon. R.I. LUCAS: I am happy to take that on notice to see what information I might be able to provide.

The Hon. T.A. FRANKS: This is my last series of questions at clause 1; there may be one, there may be a few more, depending on where the answers go. In regard to the modelling on the intended revenue from these pieces of legislation, I am interested in when that modelling was done, whether it was done before or after facial recognition technology arrangements were made with the Labor opposition as an amendment to the bill in the other place, and whether facial recognition technology will alter that modelling in any way if so or whether modelling is intended to be done with the changes of facial recognition technology if it was not in the first place. I hope that is a convoluted question so as to avoid a series of questions.

The Hon. R.I. LUCAS: That is alright; I am easily convoluted. The information I have placed on the record is the information that will be included in the Mid-Year Budget Review should the legislation pass; therefore, it is based on the current structure and nature of the bill, which obviously includes facial recognition technology. At varying stages over the last 10 or 15 years, I remember supporting note acceptor amendments that were unsuccessful in this chamber. I think it was 25 years ago, so I have been a long-term supporter of note acceptors, personally.

I am sure that, at varying stages, treasuries in the past have done varying estimates, but the estimate that I put on the record here today is the estimate on the basis of the current bill, which includes facial recognition technology. I do not know whether or not that has changed the estimate from Treasury from what they might have done previously. I am not in a position to assist the member there. I think most importantly the question is: should this bill pass, what is the estimated revenue? The best estimate that Treasury comes up with is the $9 million figure eventually that I have placed on the public record.

The Hon. T.A. FRANKS: That might be the Treasurer's most important question. I think my most important question is: did facial recognition technology alter, in any way, either up or down, the expected revenue from this bill?

The Hon. R.I. LUCAS: I do not know. I am happy to take advice and see what information, if any, I am able to provide.

The Hon. C.M. SCRIVEN: I want to place on the record some comments here at clause 1. This of course is a government bill that we are discussing but, when it passed in the other place three weeks ago, Labor successfully had some amendments made that have now formed the basis of the bill we are discussing. A number of those were designed to ensure that there was the maximum amount of harm minimisation in this bill. We think that a lot of improvements were made through that process to give us the bill that we have today.

Some of the amendments that were passed in the other place include legislating a $100 credit limit on the amount that a player can add to a gaming machine, which is down from $1,000. It will be the lowest in the nation, along with Queensland. I am advised, for reference, that the limit in Victoria is $1,000, and in New South Wales it is $9,980. This credit limit of $100 is, as I mentioned, the lowest in the nation.

Other amendments include mandating a maximum banknote of $50 for gaming machines, limiting EFTPOS cash withdrawals at gaming venues to $250 per 24-hour period, rejecting the changes that would have allowed gaming on Christmas Day and Good Friday, opposing changes that would have allowed 60 gaming machines in clubs and introducing mandatory facial recognition technology in every gaming venue with more than 30 machines within 12 months. That is one of the things that we have had some discussion on already. It should go a long way to ensuring a more effective and efficient mechanism to ensure that problem gamblers who have been barred cannot re-enter and face more problems by continuing to gamble.

Another successful amendment was to retain the gaming machine reduction target. The reduction target, we believe, is an important process. It was due to be removed, but the amendments that are now in the bill, which we are considering as part of the bill, will retain the gaming machine reduction target. It requires the government to develop and introduce a new reduction strategy and trading system, also within 12 months.

One of the most important parts of the bill relates to online sports betting. Online gambling, as was mentioned by the Hon. Frank Pangallo in one of his contributions on these matters, is a very large, growing problem. It is expected to outweigh many other sorts of gambling in the years to come. The amendments that Labor was successful in having moved and adopted in the other place will reduce online sports betting on amateur sports and it will ban altogether online sports betting on junior sports. It is strengthening plans to reduce the number of amateur sports that can be bet on, which is an important part of that. For members' reference, junior sports will include participants under 16 years of age.

The government has also committed to Labor that it will establish a parliamentary select committee inquiry into online gambling and sports betting, given that these are the likely issues of the future. They are already emerging as significant issues and they are overtaking many other sorts of gambling, particularly gaming machines, so we need to make sure that we are looking at the issues as they arise in advance of the most severe and significant negative impacts. Having a look in detail at online gambling and sports betting will be very, very important and a crucial part of setting the scene as we go forward in our state.

It requires online gambling companies and sports betting companies to provide detailed data on online gambling and sports betting by South Australians, as well as on South Australian events and fixtures. Again, without that kind of data, it is very difficult to ascertain what the level of problem gambling is in online gambling and sports betting, and so that data and the insistence that we require gambling companies to provide that information is a really important part of progressing harm minimisation in South Australia and understanding the risks and problems of online gambling.

It also requires an annual report from the Liquor and Gambling Commissioner setting out the amount of gambling in South Australia, including on gaming machines and via online gambling and

sports betting. Having that annual report, which was one of the changes within this set of changes in terms of the gambling legislation, is also very important. The changes that the opposition successfully moved in the other place increase the focus on what is the growing problem of online gambling, which is a severe threat for problem gamblers, whilst also addressing some of the existing issues.

As I mentioned, this bill is a government bill and it was passed in the other place three weeks ago. Yesterday, in a meeting the shadow treasurer had with crossbenchers, which he agreed to as soon as it was requested, which was yesterday, he was asked by members of the crossbench whether the opposition would consider crossbench amendments to the government's bills.

I am advised that the shadow treasurer indicated that of course the opposition would consider any amendments, but also he went on to explain that, given how late the crossbench agreed to be briefed and how late it filed its amendments, the opposition is unable to form a position on them, let alone support them.

The Hon. T.A. FRANKS: Point of order: 'agreed to be briefed' is a slight upon the behaviour of myself and the Hon. Connie Bonaros. We were not ever in a position where we refused a briefing from the opposition. I ask that the member withdraw that because it is a slur and a negative imputation on our behaviour and an outright misleading of parliament, because it is a lie.

The CHAIR: The Hon. Ms Franks, you are contesting the version of events to which the Hon. Ms Scriven is alluding. The Hon. Ms Scriven can respond.

The Hon. C.M. SCRIVEN: I said that I am advised that, given the lateness of when the amendments were filed, the crossbench, or at least SA-Best, was offered a number of opportunities for briefings. In fact, I think the Treasurer alluded to that in his contribution earlier in the week. Be that as it may, the lateness of all of those—

The Hon. C. BONAROS: Point of order.

The CHAIR: The Hon. Ms Bonaros.

The Hon. C. BONAROS: If the member is going to make the claims that she is making now, I would also like her to confirm—

The CHAIR: The Hon. Ms Bonaros, she is not making claims; she is giving her understanding. You may dispute the understanding, but your point of order has no validity.

The Hon. C. BONAROS: In her—

The CHAIR: No; I have ruled. We all might dispute what came out of the different accounts, and you have every entitlement to say that it is true or not true, but the Hon. Ms Scriven is using the language that it is her understanding and it is coming from someone else. That may be in dispute; that is fine. We can have it in dispute in the chamber, but it is not necessarily a point of order.

The Hon. T.A. FRANKS: Point of order on that ruling, Chair: I stated 'point of order' at the beginning of my interjection and then I moved on to use the words 'personal explanation'.

The CHAIR: I appreciate that. I am not overruling the point of order; I am just taking it on board. My view is that, when someone is relaying what they understand, it may be in complete dispute with other members, and that is fine, we can have it out in the committee, but I did not read into the member any spite or reflecting poorly on other members. There are two different accounts of a particular meeting. The Hon. Ms Scriven, you have the call.

The Hon. C.M. SCRIVEN: Hopefully, we can return to the main issue, which is the fact that the shadow treasurer advises me that he told the crossbench that the opposition is unable to form a position on the amendments that the crossbench may be proposing let alone support them. So it is simply not correct to imply that there is some commitment from the opposition to support any crossbench amendments.

The Hon. C. BONAROS: Chair, I seek leave to make a personal explanation. I would like it—

The CHAIR: I do not know that it is necessary. We are in committee. You can make any statement you wish.

The Hon. C. BONAROS: Okay; I would like to make a statement in response to—

The CHAIR: You have the call.

The Hon. C. BONAROS: Thank you. In response—

The CHAIR: I will just explain it. The difference between committee and us sitting as the council is that you are free to speak any time you wish, so if there are matters which you wish to dispute, go for your life.

The Hon. C. BONAROS: Thank you, and I will dispute those matters. I would like to place on the record the number of conversations that I have had, which I have already referred to. I would like the member opposite to confirm the number of conversations that I have had on this issue with the Leader of the Opposition and his staff specifically in relation to all the matters that she has outlined because those conversations have taken place. I have attended his office and I have had those discussions. We have discussed these very issues specifically—specifically—in the absence of the shadow attorney-general in this chamber.

Given that this bill has been dealt with by the Attorney-General in the lower house and not the Treasurer and given the absence of the shadow attorney in this place, I was well within my rights to take my concerns to the Leader of the Opposition, as I did on multiple occasions. I would like the member to confirm whether she is advised of those meetings and those discussions that have taken place over the last couple of weeks.

The Hon. C.M. SCRIVEN: I am not sure why the honourable member thinks I am disputing that she met with the Leader of the Opposition. I was simply referring to a meeting that the honourable member had with the shadow treasurer yesterday, which was the day that a briefing was asked for. The shadow treasurer issued a media release, for example, about the gambling package on Wednesday 16 October. He is the one who has been able to deal with this in the other place. He is the one who is able to give the most information in terms of the details of the package. I am not quite sure what actually the member is disputing. I am happy to take any further inquiries.

The Hon. C. BONAROS: What I am disputing is the assertions being made in this place that we have not done our due diligence on this bill and approached the opposition in respect to their position. If they are the assertions that are being made, then I expect that they will be corrected for the record.

The Hon. C.M. SCRIVEN: I have made no commentary whatsoever on due diligence.

The Hon. T.A. FRANKS: It has taken the committee stage of the third bill of this particular debate—but, come in spinner! We finally have a second reading speech from the opposition on this issue, with scant detail but a lot more than that 131, I do believe, words that the honourable member previously contributed to this debate. We still do not have the composition of the select committee. We have been told it might be a joint committee but we do not know what the membership will be. We do not know what the terms of reference are.

We still do not have any detail on how facial recognition will work, and whether or not the government has actually been given the opportunity to give the Casino, the AHA and the clubs that have these poker machines the biggest Christmas bonus, the cherry on top of note acceptors: facial recognition technology. Casinos, pubs and clubs across the world want to create, to groom gamblers so that they can provide a personalised experience to people who are not necessarily members of their clubs, who are not cardholders, so that they can develop these customers to get them to gamble more rather than gamble less.

We have not a single skerrick from the Labor opposition about how their supposed silver bullet solution to the note acceptors problem will, in fact, reduce harm rather than increase the propensity for those venues to procure people to gamble more. But, come in spinner: we finally have a second reading speech from the Labor opposition. I am looking forward to the further stages of this debate.

Clause passed.

Clauses 2 to 45 passed.

The CHAIR: We come to amendment No. 1 [Franks-1], which is seeking to insert a new clause 45A.

The Hon. T.A. FRANKS: I rise to raise a potential amendment. In the other place there were amendments made in regard to the inclusion of Good Friday and Christmas Day in terms of a suspension of trade. I guess what is reasonably obvious to those who are concerned about gambling harm—I think the statistics are one suicide a day—is the high rate on, in particular, days of importance.

I would say Christmas Day is one of those days where expectations in a community are raised, where loneliness and loss hurt more than normal, but there are other days as well that are often seen as sacrosanct. Of course, ANZAC Day is the one day of the year where two-up is a promoted and allowed gambling activity. It is something that is a little bit more social than the pokies, a little less manipulative than the pokies, and certainly does not fleece people out of their money using technology and trickery in the way that the pokies can.

I put this forward because I am interested as to why other days were not considered as sacrosanct. Why was ANZAC Day not considered? Why was, in particular, Easter Sunday, one of the holiest days in the calendar, not considered? Why was it only Christmas Day and Good Friday that the Labor Party thought were potentially the days of harm? When the Labor Party did acknowledge that there are particular days that are of a status and, indeed, I think of a significance that leads to the likelihood of harm being increased, why were other days not considered?

The Hon. C.M. SCRIVEN: My understanding, which perhaps the Treasurer can confirm or otherwise, is that the original bill proposed to remove the existing provision which did not allow gaming on Christmas Day and Good Friday, and so the amendment was simply reinstating what was in the current act. I am happy to have advice to the contrary, if that is incorrect, from the Treasurer.

The Hon. R.I. LUCAS: My advice is that what the Hon. Ms Scriven has indicated is broadly correct. I am not sure how long, but evidently for some period of time, the two days of not allowed trading—it may be even from the start of the legislation; I am not sure, but we can have that checked. I suspect it was probably from the start of the legislation, so whoever drafted the original legislation may well have decided that those two days should not have gaming machine gambling. The government's original proposal was to change the amendments that were moved, and in another place agreed, and reinsert the status quo, I guess if you put it that way. The status quo has obviously existed, if not for the whole term of gaming machine legislation, for a very long time anyway. Essentially, what we have arrived at is the status quo.

The Hon. T.A. FRANKS: That was some clarity and a response that we had not had put on the record until this point, and I do not intend to progress this amendment.

Clauses 46 to 55 passed.

Clause 56.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 26, after line 30 [clause 56(1)]—After inserted subsection (3b) insert:

(3c) It is a condition of the casino licence that the licensee must not, on or after the relevant day, provide any gaming machine unless the maximum jackpot able to be paid out to a person playing a game on the machine is $500 or less.

(3d) In subsection (3c)—

relevant day means the day falling 6 months after the commencement of the subsection in which the expression appears.

The effect of the amendment is to make it a condition of the Casino licence—and I should add that the same also applies in relation to other venues further in this group of amendments—to not provide any gaming machine unless the maximum jackpot able to be paid out to a person playing such a machine is $500 or less. That is to say, on all gaming machines, jackpots will be limited to $500 or less irrespective of any other limitations—if you can call them that—that apply to those gaming machines.

This is a particularly important amendment and one that we have advocated for for a number of years. It is entirely consistent and in keeping with the Productivity Commission's recommendations. Given that 90 per cent of recreational poker machine players do not put into machines more than $1 amounts per spin, it will have a negligible impact on most players.

If, as the government and the previous government have claimed for consecutive years, poker machines are a form of entertainment for the majority of the community for those individuals who are able to control their spending on poker machines, then there is no reason why for that form of entertainment, which is used for recreational purposes—not because anybody is chasing any wins—a harm minimisation measure like this should not be coupled with the other harm minimisation measures that have been proposed to ensure that those machines are less addictive, particularly for those vulnerable members of the community who spend most of their time on poker machines chasing jackpots.

They chase incentives and they chase jackpots, and those jackpots can be extremely luring. The machines have the ability to make somebody pour more and more money into them because there is always the chance that they will strike it big on a jackpot. In its report, the Productivity Commission confirmed that that is an issue amongst problem gamblers and gaming addicts because they are always chasing the next big win. They may pour hundreds if not thousands of dollars into a machine plainly and simply because the jackpot that is being offered is so enticing.

If we are going to come to this place and argue that, for the majority of the members of the community, this is a form of entertainment and exists for recreational purposes, then for those members of the community who are completely and utterly ignored during this debate, for those members of the community who will inevitably have access to note acceptors on machines, which will see their losses increase dramatically, the least we can do is ensure that they do not spend their hours on poker machines chasing jackpots.

It is a very simple amendment, and I make the point again that it is entirely consistent and in keeping with the recommendations that have been made by the Productivity Commission, not once but twice, and it is an entirely accepted harm minimisation measure. When we talk about harm minimisation measures, what we need to keep in mind during this debate is that they do not work in isolation; they work together.

There are some harm minimisation measures that stand out as more beneficial than others. The prohibition on note acceptors, as I have said, has been one of those single most effective harm minimisation measures, but if we are going down the path of the allowing note acceptors in this jurisdiction, then we should be taking every step to ensure that those other harm minimisation measures, which complement each other, are a requirement under law and that those most vulnerable members of our communities who can afford it the least, those members of the community who have machines concentrated in their localities in the least affordable areas of our state, have every protection afforded to them against the dangers of poker machines.

And they are dangers; that is not my view, that is a well substantiated view. It is the view of the Productivity Commission, it is the view of every industry expert—not the AHA and Clubs SA, of course, but every other industry expert who has even an ounce of qualification or experience in the area of gambling addiction. They will tell you that these sorts of measures, usually coupled together, serve a very beneficial purpose.

It is for that reason that I am moving this amendment, not to the detriment of those individuals who play these machines for recreational purposes, not to the detriment of the person who goes to the Casino or to a club once a month or once every three months or once every six months and puts 10 bucks into a poker machine and is able to walk away from that machine. They are there for the benefit of those individuals who sit at those machines for hours and hours on end, chasing jackpots and chasing their losses.

The Hon. R.I. LUCAS: The government opposes the amendment. Whilst I am prepared to concede that the honourable member is much more likely than I to understand the psyche of a problem gambler, I certainly do not accept that she is more likely than I to understand the psyche of a recreational gambler, because I suspect the honourable member is not a recreational gambler, but I will not put words into her mouth.

The honourable member's characterisation of what drives a recreational gambler is her view of the world; it is certainly not mine. When one looks at the various forms of gambling, for example, there are attractions for the recreational gambler in lotteries, and the Hon. Mr Pangallo in his 5½-hour magnus opus referred to various Powerball numbers and Lotto figures that attracted people to lotteries.

In relation to Keno and a variety of other gambling options, the attraction to the recreational gambler is being able to win more than $500, which is the limit that the honourable member seeks to put on gamblers collectively, recreational, problem and otherwise. It is similar for very many young people. I certainly have some experience with young people's attraction to sports betting and online betting in particular, and one of the great attractions for them is what are called multiples: being able to pick a combination of the World Cup, the World Series and three or four other events over a 12-month period, for example; being able to fluke the results of that and investing money in that particular pursuit for the ultimate reward—albeit slim in terms of their likelihood—of making considerably more than $500.

So the government does not support the honourable member's amendment. As I said, I do not believe she accurately reflects the psyche of the recreational gambler at all. She certainly has a view, and she is entitled to that view. I do not personally, and the government does not either, accept that that is the view of what drives recreational gamblers. For those reasons, we will not be supporting the honourable member's amendment.

The Hon. T.A. FRANKS: For the sake of clarity, Chair, we will be supporting the Hon. Connie Bonaros's 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.

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

Amendment No 2 [Franks–1]—

Page 26, after line 30 [clause 56(1)]—After inserted subsection (3b) insert:

(3c) It is a condition of the casino licence that the licencee must not, on or after the relevant day, provide any gaming machine unless the tray or container into which coins are delivered on a winning bet on the machine, and any associated slide, tube or delivery mechanism, are lined with felt or treated in some other way that reduces the sound of the delivery of the coins.

(3d) It is a condition of the casino licence that the licensee must not, on or after the relevant day, provide any gaming machine that emits any audible sound.

(3e) It is a condition of the casino licence that the licensee must not, on or after the relevant day, provide any gaming machine that allows the operation of a game—

(a) that has other than an equal number of each type of symbol displayed on each reel; or

(b) that operates such that the player may be induced to believe that they have won a game when that is not the case.

(3f) In subsection (3c), (3d) and (3e)—

relevant day means the day falling 12 months after the commencement of the subsection in which the expression appears.

This amendment is the first of a set of amendments that goes to the lighting and sound effects that are employed that have a conditioning effect. I thank the Hon. Frank Pangallo because he saved me the need for a lengthy speech with his contribution in previous parts of the previous bill that we debated before this one.

Indeed, I refer to near misses and losses disguised as wins having that same reinforcement, that Pavlovian effect, as actual wins. The expenditure and expertise put into this technology—and I think in some cases the extraordinary levels of technical brilliance put to a purpose that is not one I would support—are astounding. Using win sounds for losses disguised as wins, enabled in these machines, grooms gambling. They perpetuate harm. This amendment seeks to remove that sound, that technology that is used to trick people into thinking they are winning when, in fact, they are slowly losing. It is similar technology that has been prohibited in Queensland.

It is a harm minimisation measure. I put it before this place because it is just one of the range of harm minimisation measures that should have been considered by the Labor opposition in their dirty deal with the government to do away with protections against gambling harm in exchange for accepting note acceptors and the patronage of their masters. I commend the amendment.

The Hon. R.I. LUCAS: The government opposes the amendment. This will be a fundamental change, and the honourable member acknowledges that, in terms of gaming machines and the attraction for many recreational gamblers in relation to gaming machines—the thrill of the chase, the clink of the coins, in some cases.

I think the member's amendment is quite detailed. That is, it has to be lined with felt or treated in some way that reduces the sound of the delivery of the coins so that the wonderful joy for those who experience it of hearing the coins hit the tray is intended to be changed by this particular amendment. The government's position in relation to these particular provisions is as I said earlier. We need to do as much as we need to do in relation to the very small minority of gamblers who are problem gamblers, but the recreational experience for the 99 per cent of recreational gamblers who do not find themselves in the same degree of difficulty as the problem gambler should not have the enjoyment of their recreational experience restricted or inhibited in this particular way.

The honourable member indicated that the Hon. Mr Pangallo entertained us with some detailed exposition of research by Mr Livingstone, I think it was—Charles Livingstone, I presume—and indeed others on these particular issues. As interesting as that research was, read at length onto the public record, it was insufficient to convince either me or the government in relation to changing our position on this particular amendment.

The Hon. C. BONAROS: For the record, I rise to indicate that obviously we will be supporting this amendment.

The ACTING CHAIR (Hon. D.G.E. Hood): I intend to put the question that the amendment in the name of the Hon. Ms Franks be agreed to.

The Hon. T.A. FRANKS: Acting Chair, I did indicate that I will not be seeking to divide but, if we do not know the numbers in the room, then we may have to divide.

The committee divided on the amendment:

Ayes.....5
Noes 15
Majority 10

AYES

Bonaros, C.	Darley, J.A.	Franks, T.A. (teller)
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.

Parliamentary Procedure

VISITORS

The ACTING PRESIDENT (Hon. D.G.E. Hood): Honourable members, while you take your seats, I take the opportunity to acknowledge former treasurer the Hon. Kevin Foley in the gallery. I also notice former minister the Hon. Mark Brindal. Welcome, gentlemen.

Bills

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Committee Stage

Debate resumed.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 26, lines 31 and 32 [clause 56(2)]—Delete subclause (2)

This amendment opposes the provision that allows note acceptors for the Casino. I note again for the record that there is a similar amendment when we come to those provisions dealing with other licensed venues. Just for the record, clause 56 of the bill relates to the provisions relating to authorised gaming machines and automated tables. These provisions in the bill deal with the provision of note acceptors and also the limitation that applies to the amounts that can be provided on note acceptors.

This morning when I spoke on this issue, I referred to a report that was published on 4 December 2019 regarding South Australians overwhelmingly rejecting allowing poker machines to accept notes. The key findings of that report are that four in five South Australians—that is, 80 per cent—believe that 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—that is, 82 per cent—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; and 41 per cent wanted poker machines to be banned entirely. There was only 13 per cent of the population surveyed who thought 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.

Again, as I said, as the Director of the Australian Institute of SA pointed out, the research shows overwhelmingly that the community is opposed to the government's reforms, and that opposition 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.

It was a very timely report provided by the Australian Institute, given that this debate is underway at the moment, but it is certainly, without any question, a reflection of the community's view on the issue that we are voting on in here, a view that has been absolutely ignored during this debate, especially as it relates to note acceptors.

I will point again to the correspondence that was sent to the Hon. Stephen Mulligan MP, the shadow treasurer, on 16 October, well in advance of the debate that we are having in this place today in relation to this issue. That correspondence said very clearly that:

…evidence points to high use by problem gamblers and at risk gamblers of note acceptors and for that reason SA's decision to not allow note acceptors [here] was a smart decision. Note acceptors are also used to 'wash money' as they are a fast way of doing so. We have seen in ACT clubs Vietnamese groups feeding $50 and $100 bills into machines located in venues and operating several machines for [extended periods of time]…

This is purely and simply to 'wash money'. So it has nothing to do with recreation. It has nothing to do with, potentially, gambling addiction. This is used as a money laundering tool in our communities. 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, therefore, the associated losses.

It is not true to say that all states allow note acceptors; in fact, this is something I will touch on in a moment. We have heard during this debate that allowing note acceptors will bring us into line will all other jurisdictions. In fact, what we have not done in this debate, at all, is compare apples with apples when it comes to any of the measures that we are debating, and we are certainly not comparing apples with apples when it comes to the argument about the introduction of note acceptors in this jurisdiction.

'It is hardly a risk minimisation measure' is what the letter to the shadow treasurer says. Notwithstanding any proposal to establish facial recognition technology, SA is now alone in accessing cash inside an actual gaming room. I provided the reasons for that yesterday on the record; I will not repeat those, but again it is important to consider these measures as a package and not in isolation.

We know from all the evidence that has been provided to every single member debating this bill, whether it be by me or industry experts, that the prohibition of note acceptors in this jurisdiction has been the single most effective harm minimisation measure that has been implemented, and we have managed to hold the line and to resist every temptation that has been put to consecutive governments to remove that harm minimisation measure, and now the government, with the overwhelming, absolute majority support of the opposition, is seeking to implement in South Australia the one measure that is considered to be to the detriment of people who play on poker machines the most.

It will target, of course, those in our communities who can afford to play on poker machines the most. It will target those individuals who are vulnerable, who live in our poorer socioeconomic areas where most of these machines are concentrated, the individuals in our communities who can least afford to walk into a venue and pour their money into a machine. Of course, now they will not be hearing the pouring of coins. They will be going to the EFTPOS machine and to the ATM machine and they will be withdrawing notes, and they will be feeding those into the poker machines.

I do acknowledge the $100 limit that has been placed in terms of credits on the machines but, again, and as I have said time and time again throughout this debate, you have to consider all these measures together. Allowing somebody to have a $100 cash limit does not mean they are not going to sit at that machine for hours and hours and hours on end, in lots of cases without being detected by somebody at that venue who ought to approach them and say, 'Are you okay? Do you think you should be here gambling?'

We know that in the main that just does not happen. We know that in the main the individuals who work in these premises, who have received very limited training, are reluctant, and it is often reported that their bosses tell them, 'Don't do that, don't go and approach them.' In fact, they are welcomed into venues with open arms, and they sit there for hours on end—up until now pouring coins into a machine and now they will be able to pour notes into machines. That is probably one of the biggest travesties of this entire debate, if not the biggest.

Every industry expert will tell you that note acceptors are the most retrograde step you could make when it comes to poker machine laws. There is nothing that comes close in terms of increasing the damage that will be caused by these machines—and that is precisely what we are proposing here today. It is for those reasons that I am moving this amendment, and I indicate in the strongest possible terms that we will not have a part of any arrangement struck by the government and the opposition to allow something that is going to wreak havoc on our communities as a result of that deal struck between the government and the opposition.

The Hon. R.I. LUCAS: The government opposes this amendment. From the government's viewpoint—and I am not sure whether the Hon. Connie Bonaros would be accepting of this—this is part of a package of amendments. She has just spoken to the general principle of note acceptors, and I think it is quite clear that this amendment is part of the package of amendments. From the government's viewpoint we would treat this as a test, I guess, as to whether or not the majority in this committee support the member's position that note acceptors should not be allowed. This is the first test of that particular issue and we will treat it as a test.

The government's position is absolutely clear. We have made it obvious, as has the honourable member in relation to her position, that in terms of note acceptors the government supports the option of note acceptors. Indeed, that is one of the provisions that have been included in the bill, and it has been well debated both in the parliament and publicly.

As to the specific nature of the level of note that should be able to be used in note acceptors, my advice is that in Victoria there is a $50 limit and in Western Australia, Queensland and New South Wales I am advised there are no restrictions at all; notes of higher denominations can be used in those jurisdictions. On this specific issue the government thinks it is a reasonable provision but, in relation to the overall issue, it is the government's view that this is a test as to whether or not the majority of this chamber supports note acceptors as part of the government bill.

The Hon. F. PANGALLO: The Treasurer may well call it a reasonable provision, I will call it what it is: simply a reckless reward that is not based on evidence—and there is ample evidence that shows the damage caused by these note accepting machines. I refer back to a paper prepared by Associate Professor Michael O'Neil at the SA Centre for Economic Studies, where he says:

> There are a number of reputable studies that evidence the availability of easy access to cash and that the availability of note acceptors increases the potential for gambling harm.

One Australian study—and I referred to this in my opus the other night—conducted in the Northern Territory following the introduction of note acceptors, entitled 'Evaluating changes in electronic gambling machine policy on user losses in an Australian jurisdiction', concluded:

> The analysis demonstrates that reductions in how much money gamblers can insert into an EGM [that is the load-up limit], and/or the abolition of note acceptors…is likely to reduce harm from EGM use.

The availability of note acceptors and load-up limits were reported to contribute to a 47 per cent increase in user losses in the four years following their introduction, compared to a decrease in losses in the four years beforehand. The Australian Productivity Commission has previously recommended restricting load-up on EGMs to just $20 because of the likely impact on gambler losses.

The Northern Territory changes allowed for a maximum load-up limit of $1,000. I would not be surprised, if this bill does pass, that eventually there will be some provision through regulation that will enable the limit to be lifted. I will go on further to what Associate Professor Michael O'Neil said, and he points to a ban on note acceptors in Norway which started on 1 July 2006 and resulted in a 17 per cent reduction in gross turnover in the first six months. Most importantly, this was associated with a 62 per cent decrease in the number of gamblers and relatives making calls to the national helpline.

The association of a declining gross turnover and fewer helpline callers suggests that the ban on note acceptors is a positive harm minimisation measure and, hence, should be sustained in South Australia, but that is not the case here. All these operators, concerned that their revenues are declining, have had to look at some measure that is going to hoover up more money for them. What best thing to use than note acceptors, and they know that, because there is an evidence base that shows that gamblers will actually spend more and lose more.

Victorian hotels and clubs permit note acceptors but, at the same time, they have serious policy initiatives relating to the location of ATMs, the location of EFTPOS in venues, and limits on transactions and daily withdrawals from EFTPOS that effectively inhibit or slow down access to money note denominations to be fed into note acceptors. South Australia has absolutely none of this—nothing. Other states have made attempts, via regulators, at harm minimisation, which South Australia does not have. Queensland stipulates that ATMs and EFTPOS machines are not located in or in close proximity to an area of the licensed premises used for gambling. The ATMs accept debit cards only.

Tasmania does not permit note acceptors for EGMs in hotels and clubs. All jurisdictions do not permit 24-hour gambling in hotels and clubs. Western Australia, without EGMs in hotels and clubs, has the lowest rate of reported problem gambling and the lowest rate of per capita losses. New South Wales permits load-up limits of up to $7,500, which is soon to be reduced to $5,000, and has the highest rate of problem gambling and the highest losses per capita. So you already have the evidence of how damaging these things really are and yet here we are with a Liberal government, in cahoots in that unholy alliance with Labor, that is quite prepared to allow this to happen and impose more social harm in the community.

I will now go to responses to the arguments for note acceptors. The first argument is that online gambling is more harmful. This is true, but the reality is that the vast majority of gambling harm in South Australia still comes from poker machines. That is not to say that we do not need greater regulation of online gambling.

The second argument is that note acceptors will create jobs. This is not true. The South Australian Centre for Economic Studies has shown conclusively that pokies deliver a very small number of jobs and note acceptors will actually reduce jobs even in pokies rooms as no staff will be needed to change notes for coins in pokies rooms. As we know, next door, the Casino is proceeding and going gangbusters in building its Midas tower that will contain hundreds of these new poker machines, but there is no guarantee that it is going to increase jobs at all.

Another one of the arguments for note acceptors is that allowing note acceptors will bring South Australia in line with the rest of the Australia. This is not true either. There are no poker machines beyond the casino in Western Australia, as I have pointed out, and no note acceptors in Tasmania. Victoria does not allow ATMs in gambling venues, while South Australia does. The rules are different in every jurisdiction and South Australia should not be leading the race to the bottom for gambling harm.

So there you have it. You would think that this type of policy that is being included in this bill would have a skerrick of evidence to support it, but there is not. The evidence—a lot of that evidence—points exactly to the opposite. I would say that, in a few years' time when perhaps the Treasurer is not here and we can survey the damage that has been caused by this, that he and other members of the Liberal Party, the Premier, the Leader of the Opposition and all the others who have voted for this should really hang their heads in shame—they really should.

I cannot understand how they, and particularly Labor, will be able to look people in the face, particularly in those areas that have long been considered their heartland in the working-class areas. Obviously, SA-Best will be supporting this amendment.

The ACTING CHAIR (Hon. D.G.E. Hood): As the Treasurer has indicated the government will view this as a test clause, I would ask other members to indicate their positions, please. The Hon. Ms Franks?

The Hon. T.A. FRANKS: The Greens will be supporting the Hon. Connie Bonaros.

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

The Hon. C.M. SCRIVEN: As I have stated I think three times in this debate, given the lateness of the filing of the amendments, the Labor opposition is unable to form a position on them and therefore we cannot support any of the amendments. That has been now said a number of times. I think we have indicated our position very clearly.

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 3 [Bonaros–1]—

Page 26, after line 32—After subclause (2) insert:

(2a) Section 42B(7)—delete '$5' and substitute '$1'

This amendment, for reasons very similar to the previous amendment, seeks to implement $1 maximum bets per spin on poker machines. This is again entirely consistent with, in fact, the recommendations of the Productivity Commission and again, given that 90 per cent of recreational players who play poker machines do not put more than $1 per spin in a machine, it has been clearly established that it will have a negligible impact on most players.

Regarding the same players whom I described earlier as chasing jackpots, chasing their losses and chasing their next big win, of course we know that those next big wins rarely come. In fact, overwhelmingly, what we know is that somebody is going to lose far more than they are ever going to win, but that does not feed into the psyche of somebody who is playing one of these machines, because these machines are designed to keep somebody addicted.

All the logic in the world about chasing your wins, chasing a win, chasing a jackpot or chasing your losses goes absolutely out the window when you are dealing with an individual who has no control over their gambling behaviour—not the individual who goes down there to put $10 in and walk away happily, or even $100 and walk away happily, knowing that they have lost 100 bucks and they are happy to keep going, but the individual who will sit there for hours on end trying to win their money back and trying to win any jackpots on top of the money that they have put into a machine. That is the group of individuals that this amendment is targeted at, and there is overwhelming evidence in support of the need for, and the benefits of, a $1 maximum bet.

Dr Charles Livingstone, whom the Treasurer referred to earlier, has provided ample research on this very issue. What we do know, of course, also and what the government knows only too well is that in the last raft of amendments that went through this place, maximum bets were decreased to $5 dollars. That has had a huge impact on the revenue that is reaped by the hotel, clubs and Casino lobby in this jurisdiction. We know that compared with a decade ago the revenue the government gets has plummeted by about $23 million.

We know from the discussions that have taken place with members across this place that the reason these measures are being debated now is that the pokies lobby is trying absolutely everything they can to maintain their market share, which ultimately results in revenue, and they are doing so with callous disregard for those individuals who are impacted by poker machine addiction.

I am not going to speak to this amendment at length, because it speaks for itself. The Productivity Commission's findings speak for themselves. If we are genuinely concerned about protecting those people who cannot protect themselves and about implementing harm minimisation measures that will go a long way towards that, there is zero reason why the government and the opposition should not be supporting this proposal.

The Hon. R.I. LUCAS: The government opposes the proposal. This particular issue has been tested in the parliament on a number of occasions, certainly in recent memory; I am not sure how far back it goes. It is a position which has been tested in this chamber and in the parliament, and there has been precious little support for the proposed amendment in the past. Certainly on this occasion again, the government will not be supporting the amendment.

Again, the government's position in relation to these issues is that for the overwhelming majority of gamblers, recreational gamblers in particular, 99 per cent of them are very capable of managing their recreational gambling with the current arrangements as they exist, which include this particular provision. They do not need the additional protection that the honourable member seeks to impose upon them.

Regarding the particular requirements of the less than 1 per cent, the learned research quoted by the Hon. Mr Pangallo in his magnus opus the other evening indicates I think the prevalence factor of 0.7 per cent; in 2012, I think it was 0.6 per cent. Those were the two measures he quoted during his speech. As I have indicated on many occasions, that 0.7 per cent, or less than 1 per cent of people, will crawl over cut glass to get to a gaming machine. The nature of the gaming machine does not matter; they have a significant problem.

We need to identify them and do whatever we can to provide assistance to them, to prevent them, bar them—all those other things that this particular bill and others seek to do—but the government's position is we do not need to restrict or inhibit the enjoyment of 99 per cent of recreational gamblers who do not have that particular problem. So for those reasons—again, like the Hon. Ms Bonaros, I will not repeat at length the government's arguments against it on this occasion or indeed on many previous occasions—I repeat the position that we oppose the amendment.

The Hon. T.A. FRANKS: The Greens strongly support this amendment. Indeed, it is the silver bullet. If you are looking for a solution to problem gambling, the Productivity Commission tells us, the research tells us, the experts tell us it is dollar spins. A dollar per spin will only affect those people who really do have a problem; 88 per cent of recreational gamblers already spend less than a dollar a spin.

The Hon. J.A. DARLEY: I have been supporting $1 maximum bets for 12 years and I continue to do so.

Amendment negatived.

The CHAIR: We now come to amendment No. 3 [Franks-1].

The Hon. T.A. FRANKS: I believe this is consequential.

Clause passed.

New clause 56A.

The Hon. C. BONAROS: I move:

Amendment No 4 [Bonaros–1]—

Page 27, after line 9—After clause 56 insert:

56A—Insertion of section 42BA

After section 42B insert:

42BA—Coin machines not to be provided

(1) It is a condition of the casino licence that the licensee must not, on or after the prescribed day, provide, or allow another person to provide, a machine on the casino premises that is designed to change a monetary note into coins.

(2) In this section—

prescribed day means the day falling 1 month after the day on which the *Statutes Amendment (Gambling Regulation) Act 2019* is assented to by the Governor.

This amendment simply provides that—and, again, a similar amendment will be moved in relation to gaming machines outside of the Casino—those venues should not have coin machines in their facilities. If we are going to allow EFTPOS, if we are going to allow ATMs, if we are going to allow note acceptors, then there is absolutely no reason why we need to add to the access to cash by allowing coin machines in venues.

In fact, it flies in the face of the argument put up time and time again in this place by the government and the opposition who have both argued that what those who gamble on poker machines need is a break in play and the ability to access somebody behind a counter and say, 'Can I have $50 more worth of coins?'

If you are saying that you need to be able to approach an individual in order to access cash, then there is no reason why there should also be coin machines. Given the ample amount of cash that is going to be available in a venue, and that is currently available in a venue and in a gaming room, there is no reason why we should make that any worse by allowing them, in addition to the available measures, to be able to access cash through coin machines. Coin machines do not require somebody to sit next to them and ensure that the amount of money being withdrawn is monitored by those staff who are apparently trained to identify problem gamblers.

The Hon. R.I. LUCAS: The government opposes the amendment. My advice in relation to coin machines is that—and I am sure the honourable member understood this as she spoke to her amendment—they are obviously not attached to the machine. The player gets up from the machine that he or she is playing, goes to the coin machine, puts in their note, gets the coins and then returns to the machine.

For those who argue about the break in play, it does require a break of play to get up from the machine to go to the coin machine. In the absence of a coin machine, you would get up from your machine and I assume you would go to a teller to get the coins from the teller. In both circumstances you get up from the machine, you go somewhere and convert your $50 note, or whatever it is, into coins so that you can go back to your machine and you can play. Anyway, now that I have stunned everyone with my knowledge of coin machine locations within gaming machine establishments, I indicate the government is opposed to the amendment.

The Hon. T.A. FRANKS: The Greens support the amendment.

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

New clause negatived.

Clause 57.

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

Amendment No 1 [Franks–2]—

Page 27, after line 22 [clause 57, inserted section 42D]—After subsection (2) insert:

(3) It is a condition of the casino licence that the licensee must not use information obtained by means of operating a facial recognition system—

(a) for a purpose other than identifying a barred person within the meaning of Part 6 of the *Gambling Administration Act 2019*; or

(b) other than is necessary for the purposes of reducing the harm caused by gambling.

This, at clause 57, page 27, after line 22 in inserted section 42D, applies in particular to the Labor-negotiated agreement to allow for facial recognition technology. After subsection (2), it will insert a protection provision, being:

> (3) It is a condition of the casino licence that the licensee must not use information obtained by means of operating a facial recognition system—
>
> (a) for a purpose other than identifying a barred person within the meaning of Part 6 of the Gambling Administration Act 2019; or
>
> (b) other than is necessary for the purposes of reducing the harm caused by gambling.

I note that further on there will be a similar amendment that will apply to the additional uses across pubs and clubs. Facial recognition technology, as I touched on last night, is new technology. It is technology that is not always accurate. It does racially profile, it does have security concerns, but they are not my concerns here today.

My concerns here today are that we have very unclear provisions around protections against this technology being used to groom gamblers rather than only applying, as the Labor Party has purported that they will, to create harm minimisation and apply to those people who are barred. I outlined last night in my second reading speech to this bill the uses of facial recognition technology. In particular, as I noted, in the casino in Sydney, they were installed where a staff member had stolen a chip and put it in their sock.

Overseas, the Las Vegas showcase that I outlined to members last night regaled this technology as the return of 'old Vegas' where, through the technology, those players who walked into a venue could be provided with a retail customer-fitted experience to keep them there longer, to make them feel welcome, to suggest that their favourite drink was now at the bar and to remember their names so that the staff may continue to groom them to keep gambling.

In fact, it was at a showcase for casinos that these claims were made because the gambling industry wants this technology to groom gamblers, to provide that fitted retail experience and to provide for them to gamble more, not for them to gamble less. Yet the Labor Party, in their supposed solution to the harms that the community quite rightly asserts will be created by note acceptors, comes up with a solution that is akin to putting the fox in charge of the henhouse.

Facial recognition technology, the Labor Party tells us, will be the silver bullet; it will protect against gambling harm. It is the trade-off that the Labor Party has made for the acceptance of many of the provisions of this bill, yet it is a trade-off that I have to say must be like Christmas for those in the gambling industry who want to have more gambling, not less. It is the Christmas bonus that the shadow treasurer is now delivering to the gambling industry in this state. It is the Christmas bonus; in fact, the loss disguised as a win.

Come in spinner. Come in spinner, the member for Lee. It is bunkum to claim that facial recognition, in and of itself, is actually a harm minimisation provision. There is nothing in this legislation, nothing in this bill, that guarantees that it will be used for good and not evil. This amendment will ensure that it is used for good and not evil.

The Hon. R.I. LUCAS: I speak on behalf of the government to indicate that we will be opposing these particular amendments. In indicating that, as the honourable member will acknowledge, at some earlier stage in the debate earlier in the week, I indicated that the government's position clearly was similar to the honourable member's; that is, facial recognition technology was intended by the government for good purposes as opposed to evil purposes. There is no intention from the government's viewpoint to enable or allow, to the extent that it can, either racial profiling or, as the member has identified today, grooming to attract problem gamblers.

I am authorised to indicate, whilst we will be opposing these amendments, the government believes that the issues that the honourable member has raised can and should be and will be addressed in terms of the regulations under the legislation. The Attorney-General and the commissioner will indicate that, should these amendments not be successful, they are prepared to work with the honourable member and indeed other stakeholders in relation to the intentions of the [Franks-2] amendments to see whether they can be tailored or amended to achieve what the honourable member wants to achieve and what the government wants to achieve as well. There is

a unanimity of purpose; there is a different view as to whether the current drafting achieves that. It is a very useful exercise the honourable member has ventilated. We make no criticism of that.

We indicate, whilst we oppose the amendments, the Attorney and the commissioner will be prepared to work with the member, and indeed other stakeholders, to try to ensure what she wants to see achieved is the same as what the government wants to see and, I am sure, what the opposition wants to see achieved; that is, there is a good purpose to come out of the use of this particular technology rather than some evil purpose to come out of the technology.

The Hon. C.M. SCRIVEN: Labor sought this amendment successfully in the other place to require all venues with more than 30 machines with note acceptors to have facial recognition technology. This would mean that the government will establish and control a database of barred problem gamblers that gaming venues will be connected to. If a venue's facial recognition system detects a barred gambler, it will alert venue staff, who will be required to remove the gambler from the premises. The opposition regard this as an important harm minimisation measure.

It will be far more effective than requiring individual venue staff to be familiar with a full list of barred gamblers and scan each person on entry to the venue and establish whether anyone entering is on the list. That is how the current regime is meant to operate. It is not hard to see how this regime can easily fail. Labor is advised by the Commissioner for Consumer Affairs, Liquor and Gambling that requiring all venues with more than 30 machines with note acceptors to have facial recognition technology will mean approximately 75 to 80 per cent of gaming machines in South Australia will be subject to this new and more effective regime.

Labor appreciates the concerns raised by the Hon. Tammy Franks in regard to issues such as privacy, ensuring that the technology cannot be used for marketing and cannot be used for the grooming of gamblers. This is why the bill now requires the government to develop an appropriate regime over the next 12 months to be done by the commissioner. The government has assured the opposition that this will be done publicly, involving broad consultation and be established via regulation. Establishment via regulation will allow the parliament to have appropriate scrutiny and oversight over the facial recognition regime. I note the comments just a few minutes ago from the Treasurer about the government's intention to ensure that the positive purpose of facial recognition is indeed upheld.

Some members continue to be highly critical of the opposition for including this amendment, as well as criticising the opposition for not conducting what they regard to be sufficient consultation. These views ignore the requirement that is now on the government to establish this regime over the next 12 months, including full public consultation and parliamentary scrutiny, as the regime will be established by regulation.

This is a government bill, now amended, to include a new, more stringent and more effective harm minimisation measure. It will be up to the government to consult on this and to ensure it will work. The opposition became aware of facial recognition being trialled in New Zealand over a year ago. My understanding and my advice is that that trial did identify a number of issues, some of which were referred to by the Hon. Tammy Franks in a related debate in terms of being quite effective in identifying Anglo-Celtic faces but less so in terms of other people. I am advised that those problems have now been overcome to a large extent.

It is clear to us that this facial recognition system will most likely prove to be a far better way to stop barred gamblers entering gaming venues. This was raised as a possible amendment, before it was passed in the other place, with the commissioner, who indicated that this could be effectively rolled out in South Australia subject to appropriate design, consultation and drafting. It is now a matter for the government to consult upon it and implement it appropriately. We look forward to that occurring.

The Hon. C. BONAROS: Can I just indicate for the record that I think the Hon. Tammy Franks has articulated clearly the need for this amendment. Given the hour, I will not be adding to that other than to say that perhaps, if that research had been taken undertaken prior to the proposal for this facial recognition technology to be implemented in the bill, the opposition would have been aware of the dangers associated with facial recognition technology. But, of course, that

is something they failed to understand and appreciate because there was no appropriate consultation in relation to the measures they put up on facial recognition technology.

The Hon. C.M. SCRIVEN: I would just like to point out that the Labor opposition is the opposition. We are not in government; therefore, we do not have the resources of government to undertake that full consultation. I would point out that if the honourable member does not support facial recognition technology she would have been welcome to move an amendment to remove it from this bill, but no-one appears to have done that.

The Hon. F. PANGALLO: I wonder if I could ask the Treasurer about these facial recognition cameras once they are put into place. How and who will ensure that they are compliant?

The Hon. R.I. LUCAS: The commissioner and his or her staff.

The Hon. F. PANGALLO: And just how regularly will these compliance checks be undertaken?

The Hon. R.I. LUCAS: There will not be a regime of a certain date, or whatever it might happen to be. The commissioner's staff, in a number of ways, when they visit venues will be having a look at it; they may well do it on a regular basis. If someone complains, they would respond to complaint. It would be part of their ongoing compliance process, not just in relation to the recognition technology but indeed many other aspects of the operations of gaming venues. Can I just indicate that I am mindful that staff and others would like to have their lunch. Are there a series of other questions?

The Hon. J.A. DARLEY: Mr Chairman, for the record, I will be supporting the amendment.

The committee divided on the amendment:

Ayes.....5
Noes 15
Majority 10

AYES

Bonaros, C.	Darley, J.A.	Franks, T.A. (teller)
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.

Progress reported; committee to sit again.

Sitting suspended from 13:12 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2018-19—
The Barossa Council
Campbelltown City Council
Clare & Gilbert Valleys Council

District Council of Grant
City of Holdfast Bay
Legislative Council of South Australia
District Council of Lower Eyre Peninsula
City of Marion
District Council of Mount Remarkable
City of Port Adelaide Enfield
District Council of Streaky Bay
City of Tea Tree Gully
Wattle Range Council
City of West Torrens
Whyalla City Council

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2018-19—
South Australian Museum Board
Suppression Orders pursuant to section 69A of The Evidence Act
Public Sector (Data Sharing) Act 2016—Ministerial Direction to Share Data

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Reports, 2018-19—
South Australian Local Government Grants Commission

By the Minister Human Services (Hon. J.M.A. Lensink)—

Reports, 2018-19—
Royal Commission into Institutional Responses to Child Sexual Abuse
Dual Status of Children and Young People in South Australia's Child Protection and Youth Justice systems—Report 1—dated November 2019
Visiting Program and Review of Records: Adelaide Youth Training Centre, Training Centre Visitor—October 2019—Term 1
Increasing Production from the Adelaide Desalination Plant—Minute to SA Water dated 2 December 2019

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

National Health and Medical Research Council—Ethical Guidelines on the use of Assisted Reproductive Technology in Clinical Practice and Research—2017

Parliamentary Committees

PRINTING COMMITTEE

The Hon. D.G.E. HOOD (14:16): I bring up the first report of the Printing Committee 2019.

Report received.

ANSWERS TABLED

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

Question Time

SA HEALTH

The Hon. C.M. SCRIVEN (14:19): My question is to the Minister for Health and Wellbeing:

1. With regard to the public servant task force established to respond to the ICAC report into SA Health, will the minister advise who the task force reports to—the minister or the Premier?

2. When is the task force projected to report and who will that report be handed to?

3. Will the minister commit to making that report public?

4. Is the minister now aware of the membership of the committee and, in particular, who specifically from SA Health (the minister's own agency) has been appointed to the task force?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): The task force will be appointed by the Premier because it is a cross-agency task force. It will be chaired by his chief executive. As I indicated on Tuesday, the Chief Executive of the Department for Health and Wellbeing will be a member of that task force.

In terms of time frames, I don't have a time frame in mind. I don't know whether the Premier does but the key point here is that their first task is to work with other stakeholders in the health portfolio and in government to develop a detailed response. The response earlier this week was initial and high level. The detailed response, as I have indicated to the house, I would hope would be publicly available by Christmas.

SA HEALTH

The Hon. C.M. SCRIVEN (14:20): Supplementary: the minister mentioned that the CE of Health is part of that task force. Could the minister explain why that is appropriate when Mr McGowan, the CE of SA Health, is himself under independent investigation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): I think it's appropriate that he be on a cross-agency task force into renewal of the health portfolio because he is the head of the department which has responsibility for the health portfolio.

SA HEALTH

The Hon. C.M. SCRIVEN (14:21): Further supplementary: has the minister satisfied himself that no members of the cross-agency task force have ICAC complaints made against them?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): The Labor Party is shameless. They know that ICAC matters can't be discussed. What I would particularly like to highlight is that this is the party that represents workers—allegedly. Many of those workers work for the Public Service. They don't put themselves out into the public domain to be smeared by their so-called political wing.

We have public servants who are, in good faith, contributing significantly to the welfare of this state and apparently Labor has now decided: if you work for a Liberal government, even if you had been working for us for 16 years, if you work for a Liberal government you are open game. We will smear and slur and defame you.

We don't take that approach. We appreciate that our party is not the political wing of the industrial movement but we work respectfully with the Public Service. We certainly won't be any part of Labor's smear campaign.

SA HEALTH

The Hon. C.M. SCRIVEN (14:22): Further supplementary: could the minister advise what the terms of reference are of the task force?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I can't see how that comes out of the original answer. It may have come out of your question, it didn't come out of my answer.

SA HEALTH

The Hon. C.M. SCRIVEN (14:22): Supplementary: given that the minister answered all about the task force, it's strange that he thinks that's not part of his remit. What powers will the cross-agency task force have to investigate matters raised in the ICAC report into SA Health, and will it be able to compel those being interviewed to give evidence?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I refer the honourable member to answers I gave, I think to the Hon. Frank Pangallo, yesterday.

SA HEALTH

The Hon. C.M. SCRIVEN (14:23): Further supplementary: will there be any clinicians on the task force, and, if so, how will they manage conflict when many of the concerns of the ICAC report are about the actions of clinicians?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): We have this bizarre suggestion from the acting, second-string Leader of the Opposition on the other side. She is suggesting that a clinician reflecting on observations in relation to clinicians is somehow a conflict of interest. I don't accept that.

The PRESIDENT: The Hon. Ms Scriven, supplementary.

SA HEALTH

The Hon. C.M. SCRIVEN (14:23): The question to the minister was: will there be clinicians on the task force and how will they manage that conflict because the ICAC report—if, indeed, he has finished reading it now—is about the actions of clinicians and the culture within that environment?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I have no doubt that every member of the task force will be diligent in managing any conflicts of interest they might have.

MCGOWAN, DR C.

The Hon. F. PANGALLO (14:24): Supplementary: recently, Dr McGowan had referred himself to the public sector commissioner, Ms Erma Ranieri, over disclosures he was still listed as a director of a private company during the first two months of his public appointment and that a related company—

Members interjecting:

The Hon. F. PANGALLO: Okay, well, let me just ask this—

The PRESIDENT: Honourable members! Start again, the Hon. Mr Pangallo, because I didn't hear any of that, so I can't rule on it.

The Hon. F. PANGALLO: Thank you, Mr President. It actually does relate to the questions that have been asked by the Hon. Clare Scriven.

The PRESIDENT: You don't need to justify it at this point in time. I will ask you if we need it justified.

The Hon. F. PANGALLO: I will keep the question simple. Ms Erma Ranieri, who is the public sector commissioner, when she was to investigate the self-reporting of Dr McGowan she was so concerned about her own independence that she decided to refer the matter to an external investigator, and that report is due soon, according to the minister this morning. She is now on the government's task force looking into the problems of SA Health.

My question to the minister is: if Ms Ranieri felt her independence was compromised in the matter with Dr McGowan, surely then it is with her appointment to the task force? Will the minister ask her to step aside, or has she asked to step aside from the task force, and has Dr McGowan offered his resignation to the minister?

The PRESIDENT: The Hon. Mr Pangallo, that is effectively a new question and did not come out of the original answer. You are entitled to ask it—

The Hon. F. PANGALLO: I will withdraw the last one.

The PRESIDENT: Don't bother withdrawing. I am just ruling it out of order. You are entitled to ask that question within standing orders if it is asked as a normal question, but not as a supplementary. The Hon. Ms Scriven, I am allowing you one more supplementary.

SA HEALTH, ICAC REPORT

The Hon. C.M. SCRIVEN (14:26): Since the report into SA Health was tabled at 11am on Tuesday, has the minister met with the Independent Commissioner Against Corruption, the Hon. Bruce Lander? If not, why not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): No, I haven't. I have been engaged in parliamentary duties.

SOUTHERN HOSPITAL SERVICES

The Hon. E.S. BOURKE (14:26): My question is for the Minister for Health and Wellbeing. Given that ramping is a product of bed block, with patients stuck in emergency departments waiting for a bed elsewhere in the hospital, will the minister's announcement to create 30 additional emergency beds at the Flinders Medical Centre and move its acute medical unit to the Noarlunga Hospital just lead to more people stuck in our emergency departments, and why doesn't the announcement include more beds for moving people out of the emergency department at Flinders?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I really thank the honourable member for her question. I really thank her, because I think it is important for the council to understand what the Marshall Liberal government is delivering with this investment in the southern hospitals. I would like to remind the council what a significant investment this is. What the government has announced this morning, in its totality across three different sites, is $85.7 million investment in health—$85.7 million. Three different sites: the Flinders Medical Centre, the Noarlunga Hospital and the Repatriation Health Precinct. It delivers on three key priorities of this government. First of all, it is reactivating the Repat.

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: Yes, you are right, the Hon. Ian Hunter. That's the hospital that you promised you would never ever close. It's a hospital that was closed by Labor, but this government is delivering in its reactivation of the Repat. What the announcement this morning highlights is that there will be a geriatric ward transferring from the Noarlunga Hospital to the Repatriation Health Precinct. That will give a great opportunity to benefit from the co-location synergies with the geriatric and dementia services on the Repat site. That space freed up in the Noarlunga Hospital site will have an acute medical unit transferred from the Flinders Medical Centre to the Noarlunga Hospital.

At the Noarlunga Hospital, that will mean that we have made two investments of acute medical beds since the election. What that means is that this hospital will not only have overnight medical cover in the emergency department but right across the hospital. There is an opinion within the Southern Adelaide Local Health Network that it will actually mean that not only have we undone the damage of Transforming Health but we have actually made the Noarlunga Hospital better than it ever was under Labor. This is a matter of delivering for the people in the south.

The third aspect—and this goes to the honourable member's question about stopping ambulance ramping—

Members interjecting:

The Hon. S.G. WADE: The honourable member's question relates to stopping ambulance ramping, and that is the third government priority that is delivered by this $85.7 million investment. We inherited a Flinders Medical Centre ED that was already over capacity. It was last redeveloped in 2010 under the former government. It reached capacity, I understand, a couple of years after that. In other words, for seven years it has been over capacity.

So we now have the busiest hospital ED in the state, which is operating at about—I think it is almost 90,000 ED presentations a year: 90,000 presentations for a facility that was designed to receive 70,000 patients. It actually has 50 per cent more presentations per treatment bay than the Royal Adelaide Hospital. Why would you do that? Why would you build a $2.4 billion hospital in the city and ignore a facility that since 2010 has not been redeveloped—has been over capacity from about two years later—and completely ignore the south?

The Flinders Medical Centre was crying out for an investment, and that is what the Marshall Liberal government is delivering. It will actually be a doubling of the adult emergency department capacity—

The Hon. T.J. Stephens: A doubling?

The Hon. S.G. WADE: The adult bit. It is only a 40 per cent increase in ED treatment spaces overall, but in relation to adults I'm told it's a 50 per cent increase in ED treatment spaces. I think it is important, on the Hon. Emily Bourke's point, which I think is a fair point—that EDs won't prosper without the support of the whole hospital; I'm glad she's been listening to some of my earlier answers this year. But in relation to the investment we made today, even within the ED we are helping manage that patient journey.

Half of the treatment bays in the Flinders Medical Centre are actually EECU beds—emergency extended care unit beds. That gives people the opportunity to receive treatment or be observed for up to 24 hours. It is a bit more than see and treat. You are being actually admitted into the unit for up to 24 hours. It's a very good way of providing people care close to home without needing to make a hospital addition.

So 12 of the treatment bays will be shall we say standard emergency department treatment bays; another 12 of them are emergency extended care unit beds. So we are very proud that in this enhancement across three sites we will do exactly what the Hon. Emily Bourke is calling on us to do in her question, which is to make sure that we invest not only in EDs but beyond EDs. But at least we are better than Labor. When it comes to the Flinders Medical Centre, we are investing in the ED. They neglected it for years.

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

SOUTHERN HOSPITAL SERVICES

The Hon. E.S. BOURKE (14:33): Thank you, Mr President. Considering the enthusiastic response, can the minister now in the light of this announcement—does he now concede that his closure of 16 ward beds at Flinders last year was a mistake, and will he reopen those beds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): I don't know the beds the honourable member refers to. There were some Flinders beds closed or put on standby, whatever it might be, at the end of last year, beginning of this year, which were reopened. So I'm not aware of any beds at Flinders that have been closed, but I will certainly take that on notice and check the facts.

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

SOUTHERN HOSPITAL SERVICES

The Hon. E.S. BOURKE (14:33): Does the Myles ward at Noarlunga currently have 16 beds—and you are moving it to the Repat in a ward with 12 beds, leading to a reduction of the capacity for those patients?

Members interjecting:

The PRESIDENT: All right, the Hon. Mr Hunter, we are moving on. The Hon. Mr Hunter.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:34): I direct a question to the Minister for Health and Wellbeing. Will the minister confirm that a consortium, including Aurecon, has been engaged to prepare a final business case for the new Women's and Children's Hospital? If so, what is the total contract value for the consortium? When does the contract conclude? Why hasn't the contract been publicly released yet?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): I was aware of a tender going out for a Women's and Children's Hospital project team, but I am not exactly sure what the honourable member is referring to. I will certainly take that on notice and bring back an answer.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:35): A supplementary, sir.

The PRESIDENT: I am not sure how you are going to do that but I will listen.

The Hon. I.K. HUNTER: I will give it a shot, sir. The minister says he was aware of a tender for the Women's and Children's Hospital going out. My advice is that the consortium is preparing a

final business case. Is the minister aware that the final business case is being prepared? Whilst he takes the former question on notice, if he doesn't have the answer today, will he also bring that back as a question on notice?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): I am happy to take the question on notice.

WOMEN'S SUFFRAGE ANNIVERSARY

The Hon. J.S. LEE (14:35): My question is to the Minister for Human Services regarding the 125th anniversary of women's suffrage in South Australia. Can the minister please provide an update to the council about the outcomes of the recommendations of the interim report of the Joint Committee on the 125th Anniversary of Women's Suffrage?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I thank the honourable member for her question. It gives me great pleasure to provide an update to the Legislative Council in relation to the outcomes of the Joint Committee on the 125th Anniversary of Women's Suffrage. Once again, I would like to place on the record thanks to members, particularly in this chamber—the Hon. Irene Pnevmatikos, the Hon. Tammy Franks and the Hon. Connie Bonaros—and from the other place, the members for Elder, Florey, Reynell and King for their participation in the committee in the lead-up to the 125th anniversary 2019.

A report, as members would be well aware because I am sure they have all read it, was tabled last year and made a number of recommendations. We have achieved a range of these recommendations. The first set of recommendations was in relation to organising an event, incorporating the Commonwealth Women Parliamentarians conference, which was held here in October.

The conference included a segment entitled 'Getting it even' which was pitched towards young women to come to Parliament House as part of a speech competition in terms of how they would increase women's participation in politics and achieve parity of representation. That took place on 9 October. The member for Reynell and the member for Florey were also in attendance and I think also the Attorney-General. The winners of that were Rebecca Lightowler, who is known to people who participate in the Youth Parliament, and also the youngest representation from the Campbelltown City Council, Councillor Luci Blackborough, who presented to that event.

Our second range of recommendations involved a re-enactment of the 1894 debate which will be taking place. I trust that there are members of this chamber—and I know members of the other chamber who will be participating in that. We have already had one rehearsal on 25 November. We will celebrate that commencing at 7pm on 18 December. That will be live streamed for anybody who wants to witness that. I think Hansard have been great participants in that particular event. I can see some people who I know will be part of that. We also have people who will be part of the gallery, so look forward to everybody finding their inner voice in terms of interjections.

I understand that the Department of Planning, Transport and Infrastructure will be lighting up the Riverbank footbridge in the suffrage colours of purple and yellow that evening as well. We have also made a recommendation that members should actively engage in the quasquicentenary celebrations, so the Office for Women has been very active in promoting a range of those events, which I know local members have greatly enjoyed participating in.

Things have been promoted on media. We had the hashtag #sasuffrage125, and there have been Facebook posts and Twitter posts. The grants recommendation, which I know the member for Florey was very keen on, for $125,000 in grants to go to organisations was provided by the Premier through the Office for Women. Organisations receive grants of up to $5,000 to contribute to public events and community engagement forums.

We have also asked the Joint Parliamentary Service Committee, in collaboration with the Clerks, to audit the houses of parliament to find ways in which parliament can become more family-friendly for visitors, staff and members. We have also asked the Standing Orders Committee. From my own conversations, I am aware that both presiding members are actively engaging in this process and look forward to further developments in that regard.

GREEN PUBLIC PROCUREMENT

The Hon. J.A. DARLEY (14:41): I seek leave to make a brief explanation before asking the Minister for Human Services, representing the Minister for Environment and Water, questions regarding green public procurement.

Leave granted.

The Hon. J.A. DARLEY: The Local Government Association has issued a waste action plan that outlines their views on a number of waste issues. One of the key principles is applying circular economy principles. The European Commission issued an edict regarding green public procurement in October 2017. Can the minister advise what the government's policy is on green public procurement and whether these principles are part of the Public Service's procurement processes?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): I think that is probably a question that the relevant minister will be directing to his particular agency of Green Industries SA. I am certainly aware that a number of government buildings have a lot of policies in terms of recycling, not for green waste and so forth but in terms of printer cartridges and a range of things. I will take those questions on notice for him and endeavour to bring back a response.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:42): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding the Women's and Children's Hospital.

Leave granted.

The Hon. C.M. SCRIVEN: Today, there was an announcement at the Women's and Children's Hospital about the new Women's and Children's Hospital, about new partnerships, in which it discussed that 'a consortium of Aurecon and Deloitte will work with us to prepare the final business case, find opportunities in the co-location with the new RAH, set up the project management office and a number of other factors'. Is the minister saying that he was unaware of this process or unaware of this consortium, even though it was announced today by his department at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): The honourable member does not seem to understand what devolution means. The former Labor government was focused on centralising power in a multistorey building on Hindmarsh Square. They abolished boards. They had a Stalin-like approach to managing the health bureaucracy. We, in contrast, believe that devolution is important. That means that boards working with local management make local decisions.

As I have indicated earlier, I was aware of the Women's and Children's Hospital project team tender process. I will certainly seek an update following the honourable member's question, but let me be clear to honourable members: I look forward to your questions, I look forward to answering all that I am able to, but let's remember that when we have a portfolio that employs more than 44,000 people—across LHNs, across the ambulance services, across the department—there is a lot that happens in the portfolio that I will need to seek further advice on.

One of my parliamentary colleagues was suggesting to me earlier this week that he thought that SA Health would probably be the largest employer by multitudes, perhaps tenfold. I appreciate there are other honourable members who would have a better idea of what the largest private sector employer would be in South Australia, but I am told that it's likely to be less than 10,000. SA Health is not only a major provider of health services in South Australia, they are also a major employer right across the state. We will continue to devolve, because it makes sense.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:45): Supplementary arising from the minister's answer: is the minister advising the chamber that the public announcement today of a new Women's and Children's Hospital was not known to him prior to question time?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): It certainly has not been brought to my attention that I am aware of.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:45): Supplementary: the minister has previously advised the chamber that a Women's and Children's Hospital task force will complete a report prior to the engagement of this consortium. Did the Women's and Children's Hospital task force complete such a report, as the minister has previously advised, and has the minister seen it?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I am happy to take the honourable member's question on notice.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:46): Supplementary: is the minister advising this chamber he cannot recall having seen this report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I am advising the honourable member that I have taken the question on notice.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:46): Supplementary: does the government remain fully committed to the construction of the new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I don't regard that as a supplementary.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:46): Supplementary: is the minister aware that Aurecon, which has been engaged today, according to the public announcement by the Women's and Children's Hospital task force, to prepare a business case, was part of the build of the new Royal Adelaide Hospital? If that is the case, does he now endorse the new Royal Adelaide Hospital build?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I have already indicated that I will be taking the honourable member's question on notice.

The PRESIDENT: The Hon. Mr Dawkins, you have the call.

Members interjecting:

The PRESIDENT: This is the opposition's question time. They can work down the clock any way they want.

Members interjecting:

The Hon. T.A. FRANKS: Point of order, Mr President.

The PRESIDENT: It's all members; I appreciate that.

The Hon. T.A. FRANKS: I understand what the President just stated, but perhaps the President might like to rule that it is the parliament's question time, not the opposition's question time.

The PRESIDENT: I appreciate that. I am duly corrected.

SOUTHERN HOSPITAL SERVICES

The Hon. J.S.L. DAWKINS (14:48): My question is directed to the Minister for Health and Wellbeing.

The Hon. C.M. Scriven: He won't know. It's not his responsibility. Ask the board.

The Hon. J.S.L. DAWKINS: He has forgotten more than you will ever know.

Members interjecting:

The PRESIDENT: Can the opposition benches give it a rest?

The Hon. J.S.L. DAWKINS: Will the minister update the council on actions the government is taking to support health services in Adelaide's south?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I thank the honourable member for his question. Over many years now, we have seen increasing demand for health services in Adelaide's south. For example, the Flinders Medical Centre has seen a 15 per cent increase in presentations at its emergency department, I understand, in the last five years.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, don't try me. Just let the minister answer the question.

The Hon. S.G. WADE: My understanding is that the hospital ED reached its design capacity about seven years ago.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, please express your outrage a little bit more quietly. Minister.

The Hon. S.G. WADE: The Hon. Mr Hunter asks me, 'What did Labor do about that?' Let me tell you what Labor did about that. About seven years ago it reached capacity, so what has Labor done to the Flinders Medical Centre ED in those seven years? They thought they would close the acute referral unit at the Repatriation General Hospital. It is not a full emergency department but a very important service, valued by the veterans and other patients of that facility.

That added additional pressure onto an emergency department which had already reached its design capacity. What did Labor do next? Well, they thought, 'Why don't we downgrade the Noarlunga Hospital and the ED so that we can put more pressure onto Flinders Medical Centre?' It was not only, to be frank, the Flinders Medical Centre and its emergency department but also the ambulance service that needed to transfer people from the Noarlunga Hospital to FMC.

So what else did Labor think they could do to the Flinders Medical Centre ED? 'Oh, I know, let's close the nearest hospital. Let's close the Repatriation General Hospital,' with a net loss of about 100 beds, I am told.

Members interjecting:

The Hon. S.G. WADE: The Hon. Terry Stephens is trying to distract me by reminding me about Labor's promise to never ever close the Repat, which is exactly—exactly—what they did.

Members interjecting:

The Hon. S.G. WADE: Well, actually, the Hon. Ian Hunter reminds me of Labor's record on ramping. One of his former colleagues says this in his book about the Flinders Medical Centre ED and ramping. He says, and I quote:

> A regular topic of my media interviews during my last few years—

let me underscore that: 'during my last few years'—

> as health minister was the concern about ambulance turnaround times, especially at the Flinders Medical Centre.

So what the Hon. Robert Hill is telling us there is that Labor introduced ramping to South Australia. The honourable member was the minister for health up until January 2013. The last few years would be, funnily enough, the same time that the ED at Flinders went over its design capacity—went over its design capacity. And Labor decided they would make it worse by downgrading Noarlunga, closing the Repat—

Members interjecting:

The Hon. J.S.L. DAWKINS: Point of order: I don't know about anybody else; I would like to hear the minister and I can't hear the minister because of the noise coming from across there.

The PRESIDENT: The Hon. Mr Hunter, please restrain yourself. Other members wish to listen to the minister. Minister, you have the call.

The Hon. S.G. WADE: So the then Labor minister, when the—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —during the period that the—

The Hon. J.S.L. DAWKINS: Point of order.

The PRESIDENT: Yes, the Hon. Mr Dawkins.

The Hon. J.S.L. DAWKINS: Point of order, Mr President: the Hon. Mr Hunter doesn't seem to listen to you at all. I would like to listen to the minister—

The Hon. I.K. Hunter: They like my voice, John.

The Hon. J.S.L. DAWKINS: Well, it would be better if it was softer.

The PRESIDENT: The Hon. Mr Hunter, please, we are getting to the point now where it's becoming tiresome. Minister.

The Hon. S.G. WADE: As the Hon. Robert Hill advises us, a regular topic—

The Hon. J.S.L. Dawkins: John Hill.

The Hon. S.G. WADE: John Hill—sorry. That will be a defamation action in spite of the protection of privilege. The Hon. John Hill was the minister for health up until 2013. He is saying in the last few years of his time as minister ramping emerged, particularly at the Flinders Medical Centre. I must admit, John Hill did do one thing about ambulance ramping at the Flinders Medical Centre: he commissioned a review.

In 2012, we had the Monaghan review, which was an external review on ambulance ramping. In spite of that, his government and those that followed, both Rann and Weatherill governments, continued to kick the south. They closed the key referral unit at the Repat, they downgraded Noarlunga, they closed the Repatriation General Hospital, which they said they would never ever close. So faced—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, please, I would like to hear the minister; please.

The Hon. S.G. WADE: So faced with an appalling legacy of Labor in the degradation of human services, we have invested $85.7 million over four years. We are investing in the Flinders Medical Centre, which has not been redeveloped by the former Labor government since 2010. The Labor Party brought ramping to South Australia. The Marshall Liberal government is determined to eliminate it.

The PRESIDENT: The Hon. Mr Pangallo.

Members interjecting:

The PRESIDENT: Please show some respect to the Hon. Mr Pangallo.

TOUR DOWN UNDER

The Hon. F. PANGALLO (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment about the Tour Down Under.

Leave granted.

The Hon. F. PANGALLO: South Australian Stuart O'Grady had a celebrated cycling career for Australia, including winning an Olympic gold medal, and he has had a successful association with the event as a rider before his retirement. He is now the new director of the Tour Down Under—but Mr O'Grady is also a confessed drug cheat.

In his biography Mr O'Grady admitted to taking a banned substance, EPO, in the lead-up to the 1998 Tour de France, this frank admission in 2013 coming after years in which he flatly denied taking drugs—essentially lying—even if it were dismissed as a one-off event, if we can believe that now. While he was never stripped of his awards, it nonetheless tainted his career. However, he is now welcomed back as the South Australian president of the Australian Olympic Committee.

When they were in opposition the Liberals strongly attacked the Rann Labor government and the Weatherill government regarding the signing of cycling's most notorious drug cheat, Lance Armstrong—who, I might add, also spent years lying about his drugtaking before he was finally found out. My questions to the minister are:

1. Did the government take into consideration Mr O'Grady's admission that he had taken a banned substance when making his appointment as tour director, and did the minister personally sign off on the appointment?

2. What makes Mr O'Grady's admission of cheating any different to that of Mr Armstrong's, particularly in light of his repeated denials previously?

3. Does the minister believe that a person holding such a prestigious position as the director of Australia's premier international cycling event should have impeccable integrity?

4. Does the minister believe the appointment of Mr O'Grady may now impact on the event's credibility and that of Mr O'Grady, who had repeatedly misled the public and the world media?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:56): I thank the honourable member for his question regarding the Tour Down Under. It was with great pleasure that we announced, earlier this week, that Mr Stuart O'Grady is to be the race director. This will be Mike Turtur's last race and Stuart O'Grady will, if you like, be his right-hand man throughout this particular 2020 race. Stuart will then take over as race director in 2021 with Mike Turtur being there as a bit of a mentor for him.

To try to answer some of the honourable member's questions, there was a quite extensive process undertaken—effectively almost like a competitive tender, I think, the way it has been described to me. There was quite an extensive process, and there were a number of people who were interviewed in that process. I think the only caveat on it was that we wanted it to be an Australian, and my understanding is that only Australians were considered for that position.

It was very exhaustive, with a panel put together that included Mike Turtur—so Mike Turtur was well involved with that—to do the evaluation. The evaluation was done, and the recommendation was for Stuart O'Grady to be the new race director.

I think Mr O'Grady addressed the concerns around his admission that he had taken a performance enhancing substance—I think it was EPO. He admitted that was a mistake, he admitted that he had paid a significantly high personal cost, as had his family, but the sport has now universally and internationally accepted that the only way for it to prosper and go forward is to be drug-free, and that is certainly the view of Mr O'Grady.

So while he does not shy away from the fact that he used that substance, it was nearly 20 years ago, I think, when he used that. It is the view of the South Australian Tourism Commission and the government that Mr O'Grady has paid a heavy price and has learned from his mistake.

I also think we have to take into consideration that Stuart O'Grady comes with the full support of the president of the UCI, David Lappartient. As we know, the Tour Down Under is the start of the UCI World Tour, and if the president of the UCI had any doubts he would have expressed them. He has no doubts; the appointment comes with his full support.

Mr Gerry Ryan, who owns the Mitchelton-Scott team—the Australian team that races here, but also in the Tour de France—absolutely fully supports this appointment. We have a couple of extremely important figures in international cycling who are very vigorously supporting the appointment of Stuart O'Grady.

On the back of that, we don't believe the appointment of Stuart O'Grady will affect the credibility of this spectacular race. It is the largest cycling event in the world outside of Europe, and it continues to grow. I had the good fortune to attend three days of the Tour de France in July and I can say that while that is a spectacular and iconic event, what we have here is particularly special. The riders that I met talked very fondly about our great event here.

I see the appointment of Stuart O'Grady as a great opportunity to take on this race with his creativeness. It is about the race director, it is about the different routes that he will take us on, and we are looking forward to a very exciting future with Stuart O'Grady as the race director.

TOUR DOWN UNDER

The Hon. F. PANGALLO (15:00): Supplementary: so the minister is saying that Mr O'Grady is an exception to the rule, and the strong criticism they levelled at Mr Armstrong. Was his record taken into account, his admission of drug-taking during the interview process, and if there were other Australians who were interviewed, were they all male or were there females, and were any of them ever, or had they ever confessed to being drug cheats?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:01): I thank the honourable member for his supplementary question. While I wasn't involved in the interview process, I am certain that Mr O'Grady's taking of drugs and his admission would have been thoroughly interrogated by the group in charge of the appointment. I don't know the names of the others and, if I did, they are commercial-in-confidence and I would not be able to disclose them. However, I am sure that all of their histories, whether they are self-confessed like Mr O'Grady, or were found out like Mr Armstrong and were eventually outed as using drugs, I'm sure that would have been fully interrogated by the group.

It is important, but I want to reiterate that David Lappartient and Gerry Ryan and other international cycling identities have supported the appointment very strongly because they know the calibre of Mr O'Grady. He admits that it was a mistake and, as I said, he paid a heavy personal price and his family paid the price for that. It was 20 years ago and he is now well placed, as a South Australian icon, a champion—he has won world, Olympic and Commonwealth Games gold medals and I think he has had nine yellow jerseys in the Tour de France, and he won the first Tour Down Under. He comes with a very long length of credentials, and we are very comfortable that the team has made the right decision in selecting Mr O'Grady.

TOUR DOWN UNDER

The Hon. F. PANGALLO (15:02): Further supplementary: why does it matter that it happened 20 years ago? Is the minister concerned about Mr O'Grady's credibility when, for many years—probably going back 20 years—he repeatedly denied taking any drugs to enhance his performance? He was lying. So how can you have confidence in his credibility after making such a confession?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): I think the honourable member almost answers his own question. He actually did confess. He actually said, 'I've done the wrong thing; I regret it.' As I said, and I will repeat, he paid a significant personal price as an individual, as an athlete, and his family paid a price. He confessed, but we have been through a vigorous process and the UCI world president and also people like Gerry Ryan wouldn't be putting their names to this appointment if they were not comfortable and confident that this appointment was going to enhance this great event.

We should be particularly proud of the fact that an event that is now over 20 years old, supported by pretty much everybody in the state is a wonderful event. People such as David Lappartient, Gerry Ryan and others are global ambassadors and support the appointment because they know that this is the right appointment. We have a South Australian director following in the footsteps of Mike Turtur, another great South Australian. Mike Turtur himself is very, very comfortable with Stuart O'Grady's appointment.

The PRESIDENT: I thought that was the last supplementary, but I am going to give you the extra special last one.

TOUR DOWN UNDER

The Hon. F. PANGALLO (15:04): Only as a result of that response.

The PRESIDENT: No, that's not the correct one.

The Hon. F. PANGALLO: Out of that answer.

The PRESIDENT: Out of the original answer.

The Hon. F. PANGALLO: Yes, it is. He mentioned that he has actually sought the opinion of another team owner. Will the minister now seek the opinion of the owners of all the other teams

about whether they think it's an appropriate appointment? Why just, I believe it is, the Green Edge team?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:05): It's actually the Mitchelton-Scott team now. It was Green Edge when maybe Mr Pangallo was paying attention a few years ago. It is now the Mitchelton-Scott team. It's the only Australian team. All the other teams are internationally owned. It's about this iconic Australian event. There is a massive network of people in the global cycling family. I am sure that there would be a range of people who were spoken to. I know that Gerry Ryan, owner of the Mitchelton-Scott team, is particularly comfortable. It's an Australian-owned team. It's the only one. I think they spend about $40 million a year on that team. It's a great team that promotes Australia and Australian cycling.

LUXE HAUS

The Hon. R.P. WORTLEY (15:05): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question regarding Luxe Haus.

Leave granted.

The Hon. R.P. WORTLEY: In question time on 17 October, in relation to why the South Australian Tourism Commission took so long to remove Luxe Haus from the department's website, the minister said:

> …[this] is an operational matter. It would be absolutely inappropriate for me to have any influence positively or negatively.

My question to the minister: can the minister explain why FOI documents reveal that the minister's chief of staff met with a concerned resident about Luxe Haus in September, less than a month before the property was taken off the South Australian Tourism Commission website? Considering the minister's previous comments to this council, has the minister or his office acted absolutely inappropriately?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:06): I thank the honourable member for his question. We meet with concerned constituents on a range of matters all the time, as any ministerial office would. The honourable member asking the question was a minister himself for a brief period of time. I don't know whether he met with concerned constituents or his office did. People were concerned. My office met with this concerned person. The SATC manage who is on their website and who is not on their website and they manage that, as I said earlier, as an operational matter.

LUXE HAUS

The Hon. R.P. WORTLEY (15:07): Supplementary: given that freedom of information request included a reference number for the meeting, was a briefing prepared for the chief of staff's meeting and, if so, why wasn't that briefing included in the determination?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:07): I will take that question on notice because I am not sure whether a briefing was prepared or whether it was just a constituent, who had raised a concern, that my chief of staff was happy to meet with.

SA HEALTH PARTNERSHIPS

The Hon. D.G.E. HOOD (15:08): My question is to the Minister for Health and Wellbeing. Will the minister update the council on partnerships in SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I thank the honourable member for his question and I am happy to address the issue. The Marshall Liberal government is a collaborative government. We are committed to engaging with stakeholders to deliver better services for South Australians.

One example of this is a new partnership between SA Health in the form of the Central Adelaide Local Health Network and the Toronto-based University Health Network. The University Health Network is Canada's largest healthcare and medical research organisation. The network includes the Toronto General Hospital, the Toronto Western Hospital, the Princess Margaret

Comprehensive Cancer Centre, the Toronto Rehabilitation Institute, and the Michener Institute of Education.

The network is ranked the number seven in the world and has undertaken major research in cardiology, transplantation, neurosciences, oncology, surgical innovation, infectious diseases, genomic medicine and rehabilitation medicine. The four hospitals and five research institutes employ over 1,000 researchers and have secured annual research funds of more than $Can380 million, which translates to $A421 million.

Importantly, the network has a team dedicated to the translation of research into medical products that improve health care. That is exactly the sort of research that public health systems need. Having world-class research means that you attract world-class clinicians who in turn ensure that the care provided in the hospitals is at the cutting edge of medical innovation. The work to translate research into medical products is also vital, bringing the tremendous advances of contemporary science into our theatres and into every department in our hospitals, and again giving South Australians the best possible care.

The Central Adelaide Local Health Network itself already undertakes significant research at both the Royal Adelaide Hospital and The Queen Elizabeth Hospital, and is heavily involved in the Adelaide biomedical precinct. This new partnership will strengthen CALHN's research partnerships and allow for new collaboration with one of the top 10 hospitals in the world. The partnership demonstrates that in South Australia we are delivering top shelf research, such that a world leader in health research is looking to join with us in that work.

I particularly want to acknowledge the leadership of the chair of the Central Adelaide Local Health Network board, Raymond Spencer, and the CEO, Lesley Dwyer, for the work that they have put in in getting this partnership agreement established. It is a great opportunity for South Australia and for the Central Adelaide Local Health Network in particular, and I look forward to the fruits of this collaboration.

SILICOSIS

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Industrial Relations on the topic of silicosis.

Leave granted.

The Hon. T.A. FRANKS: As the council and you, Mr President, may be aware, I have previously asked the minister about what action the government has taken or is taking to protect workers from the harms of silica dust. I thank him for his updates to the council, as well as his responses to those questions. Today, of course, in *The Advertiser* it was revealed that an audit of the manufactured stone industry has resulted in more than 170 notices being issued by SafeWork SA to 36 firms, some of which have been guilty of exposing their workers to dangerous levels—dangerous levels—of silica dust.

The audit found that almost 70 per cent of the fabricating businesses had not conducted air monitoring of the work area to measure the dust output. My questions to the minister are: given there is no safe level of exposure to silica dust, how are the dangerous levels being defined, and what steps will the government be taking to ensure that fabricating businesses are putting in place appropriate safety measures, even things as basic as bringing in air monitoring?

The Hon. R.I. LUCAS (Treasurer) (15:12): I thank the honourable member for her question. The first point I would make is that I think it is to the credit of SafeWork SA, and indeed the new government, that they are looking at this issue, which has been around for many years. A former Labor government, having been there for 16 years, did—I was going to use a colloquial expression, but I won't use a colloquial expression, or an acronym for a colloquial expression—precious little, perhaps, is the best way of me putting it in relation to—

The Hon. D.W. Ridgway: Sweet.

The Hon. R.I. LUCAS: Yes, that's right, it started with 'sweet'. They did precious little over a long period of time on what is a most important issue. I know the honourable member and groups and workers that she represents and works with on a range of issues share similar concerns. I think

it is encouraging that we have done this audit and we have been transparent and published the results. I am mindful that that shouldn't be the end of the process; that is, what is the ongoing role for SafeWork SA?

Indeed, one of the questions I have when the dust settles—if I can use that phrase—on this parliamentary session with gambling, land tax, GM and all those sorts of things is: okay, what is the ongoing role of SafeWork SA? Do we do ongoing audits? Are there random audits? Do we do an annual audit along these lines? They are the sorts of issues that I think any government and any minister should be asking in relation to this particular industry.

More particularly in relation to the issue the honourable member has raised, I will get from SafeWork SA exactly how they have defined it, but I suspect there is a level. The actual measure—I know it is 1.0, I think, per microgram or something like that is the measure of RSP, which is a measure in terms of the degree of silicosis that is apparent, or not silicosis, I should say: respirable silica dust (RSP).

There is a proposal currently with Safe Work Australia and federal ministers to reduce that by half to 0.5. I think the honourable member might have raised the question before in relation to this. There were some stakeholders and I think one of the unions nationally that were supporting 0.2 in terms of the measure of safe level. My recollection, and I will stand corrected if I am wrong, was that I think the ACTU, representing unions and workers broadly, supported 0.5.

The majority of state governments supported 0.5, or ministers representing state governments, but I think Victoria has supported, possibly, 0.2. But again, I will take all of this on notice and bring back a more comprehensive reply, plus the specific measurements. I remember the numbers—1.0, 0.5 and 0.2—but the correct measurement escapes me for the moment.

There is that debate that is going on at the national level at the moment. There is a majority view to halve that safe level of measurement. So I suspect the answer to the honourable member's question in relation to safe levels probably goes back to the existing standard, which was 1.0, but I will check that and see whether that was the measure they used or not.

I know the member would have read the report and probably has had her own reports about it. Some of the practices were just appalling: workers—not just young workers but young workers and older workers—being told to sweep up the dust at the end of the day and all they had was a hat. Precious good a hat would do. So I know there is a greater recognition in industry and amongst unions and amongst many workers and many employers, but not all—and that's the issue—that this is a significant issue now and that the work practices that have existed for decades can no longer be accepted in the interests of worker safety.

Much has to be done. I accept, on behalf of SafeWork SA and the government, that we, the government, need to do much more through our agency, which is SafeWork SA. But not only SafeWork SA, as I have highlighted before: ReturnToWorkSA; SA Health has an active engagement role in all of this; and MAQOHSC, the specialist advisory committee that Martin O'Malley chairs for me. I have only just reappointed him. That probably ruins my reputation, supposedly, as a hater of union bosses, but he did a very good job. I think he is respected within the industry, and even if I have to say so myself I recognise merit and the capacity to do a job when it is being undertaken.

This is an important role, and his willingness to undertake the task but also the fact that people who work in the industry know him and while not everyone would respect him by and large a lot of people respect him means that he has an important role to undertake on behalf of that particular committee. So I will provide further information to the honourable member by way of letter, given that the house is likely to rise, if not today, sometime next week.

FREEDOM OF INFORMATION

The Hon. J.E. HANSON (15:18): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question regarding compliance with freedom of information legislation.

Leave granted.

The Hon. J.E. HANSON: A freedom of information request was sent to the minister's office in October of this year asking for 'copies of any and all documents that mention or reference in any way Corey Ahlburg'. Yesterday, the minister's office returned a determination that stated, 'After a thorough search, I have identified nil documents that relate to your request.'

The Hon. R.I. Lucas: Hear, hear.

The Hon. J.E. HANSON: The Treasurer may regret his enthusiasm. However, another FOI request returned on the same day for the same time period provided documents that mentioned Corey Ahlburg's name no less than four times. As I stated, another FOI request returned on the same day for the same time period provided documents that mentioned Corey Ahlburg's name in the documents literally no less than four times, including meetings with the minister's chief of staff. My questions to the minister are:

1. Has the minister exerted undue influence on his FOI officer to suppress documents relating to convicted sex offender Corey Ahlburg?

2. What else is the minister not saying about his relationship with convicted sex offender Corey Ahlburg?

3. Does the minister believe that either he or his staff have met all their obligations under the Freedom of Information Act in relation to this determination?

4. Given the minister seems to have not disclosed some documents in regard to convicted sex offender Corey Ahlburg, has the minister ever misled parliament in relation to his relationship with convicted sex offender Corey Ahlburg?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:21): I thank the honourable member for his question. He has asked four questions. The answer to the first question, which was in relation to undue influence, is no. Secondly, in relation to the relationship, I have no relationship with the gentleman concerned. I believe, yes, we have met all the obligations and, no, I have not misled parliament.

Bills

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Committee Stage

In committee (resumed on motion).

Clause passed.

Clause 58.

The Hon. C. BONAROS: I move:

Amendment No 5 [Bonaros–1]—

Page 27, line 31 [clause 58(3), inserted penalty provision]—Delete '$10,000' and substitute '$50,000'

The amendment seeks to increase the penalty that would apply in instances where children are allowed to enter gaming areas. It seeks to do that by increasing the penalty from $10,000 to $50,000 to reflect the severity of the offence that is being committed when we allow our minors, who have no place in these venues, to be in these venues and indeed, in many cases, to gamble in these venues without being detected. The penalty is intended to reflect the severity of the issue that we are dealing with when we have children in gaming areas when they ought not be there. It is a maximum penalty, obviously.

The Hon. R.I. LUCAS: The government opposes this particular amendment. The advice we have received is that the penalty that is outlined is commensurate with and consistent with the other penalties within the act. We certainly do not downplay the significance of the offence that is highlighted here. In relation to this, my advice is that the commissioner retains the power for expiable offences under this particular provision, even with the amendments of the Hon. Ms Bonaros. I think that expiation is up to $1,250. Again, it provides a range of options for the commissioner, depending

on the circumstances surrounding the particular potential or alleged offence. For those reasons, the government opposes the amendment.

The Hon. M.C. PARNELL: On behalf of my colleague the Hon. Tammy Franks, who has instructed me in relation to this item, the Greens are supporting this amendment.

The Hon. C.M. SCRIVEN: My question is to the mover of the amendment. Could she explain how the figure of $50,000 was arrived at?

The Hon. C. BONAROS: If I heard the question correctly, it was about how that figure was arrived at. The figure was arrived at by increasing the current figure fivefold to reflect the severity of the issue that I said we are dealing with. The current maximum figures, which I have quoted earlier, that apply under the Gaming Machines Act are $35,000. In this instance, because we are dealing with minors, SA-Best's position was to increase the current figure to a maximum penalty that is fivefold that that currently applies.

The Hon. C.M. SCRIVEN: Can the mover indicate how this compares with other penalties for the sorts of contraventions that she would see as equivalent in significance and seriousness?

The Hon. C. BONAROS: I am not sure that I understand the question. I have said that it is a significant breach if a child is allowed into a gaming room. The current maximum penalties that apply for the top end of offending under the Gaming Machines Act, for instance, are $35,000. I have said that, given in this instance we are dealing with minors, it warrants a further increase in penalty, and so we increased that penalty fivefold.

Let me add to that. This one here specifically relates to the Casino. With the duty owed by the Casino, there is a very strong argument to back up a claim that, when you are dealing with the Casino—which has the resources that it has, which has the staff availability that it has, which has the obligation and duty of care that it has towards its patrons—it is only reasonable to expect the Casino—if you want to compare that with another gaming venue—to do absolutely everything in its power to make sure that minors do not make it through its front doors.

The Hon. C.M. SCRIVEN: I have two questions. The first one, though, follows up on that. How does this compare to a similar offence for a gaming venue that is not the Casino?

The Hon. C. BONAROS: I have said that the offences that apply in relation to the Gaming Machines Act, in terms of the higher end of the penalties, are maximums of $35,000. Our position on this issue, I have made clear, is we are dealing with minors who are entering into gaming machine areas when they should not be there. It is a fivefold increase to the penalty that applies. It is higher than the penalty that applies under the Gaming Machines Act by $15,000.

The Hon. C.M. SCRIVEN: I think a fivefold increase would be $175,000.

The Hon. C. BONAROS: It is $50,000; what is that?

The Hon. C.M. SCRIVEN: It is significant if you are receiving that penalty.

Amendment negatived; clause passed.

Clauses 59 to 73 passed.

Clause 74.

The Hon. C. BONAROS: I move:

Amendment No 6 [Bonaros–1]—

Page 33, line 7 [clause 74(3)]—Delete subclause (3)

This will be a test clause for a number of other amendments to follow. I am not sure if it assists the Chair if I point those out.

The CHAIR: I think it would be important that you did. If they are consequential or if this is a test provision, I would let the committee know. The usual practice is that you would talk to those amendments.

The Hon. C. BONAROS: I will talk to amendment No. 6. That is the one that is related to the social effect certificate test. The amendments that are associated with that are amendments Nos 6, 7, 8, 9, 13 to 20, 22 and 24 to 27. This will be a test clause for those, so I can go my hardest, Treasurer.

The Hon. R.I. Lucas: Unleash!

The Hon. C. BONAROS: Unleash! The amendments seek to keep the social effect certificate process that currently applies in the bill as is, and it does so for good reason. If there is one and only one good thing I can say about the opposition during this debate, it is that the most sensible thing that they ever did in government was introduce the social effect certificate test. That test we know has been used effectively.

The test case concerning that provision is the SAJC case—that is, the Cheltenham Park community and sporting club—which involved an application by the South Australian Jockey Club for the grant of a social effect certificate pursuant to the Gaming Machines Act in relation to a proposed gaming venue to be located at the corner of Cheltenham Parade and St Clair Avenue, St Clair, to be known as Cheltenham Park community and sporting club.

As I mentioned during my second reading contribution on this bill, I will refer to the matters that were considered during that application. It was a very important application because, up until that point, as the Hackham case highlighted very well, every time an application was made, the parameters around which people could object to those applications were weak, to say the least. In the Hackham case—and that is a case that I advocated in—I think the greatest irony is we appeared together with the legal representatives of a number of other owners of those gambling venues in the vicinity of that particular hotel.

For members who are not familiar with the Hackham case, that involved the old Sizzler site at Morphettville and the transfer of the licence to that site from a club. The name of that case was the Hackham Community Sports and Social Club. The matter was heard in the Licensing Court of South Australia in 2008 and that case involved the removal of a club licence. The applicant held both a club licence and a gaming licence for 15 machines. The application before the court was for the removal of the club licence to proposed new premises. As I said, the irony was that various hotels objected to the application together with us on behalf of the local community, and a number of individual objections were also heard.

Judge Chivell, who I appeared before, considered the relevant provisions of the Liquor Licensing Act 1997 regarding removal of the liquor licence, including section 53, which provided that a licensing authority had an unqualified discretion to grant or refuse an application under the act on any ground, or for any reason, the authority considered sufficient, but must be refused if the licensing authority were satisfied that the grant of the application would be contrary to the public interest.

The court considered the liquor licensing scheme, including the principles and policies found in the legislation. In his reasons for the decision, Judge Chivell detailed the function of Club One and its management arrangement with Club Management Services. He also considered the issues of whether the removal of the licence would affect the noise levels around the venue, traffic and parking, and the planning aspects of the proposed new venue.

He also set out the evidence from the objectors to the application, and concluded that the premises to which the removal of the licence was sought was of an appropriate standard for carrying on the business and that all relevant planning and business approvals had been obtained. He considered whether the applicant had satisfied the court that the removal of the licence would be unlikely to result in undue influence, annoyance, disturbance or inconvenience to persons in the vicinity, and he found that many of the concerns of local residents had been addressed by the council in the process.

However, he refused the application. He did so because he considered that the grant of the application would result in the creation of an entity that was a club in name only and that would be much more in nature of a professionally-operated hotel or tavern than a non-profit association or club. He stated in those findings, at paragraph 205:

In particular, I am satisfied that, for the reasons I have already expressed, to grant the application would allow the liquor industry to develop in a way which is not consistent with 'the needs and aspirations of the community'.

As I said, the irony was that we were joined by a number of hotel objectors. They had no care whatsoever for the aspirations of the community; what they were trying to overcome was further competition in their vicinity. That was the reason we had their support during that process. Of course the law, prior to the introduction of the social effect certificate, did not provide them with any other means to make their case.

That is why the SAJC decision is such an important precedent, because under the one good measure that the opposition managed to implement in its time in government we finally had a process that set a very high threshold, and a reasonable threshold, in terms of an application for a new venue. It also clarified the sorts of issues that ought to be considered in those sorts of applications.

There has been some criticism around the length of time and so forth that it took for that decision to be made, and that has been used as a reason to effectively say that the test has been unsatisfactory. In fact, I am sure if we asked the commissioner the same question he would say that the reason it took a year or so to finalise that matter was because there was a very important precedent being set in an area of law that had previously been the subject of hearings that did not really consider the important issues at hand.

We were arguing those applications on very flimsy laws and using every loophole in those laws, particularly hoteliers, to be able to argue for an application to be refused. So the SAJC case set a very clear precedent and paved the way forward for how those decisions would be decided in the future.

It is an important judgement and the fact that there are such a small number of applications that have been granted since the introduction of that test is not a reflection of that test not working. In fact, it is the polar opposite: it is a reflection, for the first time, that we have a test in place which lifts the thresholds, allows the public interest considerations to be considered—which ought to have been considered all along—allows the concerns of the community to be appropriately considered, the concerns of local schools, the concerns of whatever local group it is, and particularly residents, to be considered at an appropriate level. That is not something we had before.

I am blown away that the opposition would seek to undo one of the most effective measures that they implemented in relation to that process but that is, of course, my understanding of what they are seeking to do today.

The SAJC case was also important because it provided the opportunity to hear very important evidence, not only from locals who were vehemently opposed to the application that was being made but also a number of experts, including Dr Charles Livingstone and Dr Paul Delfabbro. Although Nick Xenophon appeared in that case, he also provided written submissions and appeared as a witness as well.

There is a detailed analysis of the evidence that was provided in relation to the issue of responsible gambling and the way that these matters ought to be determined in the judgement, and I would urge all those honourable members who have not looked at the SAJC judgement to do so, irrespective of the outcome today, because there is a lot to be learnt from that.

I say that because the commissioner accepted the evidence that was placed before him during those proceedings and accepted the veracity of the evidence that was placed before him and used that evidence as the basis for the precedent which has paved the way, in terms of similar applications, since.

There was also another application that came up in between and that was the BH application in Port Pirie, another one where I acted. I recall very vividly in that application Bill Cochrane attempting to—I will choose my words carefully here—effectively attempting to bully us into submission. Bill Cochrane was retained on the basis that if that application was successful he would receive a lump sum payment.

I recall the meetings that I had with Bill Cochrane, with other colleagues of mine present at the time, and the bully-ish nature that he used in an attempt to have us, effectively, get out of his way and get his job done so that that application could be pushed through. It was nothing short of

disgraceful. Of course, it did not deter us and, ultimately, those applications were withdrawn and that application did not go ahead. It was a good outcome for us, despite Bill Cochrane's behaviour throughout the process.

As I said, the threshold under the test that applies now is a lot higher than it ever has been. Our concern with these amendments is that the amendments that are being proposed seek to do away with that process and replace it with a public interest test. Of course, the threshold that applies under that public interest test is simply not as strong as the one that applied under the former test, so that is our concern.

I have some sympathy for the commissioner here because I think if I were to ask the commissioner he would agree that it has been a very effective process, despite the fact that the first test case—Cheltenham—took as long as it did. The outcome in that case paved a very clear pathway and precedent for all future cases.

The fact that there has been a number of unsuccessful cases since is not a reflection of any technical difficulties associated with that test, it is a reflection of the amount of work that had to go into undoing the mess that we had up until that point and establishing some clear guidelines and thresholds about how we would treat new applications and the effect, detrimental or otherwise, they are capable of having on a local community in particular.

I think I may have referred to this earlier but Professor Michael O'Neil also provided comment in relation to the social effect inquiry process. In his comments, he said that one of the issues that we have with the Anderson review that we are relying on is that it did not consider the question of safeguards for harm minimisation in its reviewing of commercial gambling. Even though it may have been decided to scrap this, there are very specific questions that did not form part of the Anderson review but have still resulted in the move to scrap that test. In his report, Professor O'Neil states:

> The Anderson Inquiry…is critical of the time…and the extended argument around the proposed SAJC gaming proposal at Cheltenham which was ultimately rejected.

He also:

> …proposes replacing the current…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…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.

He goes on to give the example of whether you would:

> …set up a shop without analysis of existing competitors…population density, per capita consumption trends, hours of opening and estimate of current turnover...

Although he takes a slightly different approach on this issue, Professor O'Neil makes the point that we have based our assessment on the social effect inquiry process on the wrong premise insofar as the Anderson review has not taken into consideration all of the other qualifying factors and related safeguards of harm minimisation.

Indeed, the reason Professor O'Neil does that is because he says that, ultimately, these processes are flawed unless we have access to the appropriate and necessary data. Those amendments have already been rejected in this place, but the reason he says that is because otherwise our assumptions are entirely subjective and we are relying purely on the evidence provided by the witnesses.

Of course, without access to the sort of data Professor O'Neil talks about, we do not have any choice but to rely on that evidence. The important part to remember is that the evidence presented throughout the SAJC case was considered very, very carefully by the commissioner. It was weighed up against the evidence of other witnesses, and ultimately the expert evidence in that case was accepted and the Cheltenham application was rejected.

I have spoken at length about the importance of that decision, and in my view it would be a crying shame if we allowed one test, which has not been the subject of the level of scrutiny that has

been suggested because of the factors that were taken into account in the Anderson review, to be undone because that process has not resulted in the approval of applications.

It has not resulted in the approval of applications because we have finally set the bar higher, and we have finally taken into consideration the sorts of factors that we ought to have been considering before we allowed venues to open up willy-nilly all over the state and absolutely saturate those areas and demographics that can least afford to have them, those areas and demographics that are made up predominantly of our most vulnerable community members, who can least afford to play these machines, and those areas that have members of our community who suffer the dire consequences of problem gambling and gambling addiction the most.

The Hon. R.I. LUCAS: We canvassed this area, all of us who have different views on this, in earlier stages of the debate, and the government opposes this amendment. As the Hon. Ms Bonaros has acknowledged, there is a series of 13 or 15 consequential or subsequent amendments that all pertain to the same issue, that is, the replacement of the social effect inquiry process.

The current social effect inquiry process is a prerequisite for an application for a gaming machine licence and, in addition to the preparation of a comprehensive statistical compendium, places an onus on an applicant to undertake significant and protracted engagement with the local community. In his review findings, the Hon. Tim Anderson QC found that the current test creates a situation that in practice prohibits the development of new venues. Indeed, since the introduction of the social effect inquiry process in 2011, no new gaming machine licences have been granted.

The statutes bill repeals the concept of a social effect inquiry process in favour of an assessment on the basis that an application for a gaming machine licence is a designated application for the purposes of the act and as a consequence requires the commissioner to be satisfied the application is in the community interest, consistent with the equivalent test under the Liquor Licensing Act 1997. The commissioner will retain overall discretion to grant such licences and will be required to have regard for the harm that might be caused by gambling, whether to a community as a whole or a group within the community, and the cultural, recreation, employment and tourism impacts and the social impact in and impact on the amenity of the locality of the premises or proposed premises.

New community impact assessment guidelines will also be developed and published by notice in the *Government Gazette* for determining whether or not such applications are in the community interest. Following the successful passage of this legislation, the commissioner will then commence consultations on matters that are to be included in the guidelines as relevant to enable an assessment of the likely impact on the community to be assessed.

As I indicated in an earlier contribution in this debate, my long experience with groups representing clubs in South Australia has indicated a number of examples of clubs that have concerns about this particular process. I obviously have a strong footballing background—as in follower, not as in talent; as observer. There are a number of clubs, and I declare an interest. I am a member of the West Adelaide Football Club. They, over the years, have looked to move their machines, but clubs that I have no affiliation with, like the Sturt Football Club, and indeed others, have expressed interest.

But in other sporting areas—the honourable member has referred to the case in relation to the SAJC; but Harness Racing, for example, Mr Acting Chairman, have talked to various people about their desire to be able to move their machines from—and I might not get this strictly correctly: it is either from one side of their property to another or from on their property to very near their property—

The Hon. T.J. Stephens: The SAJC was contiguous land.

The Hon. R.I. LUCAS: Yes. The SAJC was contiguous land, but what about the harness racing?

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: I think Harness Racing might have been contiguous land as well. But anyway, it was that argument. At varying stages—I am not sure whether they ever went ahead and whether indeed it is still an issue or not but the South Australian National Football League, I

know, at West Lakes, were exploring what their opportunities were. I highlighted the fact that there is a club, I think a golf club or something, in Port Pirie, which, when I have attended Clubs SA functions the issue has been raised that they wanted to move. Now, it wasn't contiguous land; it was to move to another location.

So, look, there are any number of examples, and not that I can recall, but I am sure there are probably examples of hotels who have sought to move licences as well. But these ones I am more immediately aware of, because over many years they have lobbied me and I guess many other people in parliament about what they see as the unfairness of the current provisions and the impossibility of actually moving any machines.

Anyway, without wishing to unduly delay the debate I indicate for the reasons I have outlined that the government will not be supporting this particular amendment or indeed the other 12 or 15 amendments which are part of the same package.

The Hon. C.M. SCRIVEN: I have a couple of questions of the mover. My understanding is that this amendment and the other related amendments will remove the social effects inquiry test and replace it with community impact assessment guidelines. So assuming that my understanding is correct, the member said the proposed new arrangements would be not as strong. Could she be specific about what it is that she thinks will not be as strong such as to have a detriment to this process?

The Hon. C. BONAROS: Does the opposition have any intention of supporting these amendments? Because if they don't, then I suggest you go and read the transcripts—

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Ms Bonaros, the member has asked—

The Hon. C. BONAROS: —of SAJC and inform yourself.

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Ms Bonaros, you do not talk when I am talking. The member has asked you a question. You are required to answer, please.

The Hon. C. BONAROS: I do not have a response for her, Acting Chair.

The Hon. T.A. FRANKS: Point of order, Acting Chair. She is not required to answer and—

The ACTING CHAIR (Hon. D.G.E. Hood): She is required—

The Hon. T.A. FRANKS: —she was actually answering the question. She referred the member to her previous responses. The ALP has made it very clear they are not supporting a single amendment, and so she referred to her previous responses and asked if the position of the ALP had changed and they were willing to entertain this amendment, because then, actually, a repetition of the arguments that have already been put before this place could occur. But why repeat, which is against the standing orders, those same arguments that have been presented to this council now for the benefit of somebody who has already indicated that they are not willing to support these amendments?

The ACTING CHAIR (Hon. D.G.E. Hood): That is not a point of order.

The Hon. T.A. FRANKS: My point of order, Acting Chair, was that she is not required to answer the question.

The ACTING CHAIR (Hon. D.G.E. Hood): And that much is so: she is required to respond to the member but not to ask her another question, which was what she did.

The Hon. C. BONAROS: My response is that I have no response for you.

The Hon. C.M. SCRIVEN: If the honourable member does not want to answer questions about her amendments—

The Hon. C. Bonaros: Which you're not supporting, Clare.

The Hon. C.M. SCRIVEN: —why is she moving them?

The Hon. C. Bonaros: You're not supporting them. Stop wasting our time.

The Hon. C.M. SCRIVEN: I understand that I have just been accused of wasting the chamber's time. I have asked a short question after the member has given a very lengthy contribution which has not answered my specific query. I find that approach rather interesting. If the member cannot explain what the difference is—why she says that it will not be as strong; we listened in some detail to the SAJC case, but it was not clear, to me at least and perhaps to others in this chamber, what her specific concerns are of what is in the social effects inquiry test which will not be in the proposed community impact assessment guidelines, which the Treasurer has indicated that the commissioner will be consulting on.

The Hon. C. BONAROS: If the Deputy Leader of the Opposition indicated an ounce of her intention to support this amendment, I would be happy to provide the response.

The Hon. C.M. SCRIVEN: So perhaps a question—and I am not sure if it is for you, Mr Acting Chairman, or for the chamber. Is it usual for a member to refuse to answer a question about an amendment that she is moving unless people in advance indicate that they will support it?

The ACTING CHAIR (Hon. D.G.E. Hood): I will give my ruling. The answer is that the member is entitled to answer as she sees fit but, of course, if her answer is not satisfactory to the chamber, then it may not persuade them to support her amendment. Are there any other contributions to be made?

The Hon. C.M. SCRIVEN: Yes, just some other questions. The honourable member said that if she was to ask the commissioner, he would say that the existing process has been a very effective process. Has she asked the commissioner?

The Hon. C. BONAROS: Yes, I have.

The Hon. C.M. SCRIVEN: Thank you, and what was his response?

The Hon. C. BONAROS: It was a very effective process.

The Hon. C.M. SCRIVEN: I thank you because her wording was, 'If I were to ask the commissioner'. It is good to know that that has actually been asked. Currently, the certificate expires after 18 months, which is my understanding. Does the honourable member have a view of whether that is an appropriate time frame?

The Hon. C. BONAROS: If the member is suggesting that the Labor Party may be supporting this amendment, given that before the lunch break she made it clear that every time there would be a division she would be supporting no amendments to this bill, then I would happily answer the question.

The Hon. C.M. SCRIVEN: I think the questions are for the benefit of the entire chamber.

The Hon. C. BONAROS: If the member is to indicate to me that she is happy to entertain supporting this amendment, I will be happy to respond to her with a detailed analysis about the amendment.

The Hon. C.M. SCRIVEN: If the honourable member does not have an answer, then that is fine if she says so.

The Hon. C. BONAROS: If the member is indicating to me that she is willing to entertain supporting this amendment on behalf of the opposition, I will provide her with every answer she is seeking.

The ACTING CHAIR (Hon. D.G.E. Hood): I think it is time to put the question. The question before the chamber is that the amendment in the name of the Hon. Ms Bonaros—that is, amendment No. 6 [Bonaros-1]—be agreed to.

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 CHAIR: The Hon. Ms Bonaros, as I understand it from parliamentary counsel, that was the test clause for amendments Nos 6 to 9, 11 to 19, 22 and 24 to 27.

The Hon. C. BONAROS: I have amendments Nos 6, 7, 8, 9 and 13 to 20. If amendment No. 11 and others are also in that package, I might need to refer—

The CHAIR: I just need you to clarify. That is the most current advice that we have from parliamentary counsel, but I need you to be comfortable with that.

The Hon. C. BONAROS: If that is the advice from parliamentary counsel—

The CHAIR: Yes, but I would like you to confirm that for yourself independently.

The Hon. C. BONAROS: Yes. I have faith in parliamentary counsel.

The CHAIR: I want to clarify so that we are all on the same page. Amendment No. 6 was the test, which we have just done. Amendments Nos 6 to 9, 11 to 19, 22 and 24 to 27—other than amendment No. 6, which you have just moved—you will not be moving.

The Hon. C. BONAROS: That is correct.

The CHAIR: Thank you.

The Hon. C. BONAROS: I move:

Amendment No 10 [Bonaros–1]—

Page 33, lines 25 and 26 [clause 74(10), definition of *responsible gambling agreement*]—Delete 'an industry body' and substitute 'a person or body'

I indicate that that will also be a test clause for amendments Nos 28 and 29. The amendment seeks to delete 'an industry body' from the definition of 'responsible gambling agreement' and replace it with 'a person or body'. The reason for this amendment is to ensure that, when individuals are seeking to work with and support people who are gambling, then they are appropriate people. In this instance, individuals from an industry body have proven not to be the appropriate people who ought to be assisting those individuals who have a problem with gambling.

When there is direct face-to-face dealings with problem gamblers then the expectation would be that we are not relying on the gambling industry to provide that direct face-to-face dealing but we are relying on an individual—any other individual—who has some experience in problem gambling and who has some understanding of the issues around problem gambling but who is not directly linked to the gambling industry. That is the intent of the amendment.

If there is a link to the industry, there is a very strong argument to be made that the level of advice or assistance being provided to that individual is biased and is not necessarily in the best interests of the problem gambler who is genuinely trying to seek some support and assistance with their gambling addiction or with their gambling problem.

If we are going to have people in the direct face-to-face scenario dealing with problem gamblers, then they should not be associated with the gambling industry. I can give you an example that the Treasurer referred to the other day when we talked of Club Safe. We called Club Safe and they said to us, 'We haven't made a submission to the government on this bill.' We sought their clarification again, and they confirmed again, 'We haven't made a submission on this bill.'

Thankfully, the Treasurer confirmed for the record that Club Safe apparently had provided a submission, because he pointed to the fact that he had a letterhead before him with AHA SA's name on the left-hand side of the page and Club Safe's name on the right-hand side of the page. That is an industry body armed with the task of helping problem gamblers, yet it has been proven time and time again that it simply does not work.

This amendment seeks to ensure that an individual, a person, or a body, somebody from the social welfare sector, somebody from the concerned sector, perhaps be the individual who is listed in a responsible gambling agreement as the individual or body that is to have direct face-to-face dealings with those individuals who have gambling problems.

The Hon. R.I. LUCAS: The government does not support this amendment. We agree with the member that amendments Nos 28 and 29, I think it is, are associated amendments as well. To correct the record, the issue that was raised earlier was not in relation to Club Safe; it was in relation to Gaming Care.

The Hon. C. Bonaros: Gaming Care—sorry.

The Hon. R.I. LUCAS: Yes, that is right. I had shown to me a copy of the letterhead showing the AHA and Gaming Care as having made a submission. I am not sure whether Club Safe did or did not, and I certainly did not claim that. That is a side issue for the moment. In relation to this issue, it is the government's view that it is beneficial for industry bodies to be actively engaged in this space in terms of trying to assist the management of problem gamblers.

Ultimately, it will be their members—if it is the AHA, it will be their members, the hoteliers and the staff employed by them—who can either be used as forces for good in trying to identify and provide assistance to problem gamblers or to create problems, as many comments that have been made in this particular debate expressing concern about the industry generally would lead you to believe.

The government's view is that industry bodies working, in the Hotels Association's case, with Gaming Care, albeit associated, is an appropriate vehicle to encourage as much as possible responsible gambling behaviour. The government also believes that members, such as hoteliers and the staff they employ, are much more likely to take a lead from, be assisted by and look to their industry body to provide assistance in a whole variety of areas.

Whether it be enterprise agreements, whether it be work health and safety legislation, or a whole variety of areas, members of industry bodies rely on their industry body to provide them with assistance. In the complicated area of gambling legislation, it is an important role for industry bodies to continue to play.

I know this is a more specific role, which is talked about here, in terms of responsible gambling agreements, but from the government's viewpoint we see it as an extension of an appropriate role. An example I have used is Gaming Care, which is associated with the Australian Hotels Association, but there are also other examples that the honourable member has referred to. For those reasons and others, the government is not supporting this amendment or the associated amendments Nos 28 and 29.

The Hon. T.A. FRANKS: The Greens will be supporting the amendment.

Amendment negatived; clause passed.

Clauses 75 to 83 passed.

New clause 83A.

The Hon. C. BONAROS: I move:

Amendment No 20 [Bonaros–1]—

Page 39, after line 28—After clause 83 insert:

83A—Insertion of section 26B

After section 26A insert:

26B—Term and renewal of gaming machine licence

(1) A gaming machine licence granted before 1 January 2022 will, unless it is sooner renewed, suspended or cancelled, expire on 1 January 2029.

(2) A gaming machine licence granted on or after 1 January 2022 has effect for a period of 7 years from the day on which it is granted, unless it is sooner surrendered, suspended or cancelled.

(3) The holder of a gaming machine licence may, at least 6 months before the licence is due to expire, apply to the Commissioner for the renewal of the licence for a period determined by the Commissioner and specified in the instrument of renewal.

The amendment seeks to implement a seven-year licence scheme for poker machine licences as a means of doing two things. The first is to combat the scourge of poker machines through an effective trading scheme, because we know that, to date, the schemes we have attempted to implement over the years have bee less than fruitful in terms of reducing the number of poker machines in our state. We have reduced them against all government policy, particular the former government's policy, by about 3,000, but we know that for a number of reasons the scheme has not worked. Despite the fact that there have been several attempts to improve that scheme, it simply has not worked.

Going into the election, our proposal in terms of tackling the scourge of problem gambling was to look at a licence scheme, modelled on other jurisdictions, that would ensure when somebody is getting into the poker machine industry they know there is a limit that applies or, I suppose, an end date that applies. They do not become reliant on that licence for the remainder of their days and then get caught up in a scheme that has no way out for them, which is a situation a number of our clubs, particularly small clubs, and hotels have ended up in.

It is simply not financially viable, one way or another, for them to get out. They cannot recoup the money they would need to recoup in order to give up their licences, so they stay in the game even when they want to leave. There is no appropriate exit strategy because the scheme has failed to work. That has been the subject of many debates in this place over a number of years in an attempt to improve the scheme.

This proposal is one we took to the election. It seeks to convert poker machine licences to seven-year licences. Under the bill that would commence in January 2022. It would deal with the argument that, again, smaller country hotels, in particular, would have their loans at risk with any sudden change. These are small hotels that were at the forefront of our minds when we announced this policy.

Of course, above all else what was most concerning to us was the harm that is caused by poker machines. So converting machines to a seven-year licence would effectively put the industry on notice not to invest beyond that time, with considerations of licence extensions beyond the seven years to be considered by parliament itself. The number of poker machines under such a scheme would then reduce—and there are further amendments to this effect—according to a given formula. The formula that we propose is one which would see a gradual reduction of 10 per cent per annum in the number of machines in hotels, in those venues—a 10 per cent reduction over five years until a 50 per cent reduction has been achieved overall.

It has a two-pronged effect: the first is that you give certainty to licensees that they do not have an indefinite licence, their licence is limited to seven years. They make a decision going into the gaming industry knowing that this is not an open-ended saga and that every seven years they would be required to have a new licence issued to them, and it would ensure that they do not invest above and beyond their means. In terms of actually reducing the number of machines and meeting the quotas, it would require a 10 per cent reduction in the number of hotels for a period of five years until an ultimate reduction of 50 per cent is achieved overall.

I have made the point that the scheme that we have at the moment, the scheme that we have had in the past, has been the subject of continued debate in this place because it has failed to see an appropriate reduction in the number of licences and in the number of venues in this jurisdiction. In fact, under the measures that are proposed now, what we are proposing are measures that—in fact, the measures that were just opposed, and there are some that are soon to be debated—could result in the complete opposite of that; it could result in more applications and more licences being issued. What we are saying is that if we want to tackle this issue and ensure that there is a genuine effort to reduce the number of licences in the state, then we implement a scheme that makes it clear that there will be a 50 per cent reduction of poker machines in this jurisdiction.

I think the point was made during my second reading contribution that I have no doubt that if we went to a referendum on this issue, electronic gaming machines would be yanked out of this jurisdiction in a heartbeat because overwhelmingly they do not have the support of our communities. Despite the rhetoric that is repeated time and time again in this place, the overwhelming support, in fact the evidence that was presented to us on 4 December by the Australian Institute of SA, indicates very clearly that there is very little support for these machines being in our communities, other than by government and the poker machine lobby who rely on the revenue that they get from those machines, to the detriment of our communities and to the detriment of those in our communities who can't afford to be impacted the most.

The Hon. R.I. LUCAS: I do not think the honourable member will be surprised that the government will not be supporting this particular radical proposal. I think, as the honourable member in part has outlined, those persons with gaming machine licences who currently have, in essence, unrestricted unlimited licences—they own them—will, as a result of this legislation, all of a sudden only have a licence which lasts until 1 January 2029. One would imagine there would be a significant overnight loss of value of the licences that they hold.

Putting that particular argument to the side in relation to the value argument—as I said, the government is not supporting the scheme so we will not be going into too much detail—I am really not sure how it actually would eventually operate because it says:

> (1) It is Parliament's intention to reduce the number of gaming machines…by 1 January 2026 to a number not exceeding half the number of gaming machines operating in the State on 1 January…

As I read this particular amendment, everyone who has a gaming machine in a hotel—it clearly does not relate to the Casino—all of a sudden will have a seven-year licence and prior to 1 January 2029 they will have to apply for it and in and around about that time under this process, they lose 10 per cent of machines. So if they have 40 machines, they lose four machines I assume without compensation. That happens to anyone who has machines now. They will all have these. That will happen in 2029.

I am just not sure how the scheme, even if it was to be passed, would actually deliver the half the number by 2026, which is really only six or seven years away. How the maths would work is an interesting question in and of itself. Should the amendments have majority support in the parliament we would have to work through the detail as to exactly how it would be intended to achieve what the honourable member seeks to achieve.

I will not delay the committee by going into too much more detail other than to say, for the reasons outlined and, indeed, many, many others, we do not think the scheme is workable let alone one that we would support. Putting that to the side, we will not be supporting this or the associated amendments that follow.

The Hon. C.M. SCRIVEN: Certainly, the Labor opposition is interested in anything that will reduce the number of gaming machines. One of the amendments that was moved in the other place successfully and has now become part of this bill was to oppose the proposal to allow up to 60 machines in clubs, similarly, retaining the gaming machine reduction target and requiring the government to develop and introduce a new reduction strategy and trading system within 12 months. We think that that is a useful and balanced way to approach the reduction of gaming machines.

We need to remember that there are a large number of sports clubs, for example, that now, for better or for worse, rely on gaming machine revenue. That has been in place for some time. The

Treasurer alluded to a number of practical difficulties that he sees may be the case in this proposed amendment and proposed change to this bill. I could ask some questions about how that might work but I am not confident that we will get any answers; therefore, there is no point in asking those questions.

I think we do need to consider that a big part of the change to what is a government bill has come from the opposition, to ensure that there is a continued focus on gaming machine reductions and a target for that, notwithstanding the fact that we have pointed out that as we go forward, the bigger risk and the bigger threat is from online gaming and that becoming a serious problem for problem gamblers.

The issue, of course, is that online gambling has virtually no restrictions and no opportunity for human intervention. In many ways, it is a matter of choosing between something that is bad or worse. We do not want to be encouraging, inadvertently, people to go to online gaming platforms, which can be more addictive, that can have less opportunity for human intervention, can have less opportunity for any kind of screening or self barring, or at least the opportunity to enforce barring, whether it is from the person themselves or from a third party, all of which is now available.

I think we need to keep in perspective the entire gambling system, and we need to remember that those who perhaps move from gaming machines in a pub or a club, or whatever other environment it might be, will quite possibly, if they are a problem gambler, move then to bet online. I have looked for evidence in terms of research around this, and there is some, but it is scant, which is why, again, one of the changes that were successfully moved in the other place by the opposition will ensure that there is some data provided by the gambling companies and sports betting companies—the online gambling companies, that is—to provide data on online gambling and sports betting by South Australians, as well as those that are on South Australia events and fixtures.

I think that really has to be a large focus of the harm minimisation going forward. It is no use for us to focus overly on, put all our attention towards, a type of gambling that is already in decline. Those who bet online, as the Hon. Mr Pangallo mentioned in one of his contributions, are more likely to be at-risk gamblers. Those who bet online are more likely to bet more frequently. It is a growing phenomenon.

We need to look at the entire perspective in terms of gambling, and having that increased attention to online gambling I think is incredibly important. Retaining the current gaming machine reduction target is an important part of that as well, as has been mentioned by a number of contributors to this debate. It is not one thing or another. There is no silver bullet; there is not just one aspect to be concentrated upon.

The Labor changes that were successful in the other place and now form part of this bill, of retaining the target and preventing the proposal that was to allow an increase in the number of electronic gaming machines that were allowed in clubs, which would have gone up to 60, is one part of addressing the current problem, but there is so much more that needs to be done and we have the first step of that in terms of the growing problem of online gambling and betting. We do not have any answers to some of the questions that were raised by the honourable Treasurer, but it is for all these reasons, as well as potentially the unworkability of the proposal, that the opposition will be opposing this amendment.

The Hon. C. BONAROS: I do have some information for the Treasurer, which other members may find beneficial, given the contribution that has just been made, and I will point to this now. The prevalence of problem gambling amongst those who play poker machines continues to outrank any other form of gambling in this jurisdiction. That is fact. The SA gambling prevalence study released in 2019 demonstrates that 85 per cent of people with a gambling problem in SA play the poker machines, and that is nearly double the rate of any other form of gambling.

What is more, in relation to the numbers declining, based on government data $11,000 more is being lost on poker machines today than it was 17 years ago—

The Hon. C.M. Scriven interjecting:

The Hon. C. BONAROS: Eleven thousand dollars more is being lost today than it was—

The Hon. C.M. Scriven interjecting:

The Hon. C. BONAROS: Per person per capita the rate today is higher, and it is $11,000 more being lost on poker machines today than when the numbers ballooned 17 years ago. And the number of individual problem gamblers during that time—during the past 14 years in fact—has almost doubled.

I appreciate the arguments put by the Treasurer in response to this, but I do not accept the assertions that have been made by the opposition. They are assertions that are not based on fact, because studies that have been released as of this year which highlight the growing problem of online gambling and other forms of gambling still demonstrate that gambling on poker machines continues to outrank any other form of gambling and that 85 per cent of those people with problem gambling in this jurisdiction choose the poker machines.

Just for the record, and in response to comments made earlier in this place, I will quote from *Hansard* from earlier today from the Acting Leader of the Opposition—in response to her claims that I will not answer her questions because she may be supporting amendments. She said:

> Hopefully, we can return to the main issue, which is the fact that the shadow treasurer advises me that he told the crossbench that the opposition is unable to form a position on the amendments that the crossbench may be proposing let alone support them. So it is simply not correct to imply that there is some commitment from the opposition to support any crossbench amendments.

That is why the Acting Leader of the Opposition is getting the response that she is getting. There is no genuine desire to support any of these amendments.

New clause negatived.

Clauses 84 and 85 passed.

Clause 86.

The Hon. C. BONAROS: I move:

Amendment No 21 [Bonaros–1]—

> Page 40, lines 12 to 15 [clause 86, inserted paragraph (b)]—Delete inserted paragraph (b) and substitute:
>
> (b) must ensure that there is a continuous period of at least 8 hours in each 24 hour period during which gaming operations cannot be conducted on the premises; and

This amendment seeks to require a continuous period of at least eight hours in each 24-hour period during which gaming operations cannot be conducted on premises. Firstly, we have increased the period of closure, but secondly, we know that at the moment it is not a continuous break in play that is required. I do not think, given the evidence we have before us, it is unreasonable to expect that an eight-hour period, as opposed to a six-hour period, of continuous closure could be imposed on our venues to ensure that those individuals who linger around at all hours of the morning, waiting for those three hours to pass before the venue opens again to go in and continue to pour money into a machine, are given a break from these machines.

If you are not going to give the venues a break, at the very least give those people who are absolutely crippled by these machines a break. Why a person needs to go to a venue at 6 o'clock in the morning or 7 o'clock in the morning or 8 o'clock in the morning or 9 o'clock in the morning to gamble on a poker machine as a form of recreation is still something that is lost on me. If you have nothing better to do with your time than to wake up at the crack of dawn or to be waiting on the steps of a venue at 9am to start pouring money into a machine, then I suggest that you may have a problem with gambling. In fact, we know that the individuals we are talking about do have a problem with gambling and they are given very little opportunity in the current arrangements to have a break from play.

Because we allow these venues to operate continuously, we allow the six-hour break that is prescribed in legislation to be broken in two to ensure that, God forbid, somebody does not miss out on playing a poker machine continuously or for six hours. That is, six hours in 24. So what we are proposing is that (a) the closure period be increased to eight hours and (b) that it be a requirement that it be a continuous eight hours in 24 hours.

We are not proposing when the eight hours take effect but we are proposing that there be a continuous break for a period of eight hours. If this is a genuine form of recreation and entertainment, then I cannot see how anybody could argue against a continuous closure period of eight hours at a time that is nominated by a venue to ensure that those members of the community who should not be at a venue, who cannot afford to be at a venue, who cannot control their gambling, who have a gambling addiction have an opportunity to have a break from the machines that plague and devastate their lives.

The Hon. T.A. FRANKS: The Greens will be supporting the amendment.

The Hon. R.I. LUCAS: The government will not be supporting the amendment. The current arrangements we think have worked relatively well. I am advised that it can either be a six-hour block or two three-hour blocks or three two-hour blocks, or some version thereof, in relation to the current arrangements. The government believes that has worked adequately and we therefore do not support the amendment.

The Hon. C.M. SCRIVEN: I am wondering if there is any evidence to show one way or the other whether it is better to have several breaks in time for problem gamblers so that they have to leave several times. The proposal before us, if I understand it correctly, would potentially mean that there is a 16-hour straight time that they could be in the venue. I am not suggesting there is necessarily evidence one way or the other. I am interested to know if those who have a particular interest and have read widely on this have found that there might be benefits to problem gamblers in that they would have to have a break of at least two separate periods of time.

The Hon. C. BONAROS: The industry experts have pointed overwhelmingly to the support for a continuous break in play, and I refer the honourable member to her previous response to us in relation to amendments.

The Hon. C.M. SCRIVEN: Are they South Australian studies that have shown that, or are they national or international?

The Hon. C. BONAROS: There are a host of studies that have been undertaken in South Australia to that effect. Again—and this will be my final answer—I refer the honourable member to her response in the earlier hours of this debate when she indicated that she would not be supporting any amendment on this bill.

The Hon. C.M. SCRIVEN: I thank the honourable member for her answer.

Amendment negatived.

The CHAIR: We have come to amendment No. 4 [Franks-1].

The Hon. T.A. FRANKS: I am just looking for my bit of paper that has my amendments.

The CHAIR: This is the one in relation to Good Friday, Easter Sunday and ANZAC Day.

The Hon. T.A. FRANKS: I was about to say that I am assuming this is one of the consequential ones. It is not consequential because I did not move the original amendment, so I do not intend to move any in this series. I simply wanted to seek a response from government and opposition as to why they amended the bill in the other place.

Clause passed.

Clauses 87 to 91 passed.

Clause 92.

The Hon. C. BONAROS: I move:

Amendment No 23 [Bonaros–1]—

Page 42, lines 21 to 23 [clause 92, inserted section 27E(1)]—Delete subsection (1) and substitute:

(1) It is Parliament's intention to reduce the number of gaming machines that may be operated in the State by 1 January 2026 to a number not exceeding half the number of gaming machines operating in the State on 1 January 2021 (the *statutory objective*).

(1a) In order to meet the statutory objective, the regulations establishing the approved trading system under section 27B(2) must include the following:

(a) provision for the Commissioner to purchase gaming machine entitlements from persons other than not for profit associations or the holder of the casino licence (and for those entitlements to be cancelled by the Commissioner accordingly);

(b) provisions requiring assistance for the holder of 10 gaming machine entitlements or fewer to surrender or sell their gaming machine entitlements to the Commissioner or other participants in the approved trading system.

As much as I would like to elaborate on this amendment, I think that the government and the opposition both made their intention clear when I spoke to it previously, and that is in relation to the reduction scheme that I have already highlighted. I spoke to those two together because in our view they are coupled and it would work as an overall scheme, including two elements: (1) the licensing and (2) the ultimate 50 per cent reduction. For the record, the government and the opposition have already stated their position on these amendments, as have other members, so I do not think it is necessary to canvass it again.

The Hon. R.I. LUCAS: Opposed.

Amendment negatived; clause passed.

Clauses 93 to 116 passed.

New clause 116A.

The Hon. C. BONAROS: I move:

Amendment No 32 [Bonaros–1]—

Page 57, after line 19—After clause 116 insert:

116A—Amendment of section 51A—Cash facilities not to be provided on licensed premises

Section 51A(1)—delete subsection (1) and substitute:

(1) The holder of a gaming machine licence must not, on or after the prescribed day, provide or allow another person to provide, cash facilities on licensed premises that allow a person to obtain cash by means of those facilities.

Maximum penalty: $35,000.

(2) In subsection (1)—

prescribed day means the day falling 6 months after the day on which the *Statutes Amendment (Gambling Regulation) Act 2019* is assented to by the Governor.

The intention of this amendment is to ban the provision of cash facilities on licensed premises. I note that there had been discussion about a similar amendment in relation to the Casino. Those discussions centred around the appropriateness or otherwise of removing all cash facilities from the Casino.

Given that the Casino offers such a diverse range of products and is about to offer an even more diverse range of services within its entire premises, then it would be unreasonable to expect that you would not be able to go, for instance, to their food hall, shopping mall, hotel or whatever it is that we are building over there these days, to access cash whatsoever. However, it is entirely reasonable given the wealth of evidence that exists that indicates that easy access to cash in a gaming venue is to the detriment of those individuals who have a gambling problem.

It is entirely reasonable given the coronial inquest that I spoke of during my second reading speech concerning the death of a 24-year-old mother. I gave instances on the record of the number of ATM and other withdrawals that were made consistently over a long period of time during that individual's gambling at those venues. She consistently went back and forth and back and forth and back and forth from cash facilities located at venues. She continued to withdraw cash and pour that cash into a poker machine and ultimately lost control to such an extent that she took her own life. That is, of course, the worst outcome that we could possibly imagine in terms of gambling addiction.

There is nothing worse than to know that 400 people a year, more than one day, take their lives as a result of gambling addiction. One of the number one drivers in terms of those addictions is

easy access to cash. We have in this jurisdiction the easiest access to cash that you can fathom, because some years ago, in all our wisdom, in all the opposition's wisdom when Minister Gago was here, she decided to allow EFTPOS machines back into gaming rooms. No jurisdiction in the entire nation allows EFTPOS facilities in its gaming room—none—but we thought that was a good idea. What did we do when we implemented that measure? Inadvertently we undid the very same caps that that very same government was trying to implement in terms of the limits on access to cash.

On the one hand we were saying, 'We will put in a $250 limit on access to cash through an ATM,' and on the other hand we said, 'And in addition to that, we will give those same individuals unlimited access to cash through an EFTPOS terminal.' In fact, they undid their own policy at the time of implementing limits on access to cash and gave individuals unlimited access to cash and did so to the detriment of patrons who could not control their gambling addiction.

This time around, the government and the opposition have come to this place and said, 'Well, we acknowledge that we got it wrong when we voted those reforms in—to an extent. We acknowledge that the law passed by the opposition with the support of the government the last time it came up for debate took the situation too far, so we will impose limits now on EFTPOS facilities in gaming rooms and of course we will have the existing limits that apply to ATMs.'

As the Treasurer himself referred to earlier, we know that when it comes to problem gambling one of the arguments often offered is that a break in play provides a player, a gambling addict, the opportunity to get up, move away from a poker machine, walk outside, see if the sun is still shining, breathe some fresh air, move away from the bells and whistles and the sound of coins falling into trays, and reflect, hopefully, maybe, on their gambling and the amount of money that they have been withdrawing and pouring into these machines.

The facts speak for themselves. I have referred extensively throughout this debate to the fact that every industry expert will tell you that easy access to cash is the number one driver to gambling addiction and problem gambling. I also keep saying that we need to be reflecting on these harm minimisation measures as a package. Not only are we allowing extraordinarily easy access to cash—and now that access to cash will be limited to $500 per 24 hours, $250 higher than the previous government's own policy—but in addition we will make it easier for them to pour it into a machine by providing for note acceptors.

If these measures are to be considered seriously, if there were any genuine, sincere attempt to address the issue of problem gambling amongst those who play the poker machines, then we would seriously be considering the need to remove all cash facilities from venues on the basis that every ounce of evidence available to us in every report that I have referred to, and hundreds more, tells us that access to cash is the number one driver to gambling addiction in this state.

The Hon. R.I. LUCAS: The government opposes this particular amendment and related amendments as well. I am advised that in the government's bill there are restrictions, as I am sure the honourable member probably acknowledges, in terms of access to amounts of money through EFTPOS. My advice is that will be restricted to $250, whereas under the current arrangements a gambler can go back on a number of occasions and get $200 lots from the EFTPOS machine.

The honourable member will probably be familiar, from her travels through regional areas, with an argument that she has probably already had canvassed with her: the importance, in regional communities, particularly in isolated regional communities, of the local hotel or the community hotel. Where the banks no longer have branches, in many of those localities the local hotel is the location where you have access to cash facilities such as an ATM.

The blanket ban the honourable member is canvassing here would mean that in a number of those regional communities—which she would be very familiar with—access to cash for isolated farmers and regional workers who do not have access to banking facilities will, with the stroke of a pen, be cut off. We think that is unreasonable.

Of course, our party is a regionally as well as a metropolitan based party and our members, over any number of debates we have had on these sorts of issues, continue to highlight this on behalf of their constituents, who believe they are ignored by those of us who have the pleasure of living in the metropolitan area with access to two million ATM machines every time we walk around a corner.

In isolated communities they do not have that sort of access and, with the stroke of a pen, the honourable member would remove that capacity from those constituents, who are as important to the government and to government members as those of us who have the good fortune to live here in Adelaide.

The only other point I make—and the honourable member has heard me say this before—is that problem gamblers would crawl over cut glass to get to their choice of gambling. Not too far from here, for example, they just go around the corner to the nearest ATM, which happens to be in a bank that does not have any sort of restrictions. Then they can go to the next one.

I know the honourable member has the view that some problem gamblers, or perhaps a good percentage of them, may be encouraged not to return to the problem gambling establishment if their play is interrupted. I do not accept that is the case. I think someone who has this insidious problem will find the money wherever it is they need to find it and will return.

I did not follow all the detail of the member's two-hour contribution in the early hours of this morning, where she was listing all the withdrawals from various institutions at various hours late at night and early in the morning. I was not sure which particular institutions the particular individual was, sadly, withdrawing money from. Whether that backs the case I am making or not I am not sure, but there are any number of examples where people have not been able to access the cash within the establishment but have easily been able to access it by going outside the establishment around the corner to the ATM on the wall. They have got the money and then gone back to the establishment.

For all those reasons, and many others, the government will not be supporting this particular amendment.

The Hon. C.M. SCRIVEN: Port MacDonnell, where I live, is one of those very situations. There are two ATMs in Port MacDonnell: one is at the general store and one is at the Bay Pub. The general store is open at various times; I think it is 7am until about 6pm Monday to Friday and slightly different hours at the weekend. What that means is that after those opening hours at the general store, there is no ATM in the town.

A number of the small businesses there do not accept EFTPOS, so when we need to get cash we head on to the pub. This amendment would prevent that happening and severely disadvantage my neighbours in Port MacDonnell as well as potentially myself and other people in the region. In a very practical sense I do not think it is a good amendment for regional areas. The design and intent, whilst admirable, needs to be achieved in different ways.

The Hon. C. BONAROS: I thank honourable members for their contributions. I can assure the Treasurer that his quote, some years ago, in relation to problem gamblers walking over cut glass, has remained with me for a very long time. I do not disagree with him in relation to that but the one point that I would like to make, just for the record, is that the Treasurer, with respect, uses faulty logic with small numbers, particularly in this regard, to argue freedom from governance for all.

As we know, only a very small number of individuals threw glass bottles at the football and cricket but glass containers were replaced with plastic cups for all. Only a small number of drivers drive through red lights or drive unregistered vehicles but all are subject to severe surveillance and penalties. This scenario is no different to any other scenario that we legislate for each and every day in this place, where a small number of individuals are responsible for actions but we choose to legislate to ensure that our laws cover all community members. When it comes to access to cash facilities in a gaming venue, the argument is exactly the same.

New clause negatived.

Clause 117.

The CHAIR: We now come to clause 117, amendment No. 33 [Bonaros-1].

The Hon. C. BONAROS: I will not be moving that amendment; it is consequential.

Clause passed.

New clause 117A.

The Hon. C. BONAROS: I move:

Amendment No 34 [Bonaros–1]—

Page 57, after line 26—After clause 117 insert:

117A—Insertion of section 51C

After section 51B insert:

51C—Coin machines not to be provided on licensed premises

(1) The holder of a gaming machine licence must not, on or after the prescribed day, provide, or allow another person to provide, a machine designed to change a monetary note into coins on the licensed premises.

Maximum penalty: $35,000.

(2) In this section—

prescribed day means the day falling 1 month after the day on which the *Statutes Amendment (Gambling Regulation) Act 2019* is assented to by the Governor.

It is the same as the amendment I moved earlier in relation to the Casino context, except this time it applies to other venues. It requires a ban on coin machines in those other venues that are covered under the Gaming Machines Act. The reasons for the amendment are the same as those that I have just outlined in relation to easy access to cash.

The example just given by the Treasurer about the breaks in play are obviously used both ways in this debate. On the one hand we say, 'Well, it's a good idea to let someone get up from a machine and go to a coin machine and get access to cash,' and on the other hand we say, 'Well, we should give the individual the opportunity to have some face-to-face interaction with an individual and let them access cash through an EFTPOS terminal.'

EFTPOS terminals were put in our gaming rooms on the basis that they provided a harm minimisation measure because they would require someone to have face-to-face interaction with a staff member in a venue. That argument is used as the government pleases, to suit its policy agenda.

In this instance, it is being used on two fronts: it has been used to say you can give somebody the opportunity to get up and go to a machine and take coins out, but by the same token it is a good idea to have EFTPOS machines in there that so that somebody behind the counter who is trained to identify a problem gambler has the opportunity to eyeball a patron and ensure that they are not suffering from any form of problem gambling or gambling addiction, or that they do not need to be spoken to about their gambling behaviour to ensure that everything is okay.

We play this card about the need or otherwise to get up and move away from a machine and the need or otherwise to have interaction with an individual at a venue as it suits our policy agenda; that is what we do in these debates. That is what we do time and time again. That is what we do every time these debates come up. The worst example of that came when we introduced EFTPOS facilities in gaming venues in this jurisdiction, something that not only no other jurisdiction in Australia does but something that we cannot find evidence of occurring anywhere else in the world. Why? Because easy access to cash in a gambling venue drives problem gambling.

The Hon. R.I. LUCAS: The government would argue that this is sort of semi-consequential on an earlier debate that has been resolved, but the member is perfectly entitled to prosecute the case. As I understand it, we had the discussion earlier in relation to the Casino. That is a similar amendment with coin machines to be banned. That is, we had the debate and the government opposed it on the basis that you could go into the Casino, you get up from your machine, you jam a $50 note into a coin machine, you get your coins and then you go back again, as opposed to if you ban the coin machines, you go to a teller, you give them a $50 note and they give you the coins.

My understanding and my advice is that this is a similar principle, except it is going to apply to hotels and clubs. So for the same reasons as the government opposed it earlier, we will oppose it here. It would certainly be inconsistent that this sort of restriction would apply to hotels but would not apply to our very good friends at the Casino. The government's position, obviously, is that it should not apply to either. We have already voted not to allow it to apply in the Casino. It would be illogical to support it in hotels and clubs. For those reasons, we oppose the amendment.

New clause negatived.

Clause 118.

The Hon. C. BONAROS: I move:

Amendment No 35 [Bonaros–1]—

Page 58, after line 8 [clause 118(1)]—After inserted subsection (1) insert:

(1a) The holder of a gaming machine licence must not provide any gaming machine on the licensed premises unless the gaming machine is operated in connection with a pre-commitment system in compliance with the requirements prescribed by the regulations.

Maximum penalty: $35,000.

The purpose of the amendment is to ensure that gaming is only provided in a gaming machine venue on the basis that there is a mandatory precommitment system in place. At the moment, mandatory precommitment systems only exist when we deal with cashless gaming. They do not apply in any other circumstances and are not taken advantage of in this state.

Given that we are going to give a free-for-all in terms of access to cash at venues in this state, given that we have said EFTPOS is okay, coin machines are okay, ATMs are okay and note acceptors are okay, and given that we are so concerned about ensuring that we have appropriate harm minimisation measures in place, then it is only reasonable to ensure that if you are going to have access to endless amounts of cash in a venue through the easiest means available, if you are going to allow note acceptors in this jurisdiction—an absolute retrograde step; the worst step that we could be taking as a result of these changes (I am not going to call them reforms, because they are anything but reforms; they are backward steps)—then the least you could do is give somebody who is playing one of these machines the ability to set limits on their spending.

They need to be able to set warning messages for themselves to say, 'Okay, I know I am going to go in there today and I am probably going to play more than I should, but these are the limits that I will set through a precommitment system for myself to ensure that I don't go over and above what I can afford, to ensure that tonight I can afford for my family, to ensure that tomorrow I can pay my rent, to ensure that the next day I can pay my utilities, to ensure that I can send my kids to school with some lunch in their lunchbox.'

Give people, those individuals who do not have the ability to help themselves in any other way, some protection against poker machines. A precommitment system, coupled with the other measures outlined in this bill, but more importantly coupled with the easy access to cash, the number one driver of driving addiction, would go some way towards ensuring that somebody does not spend more than they can afford. It would go some way to ensuring that they have not poured their money into a poker machine instead of being able to make the payments for their rent on Thursday.

I am not talking about the recreational gambler who can afford to go in there and put $5, $30, $50, $100, $200 into machine. I am talking about that individual whose family cannot afford for them to go into a venue and pour their money into one of these machines. I am talking about that individual who cannot control their spending on a poker machine. Let them have some control over their spending by setting themselves some limits, by allowing them to set warnings for themselves that say, 'Maybe I have been sitting here too long and I need to walk away.'

The Hon. T.A. FRANKS: The Greens support the amendment.

The Hon. R.I. LUCAS: The government does not support this particular amendment. The issue of mandatory precommitment systems is one that has been well ventilated. I think the honourable member might have referred to the Productivity Commission inquiry. This is an issue that they have raised. I know our federal colleagues have flirted with this. By that I mean both Labor and Liberal. My recollection is that they have moved away from any intent to move down this particular path of mandatory precommitment.

The current system in relation to automated risk monitoring—just so I get the language right—is in a modest way the alternative to that, in terms of alerting staff to people who are exhibiting potentially risky behaviour by long periods of time at a particular gaming machine. Obviously, trained staff, through observation, should also be able to assist, in well-maintained and responsible gambling

establishments, in terms of keeping an eye on potentially problem gamblers who are spending too much time, or lengthy periods of time, at particular gaming machines.

I do not profess to be an expert on precommitment systems, but my understanding in the broad was that as an individual you indicate how much you are prepared to gamble and in some way, I assume, your machine stops you once you get to the extent of your gambling limit. My understanding, again, is that you can then move to the next machine—or to the next establishment, frankly—particularly in establishments that might have 30 or 40 machines, or indeed the Casino, which has many more than that.

The other thing, in terms of making it a mandatory precommitment system, is I do not have a current cost of what that would involve for an establishment, but certainly for clubs who are struggling to survive on the smell of an oily rag at the moment, any additional significant cost such as this in relation to their existing machines would probably render them unusable or useless. Many of them have old machines that may or may not be capable of being compatible with a modern precommitment system. Even if it was, there is a significant additional cost for each machine.

There is a version of precommitment at the Casino, because they have—what is it, cash in, cash out? Whatever their system is, they have got a version of precommitment there. But of course, the Casino is big enough and ugly enough to be able to afford some of these measures; smaller clubs and certainly smaller regional hotels would struggle to be able to meet the individual costs, whatever that number currently happens to be.

For all those reasons and for many others the government continues to oppose amendments like this particular one.

The Hon. C. BONAROS: Chair, this might be an opportune time, given where we are at in the debate, to ask the Treasurer if he could provide a response in relation to the issue that I raised in the early hours of the morning about the $100 cash limit and the interplay between that and the matter that was the subject of the disallowance regulations regarding the increase in cashless spending where a precommitment system is in place—the application the Casino made to increase the amounts that you can have on cashless spending—noting that the AHA and Clubs SA may make similar applications.

The tone of my question was whether those provisions are consistent with the $100 limit that has been negotiated between the government and the opposition. The clarity we were seeking was: is there any inconsistency between those current provisions, which allow for the increase in cashless spending with precommitment, and the $100 limit that has been included in this bill?

The Hon. R.I. LUCAS: It might surprise the honourable member: I was absolutely riveted for all two hours of her contribution, but that must have been just the millisecond that I nodded off or lost concentration. But I have been reminded by someone who is next to me who was obviously much more attentive than I was. The answer, I am advised, is that the government is of the view that there is a regulation-making power which is available to the government and the commissioner. At the moment the only cashless system is in the Casino, and the honourable member, as I am advised, is raising the issue of what happens when and if it gets rolled out somewhere else; is there a potential problem?

The Hon. C. BONAROS: If they apply—if they make an application.

The Hon. R.I. LUCAS: Yes, that is right. At the moment it does not exist anywhere other than the Casino—that is the cashless gaming, as I understand it. But the honourable member is raising the question of what happens if and when they apply and this was to occur? My advice is there is a regulation-making power which is available to the government, obviously, and/or the commissioner to cater for the sort of circumstances the honourable member is talking about. So the honourable member has raised an issue. If it needs to be addressed, it will be addressed through a regulation-making power.

The Hon. C. BONAROS: Just to confirm, once this bill comes in, because it is an application that is made, you apply to the commissioner and you say, 'I would like an increase in my cashless spending with precommitment attached.' In this instance, that decision had been made not by the commissioner but formerly by the IGA to approve the Casino's application. My understanding is that

Clubs SA and the AHA were only disappointed that they did not know that they had access to the same ability to make a similar application. So if they were to make that application, is the Treasurer saying that the $100 limit that has been applied in this bill will be considered in that context to ensure that there is compliance across the board?

The Hon. R.I. LUCAS: I would never seek to speak on behalf of the Attorney-General. She is a formidable person in her own right, and I have not had the opportunity to speak to her, but I have spoken to people who would provide advice to her. From my viewpoint, I think the proposition that the honourable member has put would be an entirely reasonable proposition.

Without being able to speak on behalf of the Attorney-General at this particular stage of the debate, as late as it is, I think it is a reasonable proposition. Certainly, it is one that I would have some sympathy with. I can give my commitment that I would be supporting the general tenor of the argument that the member is putting but I ultimately do not have responsibility for this particular provision.

There are much more important people in the pecking order than I am in these sorts of issues and that includes not just the Attorney but probably the commissioner as well, I suspect. We would obviously take advice in relation to that, but I understand the point the honourable member is making. To the extent that I can be as reasonable as I can during the committee stage of the debate, I indicate that I have some sympathy for the member's views, and that is about all I can give an indication on for the member at this stage.

The Hon. J.A. DARLEY: For the record, I will be supporting this amendment.

Amendment negatived.

The CHAIR: We now come to amendment No. 36 [Bonaros-1]. Is that consequential?

The Hon. C. BONAROS: That is a consequential amendment. It is consequential insofar as it applies to the Gaming Machines Act as opposed to the Casino Act.

The CHAIR: It is a test or consequential. I will not get into a debate with you.

The Hon. C. BONAROS: I move:

Amendment No 37 [Bonaros–1]—

Page 58, line 24 [clause 118(2), inserted subsection (4a)]—Delete 'a game by insertion of a banknote' and substitute 'the machine'

The purpose of the amendment is to reflect the intentions of the opposition's amendment in terms of providing the strict $100 limit on the amount of credit that a player can add to a gaming machine, down from $1,000, except that under this amendment it does not apply just to those machines that have note acceptors.

It applies across the board to all machines because, if we are genuine about limiting the amount that should be put into a machine at any one given time in terms of the credits, then there is absolutely no reason whatsoever why that should not apply across the board to all machines, irrespective of whether they have a note acceptor operating or not. To be clear, the amendment is consistent with the spirit, if you like, of the opposition's amendment in ensuring a strict $100 limit on the amount of credit that a player can have access to on a machine, but it does not apply only to those machines with note acceptors: it applies to all machines across the board.

The Hon. R.I. LUCAS: I just had a rapid lesson in how the $100 credit limit is proposed to operate. I know marginally more now after that crash course. I am sure I know a lot less than the honourable member does in relation to the issue. As explained to me, under the government's bill before us, I had the erroneous understanding that you could only put two $50 notes in; that was $100. Ultimately, if you have a credit limit and you get down to having $40 in, and you have already put in two $50 notes, you can put in another $50 and another $10. You just cannot go over the $100 credit limit at any one time. You can continue to feed notes in—$10, $20, $50 or whatever it is—but you just cannot go over the $100 in relation to it.

The honourable member's novel suggestion is for those hardy souls who are currently using coins and refuse to be tempted—or seduced, from the honourable member's viewpoint, not from the

government's viewpoint—and view coins as being much more conducive to their gambling option and continue to use coins, they would have to continue to jam in $100 worth of dollar coins on a continuing basis, etc., and continuously feed them into the system.

Whilst I understand the honourable member's argument, from the government's viewpoint, and certainly the industry would argue, increasingly for convenience—that is, the sheer inconvenience of having to either lug around or use 100 coins or whatever it might happen to be—there will be some attraction and usability in terms of using notes, in terms of $10, $20 or whatever it might be, no more than a maximum of $50.

It is the government's advice and view that it is more likely than not that usability and the preponderance will mean that people are more likely to use the notes. Therefore, the systems that have been envisaged will cover it. People are going to be less likely to have the $100 of coins and continue to feed those, albeit there may be some who continue to like that as their option in relation to how they will gamble.

All I can say is that, whilst I understand the member's point, the government's advice and view is we are not supporting the amendment. We think practice will mean that people will tend to use the note acceptors much more than coins, albeit there will still be some who will continue to use coins as their gambling option of choice.

The Hon. C. BONAROS: I thank the Treasurer for his very helpful explanation. What we have is an arrangement that has been struck between the government and the opposition which hinges on a number of amendments being agreed to. One of those amendments included legislating the strict $100 limit on the amount that a player can add to a gaming machine.

I would like to know whether the discussions around that $100 limit were confined to note acceptors or to note acceptors and/or coins because that is particularly important in this context. If the discussion was, 'Okay we will restrict the amount that can be put into a machine to $100,' that would easily suggest in this instance that it was intended to apply across the board and there is no clarity because we do not have details of the discussions that took place and whether that is in fact the discussion that took place with the opposition when they proposed one of their amendments in relation to the strict $100 limit.

We support wholeheartedly the strict $100 limit. What we are seeking clarity about is whether those discussions envisaged that that would apply across the board or only in relation to note acceptors.

The Hon. R.I. LUCAS: I would happily accept either the acclaim or the odium, depending on your perspective, that it was supposedly I who negotiated most of the arrangements with the shadow treasurer, but I can fess up and say it was not I on behalf of the government. It is always useful to blame the Treasurer, so I am happy to accept the blame from those who want to attribute blame.

I was consulted in relation to the broader aspects of discussions that were going on. I was consulted, advised and engaged but I was not privy to the sort of detailed discussions that the honourable member is asking about. I was not part of any discussion about that sort of detail. I am therefore not in a position to indicate whether those issues were even canvassed in that sort of detail and, if they were, the nature of the discussion between the government and the opposition. As much as I would like to assist the honourable member, I am not in a position to do so.

The Hon. C. BONAROS: Can the opposition shed some light on this, given this is one of the harm minimisation measures which resulted in its support for this bill. It is a critical amendment proposed by the opposition and passed as a part of this package, and that is that there is now to be a legislated strict $100 limit on the amount of credit that a player can add to a gaming machine. I think it is only fair that we know the parameters of that $100 limit. It is a fair and reasonable question.

If we have negotiated that as part of this package, we need to know what it is that we have agreed to. Have we agreed to limit that to note-accepting machines or have we agreed to apply that across the board? It is my understanding, from my discussions, that there would be a strict $100 limit on the amount of credit that a player can add to a gaming machine. That is what the shadow treasurer's media release, that I am reading from, states, and I will quote:

Legislating a strict $100 limit on the amount of credit that a player can add to a gaming machine—down from $1,000—which would be lowest in the nation, along with Queensland. The limit in Victoria is $1,000 and in NSW is $9,980.

That is the intention that has been made clear in the shadow treasurer's media release. I appreciate the response that has just been provided, but we do not have any more clarity around that. We are legislating now, so when this law comes into effect we need to know one way or another what the parameters are around that $100 limit. That is not an unreasonable question, given that this is coming into law. We want to know what that law is actually going to look like.

The Hon. R.I. LUCAS: I am not saying whether it is a fair or unfair or reasonable or unreasonable question. All I am saying is that I am not in a position to provide any greater clarity on the honourable member's question other than what I placed on the public record.

The Hon. C. BONAROS: Given the press release I have just read from and the comments of the shadow treasurer, can the opposition give any clarity regarding their understanding of how this limit will apply in practice, and the parameters around the agreement that has been reached in relation to that $100 limit?

The Hon. C.M. SCRIVEN: I am tempted to ask whether the honourable member is going to be voting for the bill and, if not, whether she would even ask her question; however, I would not say such a thing because I respect this parliament and I respect all questions that are asked within it. I am looking at the same media release, I assume, and my understanding is that legislating a strict $100 limit on the amount of credit a player can add to a gaming machine would be the lowest in the nation. That is an extract from the media release I think the member has referred to.

In terms all how it will actually operate, remembering that this is a government bill, I am sure the interpretation that is provided by the advisers to the government is the correct one. I have not been privy to any discussions, agreements or arrangements between anyone. Therefore, I encourage the honourable member to refer to the answers that have been provided by the government, remembering that this is indeed a government bill.

The Hon. C. BONAROS: I am a bit lost at the moment. I am simply asking for some guidance from anyone in this place—absolutely anyone—as to the parameters around this $100 limit. Given that this is a piece of legislation that is going to come into operation, I am sure there are many people in this room now who have the exact same question I do: what are the parameters around the $100 limit? I cannot see how that is not a reasonable question that we can have answered during the context of this debate.

The Hon. T.A. FRANKS: I rise to support the amendment and echo the question, but perhaps with a little different tangent. We have read, in the Labor Party press release, that this is a strict $100 limit, a strict one. That sounds quite powerful and as if it minimises harm. Yet in the debate, while there is only $50 that can be put in at any one time up to that limit of $100, when that amount is gambled away another $50 can be put in.

My question is: what is the minimum time it would take for somebody playing a machine to have $50 expended? If they lost every time they had a spin, what is the minimum time between putting in one $50 note and then being able to insert the next? Is it the same as it is now?

The Hon. R.I. LUCAS: I am not in a position to answer the question in relation to how quickly one can lose $100—I think that is probably the simple way of putting it. I suspect the answer—

The Hon. T.A. Franks: It is how quickly one can lose $50 actually, because you can keep putting in the $50 each time—but this is somehow 'strict'.

The Hon. R.I. LUCAS: I do not have an answer to that, and I apologise to the honourable member for an inability to answer that question. I propose that once this issue is resolved we report progress so that people can have some dinner, and we return after the dinner break.

The Hon. C. BONAROS: I suggest that during that dinner break we get some clarity around this particular provision, which is the key, a critical part, of this debate. This is going to come into law. This is the law we are going to have to operate under, and we would like to know what the parameters around that $100 limit are. If these are part of the deal that was struck—which, according to the media release from the shadow treasurer, it is—it is only reasonable that before this bill passes this

chamber we have some clarity around the parameters to that strict $100 limit that has been put in this bill.

Amendment negatived.

Progress reported; committee to sit again.

FIRE AND EMERGENCY SERVICES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (SOUTH EASTERN FREEWAY OFFENCES) BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the annexed schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council.

No 1 Clause 2, page 2, lines 6 and 7—Delete the clause

No 2 New Schedule, page 4, after line 20—Insert:

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

South Eastern Freeway offence means—

(a) an offence against section 45C of the *Road Traffic Act 1961*; or

(b) an offence against section 79B of the *Road Traffic Act 1961* constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) of the *Road Traffic Act 1961*.

2—Transitional provision

The provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as amended by this Act do not apply in respect of a South Eastern Freeway offence committed or allegedly committed before the commencement of this Act (and the provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as in force at the time of the offence or alleged offence will apply instead).

Sitting suspended from 18:02 to 19:45.

STATUTES AMENDMENT (GAMBLING REGULATION) BILL

Committee Stage

In committee (resumed on motion).

The CHAIR: Honourable members, we are still on clause 118. We are now contemplating amendment No. 38 [Bonaros-1].

The Hon. C. BONAROS: Thank you, Chair. I was hoping, as indicated before the dinner break, that we would have some clarity around the parameters that apply in relation to the strict $100 limit that is to apply in respect of the credit that can be put into a gaming machine, and I am hoping that somebody will be able to enlighten us in relation to that strict $100 limit and its parameters.

The Hon. R.I. LUCAS: I would love to take the honourable Ms Bonaros on the road to enlightenment, but sadly I can offer no more enlightenment after the dinner break than I was able to offer before the dinner break. My knowledge has been fully extended. I am not in a position to provide any other information. The amendment has passed. The honourable member's questions, concerns and issues have been raised. When I get the opportunity, I will certainly have a discussion with the Attorney-General in relation to the particular issues, but I cannot offer any greater clarity to the honourable member than whatever it was that I offered her prior to the dinner break.

The Hon. C. BONAROS: I thank the Treasurer for his answer. Given the response that he has provided, I indicate that I will be dividing on this amendment. I would have thought it quite

reasonable that, three minutes before we pass a bill dealing with gambling legislation, we would have known what legislating a strict $100 limit means on the amount of credit that a player can add to a gaming machine, down from $1,000, which would be the lowest in the nation along with Queensland.

Given that we do not know what that means—and to be clear, we do not know because the government and the opposition have not provided us with a response because it appears they do not know what that means—we are passing legislation that nobody actually knows how to interpret. On that basis, I indicate that I will most definitely be dividing on this amendment so that the record can reflect that we are voting on an amendment, but we do not know what it means.

The Hon. R.I. Lucas: We voted on it and you lost.

The Hon. C. BONAROS: Did we divide on that amendment?

The Hon. R.I. Lucas: Yes. Sorry, you missed out. You can vote on the third reading.

The Hon. C. BONAROS: Well, I will do that at the third reading, Chair, if there is no opportunity to divide now.

The Hon. R.I. Lucas: No, we voted on it.

The Hon. C. BONAROS: Did we?

An honourable member: Yes.

The Hon. C. BONAROS: Can we seek advice from the Chair on that?

The CHAIR: It depends on which amendment we are talking about. We have done amendment No. 37 [Bonaros-1] and now we are on amendment No. 38 [Bonaros-1].

The Hon. C. BONAROS: I move:

Amendment No 38 [Bonaros–1]—

Page 58, lines 27 and 28 [clause 118(3)]—Delete subclause (3)

I am sure the Treasurer would like to suggest this is a consequential amendment.

The Hon. R.I. LUCAS: Very good point.

The Hon. C. BONAROS: Yes, but while it is in so far as it deals with the same issue, fortunately for me and not the Treasurer, it deals with a different bill. So now we are not debating the Casino Act anymore but rather the Gaming Machines Act, and for the reasons I have already outlined I indicate that it is our position, based on the evidence that has been put before members in this place—solid evidence—that there is absolutely no foundation for the implementation of note acceptors as a harm minimisation measure. As such I will be insisting on this amendment and dividing on this amendment as it relates to its implementation under the Gaming Machines Act.

The Hon. R.I. LUCAS: The government opposes the amendment for the same reasons we debated before the dinner break, so I will not repeat the arguments.

The committee divided on the amendment:

Ayes 5
Noes..... 14
Majority..... 9

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.	Lensink, J.M.A.
Lucas, R.I. (teller)	Ngo, T.T.	Pnevmatikos, I.

NOES

Ridgway, D.W.	Scriven, C.M.	Stephens, T.J.
Wade, S.G.	Wortley, R.P.	

Amendment negatived.

The CHAIR: The Hon. Ms Franks, we have amendment No. 5 [Franks-1]. Is that consequential?

The Hon. T.A. FRANKS: Amendment No. 5 [Franks-1] is consequential.

The Hon. C. BONAROS: I move:

Amendment No 39 [Bonaros–1]—

Page 58, after line 28—After subclause (3) insert:

(3a) Section 53A—after subsection (6) insert:

(6a) The holder of a gaming machine licence must not, on or after the relevant day, provide any gaming machine on the licensed premises unless the maximum jackpot able to be paid out to a person playing a game on the machine is $500 or less.

(6b) In subsection (6a)—

relevant day means the day falling 6 months after the commencement of the subsection in which the expression appears.

(ib) that the licensee must, in each month, provide to the Commissioner in a manner and form determined by the Commissioner, statistical information of the total expenditure on all gaming machines operated under the licence;

This amendment is not consequential as it relates to the Gaming Machines Act. I move this amendment for the reasons I have already outlined.

The Hon. R.I. LUCAS: Opposed for the same reasons as before.

Amendment negatived; clause passed.

Clause 119.

The Hon. C. BONAROS: I move:

Amendment No 40 [Bonaros–1]—

Page 59, after line 6—Insert:

(a1) Section 56(1), penalty provision—delete '$10,000' and substitute '$50,000'

This amendment seeks to increase the maximum penalty applicable to minors being in gaming rooms from $10,000 to $50,000 to reflect the severity of the breach, based on the reasons I have already expressed in relation to a number of other amendments. So increasing the penalty when minors are in gaming rooms from $10,000 to $50,000.

The Hon. R.I. LUCAS: Opposed for the same reasons as given before.

The committee divided on the amendment:

Ayes.....5
Noes 14
Majority 9

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.	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 41 [Bonaros–1]—

Page 59, after line 10—Insert:

(2a) Section 56(4), penalty provision—delete '$20,000' and substitute '$50,000'

If we are going to make a point of highlighting that we are not moving amendments that relate specifically to increasing penalties relating to minors being permitted in gaming rooms, then I think it is only appropriate that we also consider this amendment despite the outcome of the last few votes on this. This amendment seeks to increase the maximum penalty that applies to minors from $20,000—higher than the $10,000 previously outlined in some of the amendments—to $50,000 to reflect the gravity of the offending, noting again that they are maximum penalties.

The Hon. R.I. LUCAS: The government opposes for the same reasons we debated earlier this afternoon I think it was.

Amendment negatived; clause passed.

Clauses 120 to 123 passed.

Clause 124.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–2]—

Page 60, line 16—Delete '$4.845 million' and substitute '$6.845 million'

The intent of this amendment is to increase the amount in the Gamblers Rehabilitation Fund to $6.845 million. I remind honourable members that, based on the figures that were provided to us earlier in the evening by the government, the GRF is made up of funds that, as the name describes, are supposed to go towards assisting those gamblers who have a problem with gambling as well as research, education and advocacy programs.

The funds from the GRF are used to provide grants, through tender and procurement processes, to those agencies in the social welfare sector whose main job it is to provide assistance to problem gamblers. They tender for those projects and then those organisations are responsible for helping our most vulnerable with their gambling addictions.

The level of funding that we attribute to the assistance we offer to those individuals is less than 1.5 per cent of the revenue that the government generates from poker machines. It used to be less than 1 per cent, and I know that because I quoted that many times over the years. Less than 1 per cent used to be attributed to that fund. I am sure the Treasurer is happy that it has increased to 1.5 per cent, but the fact that we cannot deem it reasonable to attribute more than 1.5 per cent to our problem gamblers through the fund that has been established by this government absolutely defies logic.

We know that in the long term the cost not only to our society but, of course, to the government coffers far outweighs the benefit that is to be gained through gambling addiction. In the long run, the government is ultimately paying for these addictions through other means. In the short term, what they should be doing is focusing more on providing services to help those individuals who for whatever reason, as a result of a gambling addiction, find it difficult to help themselves. That is

what the GRF was established for and they do that on less than 1.5 per cent of the total gambling revenue reaped in by governments each and every year.

The Hon. R.I. LUCAS: The government opposes the amendment. The government has already announced a very significant increase and as Treasurer, with my Treasurer's hat on, there are many, many worthy agencies, organisations and others who, if offered a 25 per cent increase in the funding, which is what the government has included in this particular legislation—an increase of $1 million—would be extraordinarily grateful in terms of that particular increase.

The government is not in a position to increase the funding by $3 million, as proposed by the honourable member, bearing in mind it is a 25 per cent increase and the total revenue increase to the government, as I indicated in response to an earlier question this afternoon, was 3 per cent estimated to the government. For those reasons, the government will be opposing the amendment.

The Hon. T.A. FRANKS: For the sake of the record, the Greens will be supporting the amendment.

Suggested amendment negatived.

The CHAIR: We remain on clause 124 and we have amendment No. 2 [Bonaros-2].

The Hon. C. BONAROS: As I understand it, that would be a consequential amendment on the basis of the scheme that we had proposed earlier.

Clause passed.

The Hon. C. BONAROS: For the benefit of the chamber, it is my understanding that amendments Nos 3, 4, 5 and 6 [Bonaros-2] all deal with the same issue and would therefore be consequential.

Clauses 125 to 134 passed.

Clause 135.

The Hon. C. BONAROS: I move:

Amendment No 42 [Bonaros–1]—

Page 63, after line 5 [clause 135(1)]—Insert:

(ia) that the licensee must, no later than 30 September in each year, provide a report to the Commissioner on the conduct of its financial affairs during the financial year ending on the previous 30 June in a form that may be published on a website determined by the Commissioner; and

(ib) that the licensee must, in each month, provide to the Commissioner in a manner and form determined by the Commissioner, statistical information of the total expenditure on all gaming machines operated under the licence;

I might need to seek some clarification in relation to whether this can actually—

The Hon. R.I. Lucas: I think you are seeking a report from every hotelier, aren't you?

The Hon. C. BONAROS: I was seeking a report, but it relates specifically to the publication on a public website of data, and I note that we have already voted in relation to some of that data and voted against it. For the sake of clarity, perhaps I can describe it as a complementary amendment to some of the others that were moved earlier in relation to information and the data that we have suggested ought to be provided to the commissioner from licensees regarding the expenditure on poker machines at their venues.

The amendment itself provides that those licensees will provide the commissioner with a report in relation to the conduct of their financial affairs during the financial year ending on the previous 30 June in a form that can then be published on a website. Obviously, the reason for that is so that we can have access to that sort of data for the reasons that I have outlined extensively throughout this debate. Secondly, it provides that a licensee will provide the commissioner with, in a manner and form determined by the commissioner, statistical information regarding the total expenditure on all gaming machines operated under the licence.

Both provisions are separate to the amendments that I moved earlier but deal in effect with some of the same issues. They ensure that the information regarding the expenditure and financial affairs of licensees is provided to the commissioner and that some of that information is published on a website so that it can be accessible by those who are undertaking research and preparing reports on the impacts of gambling—along the lines of the suggestions of Professor O'Neil, which I have read onto the record—and also obviously to inform the commissioner of the statistical information regarding the total expenditure on all gaming machines under a licence.

The Hon. R.I. LUCAS: The government opposes the amendment. I know the honourable member indicates that it is complementary to the other amendments. If this amendment was to be accepted, it would create very significant questions, I think, in relation to an overt intrusion into the affairs of individual, let's say hotel operators, for example.

The way it is drafted at the moment—and I hope it is not intended this way—is that the licensee must 'provide a report to the commissioner on the conduct of its financial affairs'. As the honourable member may or may not know, for some hoteliers clearly a key part of their financial affairs is gaming operation, but there is also food and beverage in terms of their restaurant or cafe area, a number of them do accommodation in relation to the profitability of that, and they may well have other aspects of their operations. They all come within the ambit of financial affairs. It is not the earnings from gaming machine operations; that is under subclause (2), which is just statistical information.

The first information says that every publican is going to have to produce a report annually to the commissioner on their financial affairs in the broad—everything—and then it will be published on a website. As I said, I think that is just unreasonable in terms of a requirement on every individual hotelier. Because they happen to operate gaming machines—they might be a privately owned family company; they are not listed in any way—why should their financial affairs have to be reviewed annually to the commissioner and then published annually on a website?

I do not think the amendment is going to get up so I am not overly concerned at this stage, but I think members ought to be aware that this, in my view, would have very serious implications should it be passed by the committee and the parliament.

Amendment negatived.

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

Amendment No 2 [Franks–2]—

Page 63, after line 21 [clause 135(3), inserted paragraph (ka)]—After subparagraph (ii) insert:

(iii) that the licensee must not use information obtained by means of operating a facial recognition system—

(A) for a purpose other than identifying a barred person within the meaning of Part 6 of the *Gambling Administration Act 2019*; or

(B) other than is necessary for the purposes of reducing the harm caused by gambling; and

This, again, canvasses the facial recognition technology issue but obviously in a different application in terms of pubs and clubs. It does not remove the references to facial recognition technology. What it does is it adds extra provisions that ensure that that technology is not to be used:

(A) for a purpose other than identifying a barred person within the meaning of Part 6 of the Gambling Administration Act 2019; or

(B) other than is necessary for the purposes of reducing the harm caused by gambling…

That means that it puts those two sentences into this bill, should it become an act, that ensure the use of this technology is for the purposes of harm minimisation rather than harvesting or grooming gamblers.

The Hon. R.I. LUCAS: For the reasons outlined before, the government will vote against this. In relation to the earlier amendment to clause 57, I gave an undertaking to the honourable member on behalf of the Attorney-General and the commissioner, and that same undertaking pertains to this particular amendment. So, whilst we are voting against it, that undertaking remains.

The Hon. T.A. FRANKS: I do put on the record my appreciation for that undertaking. While it is not the preferred option, I do appreciate that that has now been put on the record.

The Hon. C. BONAROS: I indicate for the record that our position remains that this would have been better dealt with in the body of the legislation as opposed to the regulatory regime. But I, too, am heartened by the Treasurer's sympathy for this issue as it has been raised by the Hon. Tammy Franks. I therefore still indicate our support for the amendment because that is where it should be, but I also express appreciation for the Treasurer's views in relation to ensuring that this is dealt with appropriately.

Amendment negatived; clause passed.

Clauses 136 and 137 passed.

New clause 137A.

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

Amendment No 6 [Franks–1]—

Page 64, after line 3—Insert:

137A—Amendment of section 50A—Annual fees

Section 50A—after subsection (2) insert:

(2a) A person who, for the duration of an annual fee period, holds a general and hotel licence but does not also hold a gaming machine licence under the *Gaming Machines Act 1992*, is entitled to a 10% reduction of the total amount of the annual fee payable by that person in respect of the annual fee period.

I do believe that this is the last of my amendments. I have been looking forward to this, because this is a new piece of business and a new approach. The insertion of this amendment at 137A would be to give the effect that 10 per cent of the liquor licensing fees for a pub that is pokies free would be afforded as a discount to that licensee to encourage more pokies-free pubs—more pubs like the Grace Emily, the Sparkke at the Whitmore, the Kings Head, the Railway Hotel, the Inglewood Inn, the Archer and the Wheatsheaf.

The reward for them, while it would be minor, would be a sign that this parliament has a commitment to seeing more pokie-free pubs. I commend the amendment to the house, and I commend the idea of this amendment to those who seek in the future to move our pubs and clubs away from pokies, to wean this state off its gambling addiction and to create spaces where pubs are places of public enjoyment and convivial community rather than sitting at a slot machine.

The Hon. R.I. LUCAS: The government is opposing this particular amendment. The government has only recently introduced the liquor fee reforms, as begun by the former Labor government and continued by the new government. These fees reflect a risk-based model for liquor harm and reflect the venue location, often in a high-risk area. In the government's view, it is not appropriate to treat specific venues differently based on their gambling entitlements. Instead, a careful model has been developed with licence holders for their liquor fees. For those reasons, the government is opposing the amendment.

The Hon. C. BONAROS: I rise to wholeheartedly support this amendment for the reasons the Hon. Tammy Franks has mentioned. I remind honourable members who were here when the debate took place on the last occasion when the Gaming Machines Act was debated of the commitments given by the attorney-general at the time to the Hon. John Darley in relation to ensuring two things: one was that funds were made available to ensure that the commissioner's website had a dedicated section which provided a list of all pokies-free venues, as opposed to a list that provides pokies venues, so that those individuals seeking to attend a venue without the disruption of poker machines could have access to that list freely; and, in addition, that there would be funds set aside to support advertising campaigns and the like by those same venues.

It appears, from the response received at Monday's meeting, that nobody knows what happened in relation to those agreements, although I am certain, if we go back through *Hansard* and whatever records that are kept in government agencies, that there will be a clear recording of that

understanding and undertaking at the time by the former attorney-general, because it was certainly reflected as part of the debate. So my request of the Treasurer at this point would be that we have a similar undertaking to get to the bottom of the arrangement that was struck at the time, because we were not talking about a huge financial impost, and that he at least come back with a response as to whether or not this government is prepared to meet the outcomes of the negotiations that had already been agreed to at the time.

The Hon. R.I. LUCAS: Mr Chairman, I am a very reasonable person and always prepared to listen to a reasonable argument, but I have to say, I had locked out of the first part of the honourable member's contribution. I was looking at the amendments and I thought this was the last amendment, and I thought, 'You beauty, we're about to get to a third reading.' Let me give the assurance to the honourable member that I will reread what I am sure is the honourable member's very articulate and erudite contribution on that particular issue, and I will give an undertaking to consider it and have further discussion with her.

Whether it is my responsibility or that of the Attorney-General—as I said, I did not pay close enough attention to what the member was asking of me, but I do give her the undertaking that I will read what she has said closely, and I undertake to have a further discussion with her as to what she was pursuing. With that, I remain unmoved in relation to opposition to the amendment.

New clause negatived.

Remaining clauses (138 to 144), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (20:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LAND ACQUISITION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 November 2019.)

The Hon. J.A. DARLEY (20:29): I rise to speak on the second reading of this bill. The Land Acquisition (Miscellaneous) Amendment Bill is largely the result of the Select Committee on Compulsory Acquisitions of Properties for North-South Corridor Upgrade. In 2015, I established a select committee to investigate compulsory acquisition as I had received a large number of complaints from dispossessed owners. After trying to deal with the complaints by working with the department and the minister, it was clear that the process is not working as it should, so I instigated a select committee.

The committee heard from a number of witnesses, including valuers and lawyers who are experienced with compulsory acquisition, as well as dispossessed owners. Whilst it was clear that improvements could be made legislatively, it was also clear for the large part that it was DPTI's interpretation and administration of the act that was causing problems. The amendments outlined in the bill are largely in response to the select committee's recommendations and I applaud the government for adopting the recommendations.

Compulsory acquisitions have been used for decades, usually as a tool for the government to acquire land required for public projects. I was previously CEO of the lands department from 1985 to 1992. During my time, properties were compulsorily acquired for a number of projects. I have said previously that I would be happy for the government to compulsorily acquire my property because I had confidence in the process as followed at that time; however, my experience in trying to help constituents over the past decade has made me change my tune.

As I said before, the problem often was not with the legislation, it was the attitude of the acquiring authority. The government often tout that about 98 per cent of acquisitions are completed

successfully and in a timely manner; however, this does not mean that 98 per cent of dispossessed owners are happy with how the matter was handled.

No information was collected on what dispossessed owners thought of the process and therefore the assumption is that they were all happy. I have had a lot of feedback that this is simply not true. Whilst there was always the ability to negotiate a voluntary acquisition, there seems to be a trend towards favouring this method rather than following the procedures set out under the act. In some circumstances, there is no issue with this and it can lead to a quicker and more satisfactory outcome for both parties.

However, I have heard many disturbing stories of landowners being approached unofficially by public servants who feel intimidated into agreeing to an offer without being fully informed of their rights. There is clearly a power imbalance in these circumstances and, short of legislating against this practice so that governments cannot acquire land unless they follow the process under the Land Acquisition Act, I am not sure what can be done. Dispossessed owners trust that public servants are acting within the spirit of the act and it is disappointing when their trust is broken. I hope compulsory acquisitions in the future will be handled more respectfully.

This bill makes a number of changes but, notably, it allows for a solatium payment to be made. A solatium payment is an additional payment made to owners, usually for a non-financial disadvantage resulting from a person having to relocate due to the compulsory acquisition of their principal place of residence. Interstate acts have this or similar definitions as to the purpose of the solatium payment.

However, this bill does not give guidance as to why a solatium payment may be made. It merely states that a solatium payment may be made if a person's principal place of residence is compulsorily acquired. The bill does not outline when it will and when it will not be paid. I believe it is in the spirit of the legislation that a solatium should be paid in all circumstances where a principal place of residence is acquired and I have filed amendments to reflect this.

I would also be grateful if the minister could advise why the government has left this provision to be discretionary and under what circumstances the provision will or will not be paid to dispossessed owners for their principal place of residence. Further to this, I would be grateful if the government could provide clarification on the following points.

Section 22B has been amended by the bill to outline that those with inalienable interests in land are entitled to compensation for the acquisition. There are sometimes situations where a person is given a life interest in a property through a will. That is to say, a person may pass away and give ownership of the family home to their child; however, a life interest is given to their partner, which gives them the right to reside in the property until their own death. I would be grateful to the minister if they could clarify if people with a life interest will be entitled to compensation under the act or if the compensation is only available to the owner.

New section 23AB outlines that a person who receives an offer of compensation must respond within six months. I understood that this was just a requirement to respond, not to come to an agreement within this time frame. That is to say, the owner can write back, either directly or through their legal representative, to say that they do not agree and suggest another amount or ask for negotiations to continue. I would be grateful if the minister could confirm this point—that there is no obligation to accept the offer within six months under this clause and that an alternative amount can be put to the authority.

New section 23BA provides for a settlement conference. It states that the conference coordinator, a representative of the authority, the claimant and the claimant's legal representative are entitled to attend the conference. However, there is a further provision that states that nothing prevents other persons from attending the settlement conference. Can the minister advise if other persons will need the agreement of both parties before they can attend and how it will be decided that another person can attend?

New part 4A outlines special provisions relating to the acquisition of underground land. I understand that these provisions mirror what is done interstate to address when underground land is needed for tunnel projects. In briefings, the government advised that these provisions were only

going to be used for land that was approximately 20 metres underground and that if properties were damaged as a result of this work the department would work with these owners to compensate them. I would be grateful if the government could give more information on this and through what processes landowners whose properties have been damaged will be compensated.

I have also filed a few other amendments to increase the rights of dispossessed owners and to ensure a smoother process for all involved in the acquisition. I will speak to these amendments during committee. I support the second reading of the bill.

The Hon. M.C. PARNELL (20:37): The Greens are generally supportive of this legislation, with one exception, which I will come to in a minute. As the Hon. John Darley pointed out, the bulk of this legislation derives from the findings of a select committee that looked at the process of compulsory acquisition in relation to the roadworks that had been underway, and are still currently underway, along the Main South Road corridor. To the extent that this bill gives effect to those recommendations, we support them.

I will make one declaration here. It is not a declaration that I own properties that have ever been acquired. However, as a young, bright-eyed solicitor in country Victoria, part of my job was doing the compulsory acquisition legal work on behalf of local councils. They invariably involved road straightenings, where historically there were doglegs and things in roads. Councils would want to straighten them up and make them safer, so there would be little corners snipped off farmers' paddocks. The nature of the compulsory acquisition regime is not a question of whether they can—of course they can; that is the regime. The only question is: how much compensation?

When we look at this bill, ultimately that still is the only question. It is not whether they can or cannot do it: they can. The law says that for these public infrastructure works the state can compulsorily acquire your property. The only real argument is the compensation and the conditions.

One area that the Greens still have some concerns over relates to a very topical issue, but it is a new issue for South Australia. That is the construction of tunnels under private land. Interstate, they have a fair bit more experience. In densely populated Sydney and Melbourne, especially in the inner urban areas, where the value of land at the surface is large, a number of tunnels have been constructed

Some of those states have the advantage of having a property law regime whereby people only own property down to a certain level below the ground. My understanding is that in Victoria and in New South Wales, that is limited to 15 metres. If the road building or road tunnelling is more than 15 metres below your property, then it is not your land anyway; the compulsory acquisition regime does not even enter into it. But South Australian law is a little bit different. I know that Mr President is often disappointed that we do not use enough Latin in this chamber. The law in South Australia is succinctly described as follows: cuius est solum, eius est usque ad coelum et ad inferos, which as members—

Members interjecting:

The Hon. M.C. PARNELL: I am not a fluent Latin speaker, as might be apparent. The translation is: to whom belongs the soil, his is also that which is above it to heaven and below it to hell. That pretty much sums up the law of property. You have an area marked out on a map, on the land, on the ground, and your property extends infinitely into the air and infinitely below the ground. Sir William Blackstone, the great legal commentator, talked about it going down to the centre of the earth. Mind you, mathematically when we do get to the centre of the earth, distinguishing your property from those of Argentinians and Chinese and various others would become complex, as we get to that fine point in the centre of the earth.

That does create a bit of a difficulty for South Australia because, technically, if people do own that land, the question then arises as to whether they are entitled to any compensation. The approach that appears to have been taken is a practical one, where they say, 'If us acquiring your property that is under the ground doesn't affect you in any practical or financial way, then we shouldn't have to pay you any compensation.' That then raises the question of whether all circumstances have been considered, and it appears that as this bill has progressed, first of all someone said, 'What about if you have a water bore? Clearly, that's down into the ground.' They said, 'Okay, we will compensate you for that.'

Other people said, 'Well, what if the tunnel is coming back up to the surface and it's not 15 or 20 metres below your property; it's only 10 metres below your property?' So other amendments have been put forward saying, 'If it's less than 10 metres below, we will acquire the whole property.' There is an extent to which I think this is being made up on the run.

A couple of responses to this dilemma have been proposed. I have heard it said that some members would like to hive off this whole bill to a select committee. I do not support that approach, because as we know, most of it actually came from a select committee in the first place, so it does not make a whole lot of sense to send it all off to a select committee.

It seems to me that there is probably more work that needs to be done on this underground tunnelling acquisition. Another suggestion that has been put forward is that maybe the Public Works Committee could just look at that section, as an appropriate standing committee of parliament. In other words, let the rest of the bill go through. They are sensible provisions, they add to the fairness of the system and, as the Hon. John Darley said, they came out of the thorough process of inquiry, but maybe we should just pause and hold off on the underground portion of this bill, because on the back page of the bill, the words are very clear: 'No compensation is payable in relation to an acquisition of underground land'—no compensation is payable.

That might be an appropriate response in many cases, but is it the appropriate response in all cases? I have had a number of very brief conversations with planning minister, Stephan Knoll, on this. We have gone through a few scenarios: the multilevel underground car park, a wine cellar or a basement. I think in the vast bulk of cases they will not be affected. What we are finding interstate is that it is by no means clear that just because the tunnel is a long way under your property it has not affected you.

Just looking at some of the interstate press, *The Sydney Morning Herald* five years ago had an article entitled 'Calls for fair compensation for home owners above tunnels'. There is a range of lawyers. Not surprisingly, Slater and Gordon gets a mention in here, and they say:

> We have a...client who has an exit tunnel three metres from their fence: they're not protected under the act…

They do not get any compensation at all. There are valuers, professional land valuers, who have come out saying that the residential property market is very sensitive to these things and that people's property values will decline as a result of having a tunnel underneath. It might not be based in a practical implication but, at the end of the day, if it affects the market it affects the market.

More recently, we have in *The Age* newspaper an article from 10 April under the heading 'Home owners with tunnel beneath their feet should get compensation, reports find'. I thought, 'That's interesting. I wonder what report that was.' The article goes on:

> Yarraville residents who will have Transurban's West Gate Tunnel built beneath their properties could be eligible for compensation ranging from $60,000 up to $120,000.

I will not read the whole of the article. The article does refer to Victoria's Valuer-General, who came to a conclusion, which said 'there is generally little difference in the values of properties above tunnels compared to others in the same area' that were not above tunnels. But then you have other valuers who have come out saying that the Valuer-General's analysis was flawed. They point out that looking at land valuations many years after the tunnel was built does not give you a guide to what the impact was either during construction or the uncertainty just prior to construction. As a consequence, you have a range of people coming out in Melbourne saying that people should be entitled to some compensation.

The Greens' view on whether compensation should or should not be payable is not black-and-white. We think there is a bit more work that needs to be done to explore the bounds of circumstances in which compensation should be allowed and should not be allowed. That is my suggestion. Unless we are presented with absolutely compelling evidence to the contrary, the Greens' position is to support the whole of the bill except for the last part, the insertion of part 4A, which is in relation to the acquisition of underground land and includes the provision I referred to before, that no compensation is payable. That would certainly achieve 90 per cent of the what the bill is designed to do and it would put off to another day the question of how we deal with compensation.

The final thing that I would say is that it is difficult to look at this issue in a legal vacuum because we are talking about real projects that are on the horizon for South Australia. I note a meeting that I could not get to the other night. I do not think any of us got there at the Thebarton Theatre because we were sitting here debating important business. That community very much wants tunnels. They do not want the Thebarton Theatre demolished. They do not want the church, the name of which escapes me.

The Hon. F. Pangallo: Queen of Angels, where I was born—baptised.

The Hon. M.C. PARNELL: Queen of Angels, thank you. The Hon. Frank Pangallo was born in the Queen of Angels Church.

The Hon. F. Pangallo: Baptised.

The Hon. M.C. PARNELL: Baptised. That community quite reasonably thinks that the impact on their community will be less if we get a tunnel. The point that I would make is that I think the Greens are the only party who from day one have questioned whether the single biggest project in this state's history, the thing that we should be proudest of in all of the achievements of South Australia, should be a road through the city.

Billions of dollars that have been spent on this project, whether it was the South Road 'super waste', as my colleague the Hon. Tammy Franks labelled it—I think that was $800 million—or whether it was the Torrens to Torrens or near Flinders University near where I live. When we add all this up we will have spent billions and billions of dollars. That might be fine if there was no-one homeless, if all our kids always got breakfast each day, if all our social services were up to scratch, but they are not.

We know, from recent negotiations in relation to social services or the environment, that we have managed to eke out a million here or a million there for the environment, to help people protect private bushland, put a few solar panels on some Housing Trust roofs. Whilst they are all very good and very worthwhile projects, and the Greens are proud to have secured them, they are chicken feed compared to the billions of dollars that has been spent on turning South Road into a freeway.

What this government and what the previous government have failed to recognise is that the congestion problem on most of our arterial roads is not caused by trucks. They are not the cause of the congestion. The cause of the congestion in urban areas is single occupant commuter motor vehicles, and there are alternatives for a vast number of those single occupant cars travelling to and from the suburbs and the city.

Just imagine what sort of public transport system we would have if we had spent the billions of dollars being proposed for freeways and tunnels on public transport. There would be much less congestion. Trucks have no choice: they cannot use the train in an urban area, they have to use the roads. Congestion would be reduced if we gave ordinary folk who are going about their ordinary business some viable alternatives by way of public transport.

With those brief remarks, the Greens support the vast bulk of the bill but reserve the right to oppose that part of it that relates to compensation for underground acquisition, because we believe more work is required in that area.

The Hon. C. BONAROS (20:51): For the record I indicate that the position the Hon. Mark Parnell has just articulated is one that SA-Best also supports, particularly in relation to opposing those provisions that relate to compensation for the underground works.

The Hon. R.I. LUCAS (Treasurer) (20:51): I thank honourable members for their time and their contributions to the bill. In essence, this bill deals largely with recommendations to the committee looking at the acquisitions undertaken for the Torrens to Torrens project. The committee was chaired by the Hon. John Darley MLC.

That report made a number of sensible changes to the process of land acquisition in South Australia, especially around increased compensation for landowners, greater surety for payments and more security for tenants. Further, this bill makes some consequential changes as requested by the Department of Planning, Transport and Infrastructure and the Crown Solicitor's Office, the two work groups who deal with land acquisition.

Finally, the bill acts on a government policy to allow for underground land to be acquired to ensure tunnels or otherwise can be built to grow South Australia and complete crucial corridor projects. This bill, at the most basic level, ensures a more even playing field for landowners, tenants and investors. It confirms that market value and professional costs should be paid to compensate for the acquisition of land, and further adds that solatium is to be paid to landowners beyond the market value to ensure they are in the best position possible.

The government is ensuring professional fees are being paid up-front earlier to assist investors as well as owners moving house. This was a direct recommendation to the committee. Further, the bill allows for small market and net value payments to be made directly to the claimants instead of through court. This speeds up the process and ensures that owners receive compensation sooner.

I thank all members who have attended briefings, particularly for their contributions around underground land rights and the use of legal bores. As such the government has filed amendments, some of which are largely consequential and another which ensures owners are properly compensated for legal bores on their properties. I will turn to the other amendments filed during the committee stage of this bill.

Again, I thank all members for their ongoing questions between the houses and during briefings on this bill. While many questions were largely policy questions for the Department of Planning, Transport and Infrastructure, I hope to be able to assist with anything unanswered or unclear during the committee stage with their assistance. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

New clause 5A.

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

Amendment No 1 [Darley–2]—

Page 3, after line 15—Insert:

5A—Insertion of section 9A

After section 9 insert:

9A—Operation of section 26B to be set out in certain communications

Without limiting any other provision of this Act, the Authority must ensure that any written communication of the Authority to an owner of land that is, or is to be, acquired under this Act contains information setting out the operation of section 26B.

Amendment No. 7 in [Darley-2] is related to this amendment and I will be speaking to both. This amendment will ensure that any written communication from the authority will advise the owner that the authority will cover reasonable legal and valuation costs. This is to ensure that owners understand what their rights and entitlements are. I understand this is currently done in practice; however, inserting it in the legislation will ensure dispossessed owners will know their rights and entitlements.

The Hon. R.I. LUCAS: The government supports the amendment. It is already the practice of DPTI to advise landowners of their entitlements when their land is proposed to be acquired, and this includes extensive information as to the payments they are entitled to and will include information about the up-front professional fees payment should the parliament decide to pass this bill. Although the government's view is that this amendment is unnecessary and overly prescriptive, it will not be objecting. In fact, we will be supporting this amendment.

New clause inserted.

Clause 6.

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

Amendment No 2 [Darley–2]—

Page 3, after line 18—Insert:

(1a) Section 10(3)—after paragraph (a) insert:

(ab) it must set out the operation of section 26B; and

This amendment is similar to my previous amendment and stipulates that if a notice of intention to acquire is issued it must advise the landowner that they are entitled to have reasonable legal and valuation costs covered by the authority.

The Hon. R.I. LUCAS: The government supports the amendment.

Amendment carried.

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

Amendment No 3 [Darley–2]—

Page 3, line 19 [clause 6(2)]—Delete subclause (2) and substitute:

(2) Section 10(4)—delete subsection (4) and substitute:

(4) If the Authority changes the boundaries of the land it proposes to acquire—

(a) such that the changes result in a variation of 30 per cent or less of the total land size as was specified in the notice of intention to acquire land—the Authority must immediately serve a notice of amendment to the notice of intention to acquire land on the same persons as the notice of intention to acquire; or

(b) such that the changes result in a variation of more than 30 per cent of the total land size as was specified in the notice of intention to acquire land—the Authority must give a new notice of intention to acquire land in accordance with subsection (1), in which case the original notice of intention is, by force of this subsection, taken to be revoked.

This amendment outlines that if a notice of amendment to the notice of intention to acquire land is issued and it varies the land subject to the notice by more than 30 per cent, then it is deemed as a new notice of intention to acquire.

This will mean that the time frame for objection and review rights will be reset if the amendment significantly varies the subject land; that is to say, if the authority only needs to vary the subject land a little then it is unlikely that the owner will want to object or review the new notice. However, if the land is varied significantly then it is more likely an owner may want to object or review the notice.

Currently, the authority could issue an amended notice which changes the review objection rights if the 30 days has expired, as an amended notice of intention to acquire is not treated the same as the notice of intention to acquire.

The Hon. R.I. LUCAS: The government will be opposing this amendment. It introduces a new level of complexity into the process and the potential for conflict. Furthermore, a change in area is not the only consideration when issuing an amended NOI. For example, if the shape of the acquisition changes or improvements are impacted, this may give rise to a need for an amended NOI that could not be calculated in the sense of percentage change to the total land size. For those reasons, we oppose the amendment.

The Hon. M.C. PARNELL: The Greens support the amendment. We think that a variation in the proposed land to be acquired of 30 per cent makes it a substantially different proposition and therefore an amended notice should be issued.

The Hon. C. BONAROS: I indicate that SA-Best also supports the amendment.

The Hon. C.M. SCRIVEN: The opposition is not supporting this amendment.

Amendment negatived; clause as amended passed.

Clause 7 passed.

New clause 7A.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 4, after line 12—Insert:

7A—Amendment of section 12—Right to object

Section 12(1)—delete 'may within 30 days after notice of intention to acquire the land is given or, if an explanation of the reasons for the acquisition is required, within 30 days after the explanation was provided, by written notice—' and substitute:

may, within 30 days after—

(a) notice of intention to acquire the land is given; or

(b) a notice of amendment is served under section 10(4); or

(c) if an explanation of the reasons for the acquisition is required under section 11—the explanation is provided,

by written notice—

The amendment seeks to replicate the 30-day notice of intention requirement that applies in the first instance where a notice of amendment is served under section 10(4). That is to say, where you are issued with a notice there is a 30-day period within which you are required to reply. That same period does not apply where there is an amended notice, so the amendment seeks to provide consistency. In fact, there is no additional period under the second provision.

The amendment simply seeks to provide that notice period. If I can find my notes I can articulate that a little better. It would appear that I have lost my speaking notes on this amendment. I am not sure if the Treasurer understands what I have just explained. It makes sense to me.

The Hon. R.I. Lucas: I understand completely.

The Hon. C. BONAROS: I am very pleased, and I hope everyone else understands it also. I cannot find my notes, so that is the explanation I am providing you, Chair.

The Hon. R.I. LUCAS: On behalf of the government, I indicate that the government will be opposing this amendment. It appears that this amendment may relate to the government's amendment to section 10 in clause 6 of the bill, where it is clarified that an amended notice of intention to acquire, or amended NOI, does not constitute a new NOI.

The intent of the government's amendment was to clarify this position as it is currently unclear. The government amendment was to ensure that changes could be reflected in the NOI easily and to avoid any delays in the acquisition and in providing acquisition compensation. Because an amended NOI can only be issued if there was a modest change to the acquisition resulting from updating the draft land survey to the final land survey, it is appropriate that no new right to object occurs at this stage of the process.

The claimant was afforded the opportunity to seek reasons and details or to object upon the issuing of the original NOI and, if there is a substantial change to the amount of land required, the authority is required to issue a new NOI, meaning all rights are then reinstated. Further, this adds further delays to the process. The entitlement to compensation is not affected by the amendments. The amendment from the Hon. Ms Bonaros effectively undoes the government's amendment in clause 6 as it introduces another right to object when an amended NOI is issued. Therefore, the government will be opposing the amendment.

The Hon. M.C. PARNELL: The Greens support the amendment.

The Hon. C.M. SCRIVEN: The opposition is opposing the amendment.

New clause negatived.

New clause 7A.

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

Amendment No 4 [Darley–2]—

Page 4, after line 12—Insert:

7A—Amendment of section 12—Right to object

Section 12—after subsection (1) insert:

(1a) A person may apply to the South Australian Civil and Administrative Tribunal (established under the *South Australian Civil and Administrative Tribunal Act 2013*) for an extension of the period within which a request can be made under subsection (1).

(1b) An application under subsection (1a) must be made within 30 days of service on the person of the notice of intention to acquire land or, if an explanation of reasons for the acquisition is required, within 30 days after the explanation was provided.

This amendment gives the opportunity for application to be made to SACAT to have the 30-day objection period extended if an applicant can prove there was reason to do so. Currently, once the 30 days to object expires there is no way to extend it. Dispossessed owners may not seek legal representation until after this period has expired. This amendment allows SACAT to decide if the objection period should be extended and on what grounds. SACAT will not make a determination on the actual objection itself.

The Hon. R.I. LUCAS: I advise the government will be opposing the amendment, as it adds an unnecessary burden and a new application to SACAT's workload where it is not required. It will increase legal costs and add delays to the process. DPTI advises that in addition to the statutory 30-day notice period they as the authority will have been discussing the proposed acquisition with all parties. All parties are advised well in advance of an NOI being issued, meaning there is sufficient time to object within the statutory limit. DPTI advises me that generally there are three to four weeks of discussions to determine the property interests prior to an NOI being issued, so the landowners will be well aware of the intentions of the authority before the NOI is issued.

The Hon. M.C. PARNELL: The Greens will be supporting this amendment. I think what is at the heart of it, whilst I have not discussed it with the Hon. John Darley, is the concept that the decisions that are being made here are grave decisions of some consequence, and they can relate to people who are losing their home or their business that they may have had for 50 or 60 or more years, and therefore allowing them to go to an umpire and argue special circumstances to be allowed a little bit longer to consider the matter I think is only fair. I do not think that SACAT would be in the business of willy-nilly handing out extensions, but at least it gives people the right to apply.

The Hon. C. BONAROS: Can I indicate that for the same reasons just outlined we will be supporting the amendment.

The Hon. C.M. SCRIVEN: The opposition is opposing this amendment.

New clause negatived.

Clauses 8 to 12 passed.

Clause 13.

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

Amendment No 5 [Darley–2]—

Page 5, line 30 [clause 13(3), inserted subsection (7)]—Delete 'land'

The amendment changes who can attend a valuers conference. At the moment it is limited to land valuers only; however, there may be circumstances where it may be useful for other valuers such as business valuers to attend.

The Hon. R.I. LUCAS: The government supports.

The Hon. C.M. SCRIVEN: The opposition is supporting this amendment.

Amendment carried; clause as amended passed.

Clause 14.

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

Amendment No 1 [Darley–1]—

Page 6, after line 23 [clause 14(2)]—Insert:

(1b) If, in accordance with subsection (1a), the Authority does not make an offer, it must, no later than 30 days after giving the notice of acquisition of land, make an advance payment of compensation being no less than $10,000 to the person or persons whom it believes to be entitled to compensation for the relevant acquisition.

(1c) To avoid doubt, a payment under subsection (1b) forms part of the total compensation payable to a person in relation to an acquisition.

The government's bill allows for the authority not to stipulate an amount for compensation when issuing the notice of intention to acquire. This means that no moneys are paid to the courts that the dispossessed owner can access while negotiating their compensation.

My amendments require the authority to pay a minimum of $10,000 to the courts. This is to recognise that dispossessed owners may need some funds to assist with moving on, given their property is being acquired, to lease another property to undertake business. The amount of $10,000 is in line with the amount set out in the government's bill where an owner can be paid this amount directly rather than being paid to the courts. It is also unlikely that any compensation that is so complicated that it cannot be determined at the time of issuing the notice of intention to acquire will be less than $10,000.

The Hon. R.I. LUCAS: The government is opposing this amendment. It seems as though there has been some misunderstanding of the reasons for the provision's inclusion in the bill. The provision allowing for an offer of compensation to be paid into court later than a seven day period following acquisition has been included to prevent the current circumstances where if compensation is unable to be determined at the time of issuing an NOA, which is often the case for business valuations, the value placed in the documentation is required to state nil. This is misleading and often upsetting to landowners and the provision allows for more accurate description to be used. This provides clarity and more detail for landowners.

This amendment from the Hon. Mr Darley provides for initial payment of compensation where no offer has been paid into court as the value is still being assessed. This is based off an example provided by Mr Darley, which does not properly represent the general acquisition situation. The example provided by Mr Darley relates to one landowner who was unable to provide details of the business being operated. This meant that the acquisition process was delayed as market value could not be appropriately evaluated without details of the business to which the market value relates.

It would be inappropriate to make payments to dispossessed owners without supporting evidence, including an assessment from an independent valuer. Where there is any delay in the assessment of compensation, often one of the main reasons is due to the dispossessed owners not providing the required supporting evidence to determine compensation. In the case of businesses, the authority is reliant on the claimant to provide accurate information in relation to their business in order for an assessment of compensation to be made. Until that information is provided, the authorities are unable to assess or make any payment.

There are also instances where claimants obtain non-monetary compensation and therefore making a monetary payment would be inappropriate. The legislation is written to put the onus on the dispossessed owners to provide the required supporting evidence to allow assessment and this amendment would compromise this requirement, making the whole process longer and more difficult.

The Hon. M.C. PARNELL: This is quite a complex matter. If I could ask the Treasurer if he could maybe take some advice. Are there any circumstances where a person would get less than $10,000? Because if that is an unlikely scenario, if everyone is going to get at least $10,000, then why not give them $10,000 earlier rather than later because they were always going to be getting at least $10,000? The minister, in his answer, talked about non-monetary compensation, but my understanding is that in the overwhelming number of cases it is difficult to conceive compensation that would be less than that amount.

The Hon. R.I. LUCAS: My advice is there are examples, but they generally relate to tenants and so, in those circumstances, tenants would get compensation for cost of moving or something like that, which might be less than $10,000. I think the member is right in relation to businesses. It

would be unlikely that they would be less than $10,000—although I guess there might be a circumstance; I don't know. As a general rule, I am advised that would be the case.

The Hon. M.C. PARNELL: The Chair needs some guidance as to where this is going. The Greens' inclination had been to support the amendment and I think we still will.

The Hon. C. BONAROS: I indicate for the record that we will be supporting the amendment.

The Hon. C.M. SCRIVEN: The opposition is opposing the amendment.

Amendment negatived; clause passed.

Clauses 15 to 18 passed.

Clause 19.

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

Amendment No 2 [Darley–1]—

Page 12, line 9 [clause 19, inserted section 25A(1)]—Delete 'may' and substitute 'must'

The government's bill introduces a solatium payment to owners who have had their principal place of residence acquired. However, there is a discretion in the bill as it states that the authority 'may' provide a solatium payment rather than 'must'. My amendment takes the choice away and stipulates that a solatium payment must be made to all owners whose principal place of residence is compulsorily acquired. Interstate a solatium payment is made for non-financial disadvantage caused by a person having to relocate because their principal place of residence has been acquired. I cannot see why some dispossessed owners should be given this payment and others not, which is why I have moved this amendment.

The Hon. C. BONAROS: I indicate for the record that we will be supporting this amendment.

The Hon. R.I. LUCAS: The government opposes. I have now heard a couple of different pronunciations, so I will be looking to the Hon. Mr Parnell to give me guidance.

The Hon. M.C. PARNELL: Solatium.

The Hon. R.I. LUCAS: Solatium. I have heard it pronounced in different ways and I am sure it is all acceptable. We all know what we are talking about. The authority needs to establish if solatium is applicable and therefore must retain the ability to make that assessment. As a result, the legislation is drafted to state 'may' rather than 'must'. If the wording were changed to 'must', the whole basis of the drafting would need to be rewritten to be very prescriptive, which is more likely to exclude than include, and would change the basis of the regulations. The government has acted on the recommendations of the select committee to introduce the option for solatium. This is above and beyond the market value in professional costs of the compensation. For those reasons, the government opposes the amendment.

The Hon. C.M. SCRIVEN: The opposition is not supporting the amendment.

The Hon. M.C. PARNELL: The Greens do support it. We actually imagine that it was quite a Liberal thing to support because Liberals often talk about how they are big on self-determination and the nature of the compulsory acquisition regime is the opposite of self-determination. Someone is determining something for you. You are being moved out against your will and in a time frame that you have not chosen. Therefore, solatium—which was how I was taught at university, but I really do not know if it is the definitive pronunciation—is a recognition via a payment on behalf of the state to compensate over and above what the value of the land or business might be worth to the property owner for having removed their right to self-determination. I think the Hon. John Darley's amendment requires that to happen in all cases rather than just being optional. We support that amendment.

Amendment negatived.

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

Amendment No 1 [Treasurer–1]—

Page 12, lines 12 and 13 [clause 19, inserted section 25A(1)(a)]—Delete paragraph (a) and substitute:

(a) at the time the notice of intention to acquire land was given in relation to the land, the person was an owner and occupier of the land; and

We will support this one! This amendment is necessary to prevent a situation where a landlord deliberately evicts their tenants in order to move into the property solely to claim the solatium as an owner-occupier after they have been notified of an acquisition. Unfortunately, DPTI have become aware of real examples of this occurring interstate where a solatium payment is made and, therefore, we are seeking to prevent the same situation occurring here with the introduction of the solatium.

The Hon. C.M. SCRIVEN: On the same basis that we need to protect tenants from being evicted in that situation, we will be supporting the amendment.

Amendment carried.

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

Amendment No 3 [Darley–1]—

Page 12, line 30 [clause 19, inserted section 25A(4), definition of *prescribed amount*]—Delete 'lesser' and substitute 'greater'

The bill provides for a solatium payment to be either 10 per cent of the value of the property or $50,000, whichever is the lesser. My amendment changes this to whichever is the greater. This is in recognition of the fact that acquisition of a principal place of residence is often emotionally taxing and dispossessed owners should be the beneficiary of a more generous scheme.

The Hon. R.I. LUCAS: The government is opposing this amendment. The proposal to change the bill to be the greater of 10 per cent of the market value or $50,000 creates an unfair advantage to owners who have properties valued at more than the current median house price. The amendment is simply inequitable and will only advantage those with higher property values over $500,000.

The proposed solatium payment of 10 per cent of the market value or $50,000, whichever is the lesser amount, is similar and in some instances more generous than other legislation in Australia. We must remember this payment is already in addition to the market value rate provided for the acquisition and other payments, including legal fees and professional services.

As an example, the current solatium payment in New South Wales is $79,146, which represents 7.3 per cent of the New South Wales median house price of $1,079,491. The equivalent position in South Australia is a median house price of $538,550, which, if the same mechanism were employed in South Australia as exists in New South Wales, would be equivalent to a prescribed amount of $39,485.

The Hon. M.C. PARNELL: This is one of the rare occasions when the Greens are not supporting the Hon. John Darley's amendment—I think we are supporting all the others—on the basis that, whilst we want to be generous, our generosity is not limitless and we think that the current arrangement is fairer.

The Hon. C. BONAROS: We will be supporting the amendment.

The Hon. C.M. SCRIVEN: The opposition is not supporting the amendment.

Amendment negatived; clause as amended passed.

Clause 20.

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

Amendment No 6 [Darley–2]—

Page 13, lines 6 to 8 [clause 20, inserted section 26B(1)]—Delete subsection (1) and substitute:

(1) The Authority must pay a prescribed person an amount (being an amount determined in accordance with the regulations) towards payment of professional costs in relation to an acquisition, or a proposed acquisition (whether the acquisition is compulsory or by agreement)—

(a) within 30 days after notice of intention to acquire the land is given; and

(b) every 6 months thereafter until final resolution has been reached as to the amount of compensation payable under this Act in respect of the acquisition of the land.

There has been concern expressed in the past from constituents that they were pressured by their lawyer to accept an offer because professional costs are not paid until the matter is finalised. Some acquisition matters are not finalised for years and professional fees are not paid until the conclusion.

Professionals often undertake this work even though they are aware that the fees they will eventually be paid will be far less than the commercial rate. It is unfair that they then have to wait for the acquisition to be finalised before being paid. There are also examples where professional fees are not paid by the authority in a reasonable time frame, even after the acquisition has been finalised. The amendment outlines that the authority must pay professional fees on a six-monthly basis.

The Hon. R.I. LUCAS: The government will be opposing this amendment. This amendment would be disastrous in practice. It would reward poor behaviour by claimants and legal practitioners, in effect encouraging disputes to be dragged out in perpetuity. The government intends that the up-front, professional fees payment will not only assist claimants with legal costs but encourage claimants to work with their lawyers to settle quickly. This amendment undoes the effect of that.

In addition to the above, reasonableness of the balance of the professional fees to be reimbursed cannot be assessed until the completion of a matter. I am advised that this is a fairly common practice in matters where an authority or another party is responsible for the reimbursement of fees. Further, if the matter is litigated, the court will often make a decision relating to the payment of legal fees.

The Hon. C.M. SCRIVEN: The opposition is not supporting the amendment.

Amendment negatived.

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

Amendment No 2 [Treasurer–1]—

Page 13, after line 8 [clause 20, inserted section 26B]—Insert:

(1a) However, nothing in this section authorises the Authority to make more than one payment under this section in relation to a particular acquisition or proposed acquisition.

This amendment clarifies that one up-front professional fees payment will be paid per acquisition. To give an example, if there is one house with two joint owners, one up-front payment will be made.

The Hon. C.M. SCRIVEN: We will be supporting the amendment.

Amendment carried.

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

Amendment No 3 [Treasurer–1]—

Page 13, line 16 [clause 20, inserted section 26B(3), definition of *prescribed person*, (a)]—Delete 'and occupier of' and substitute:

of the fee simple in

This amendment clarifies that the up-front professional fees payment applies to investors as well as owner-occupiers. This ensures that those who own an investment property can also receive an up-front payment for the professional costs prior to the acquisition being finalised.

The CHAIR: Amendment No. 3 [Treasurer-1] is not identical to amendment No. 7 [Darley-2], but they seem to be trying to achieve the same thing.

The Hon. R.I. Lucas: We will be opposing [Darley-2].

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

Amendment No 7 [Darley–2]—

Page 13, line 16 [clause 20, inserted section 26B(3), definition of *prescribed person*, (a)]—Delete 'and occupier'

As previously mentioned, this amendment is related to amendment No. 1 [Darley-2].

The Hon. C.M. SCRIVEN: We will be supporting the Treasurer's amendment and not supporting the Hon. Mr Darley's amendment.

The Hon. R.I. Lucas's amendment carried.

The CHAIR: Given the success of the Treasurer's amendment, I will not be putting the Hon. Mr Darley's.

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

Amendment No 4 [Treasurer–1]—

Page 14, line 11 [clause 20, inserted section 26D(2)]—After 'section' insert:

or on its own motion,

This amendment allows the authority to make a payment of relocation costs on its own motion as well as upon application. The practical effect of this amendment will be that owner-occupiers will have their relocation costs paid automatically, as is the case now, and investors will have theirs paid upon application if they meet the conditions set out in the section. This amendment ensures that the project team can make a payment without a formal application being required, further reducing red tape and delays in the acquisition.

The Hon. C.M. SCRIVEN: The opposition will be supporting the Treasurer's amendment.

Amendment carried.

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

Amendment No 4 [Darley–1]—

Page 14, line 17 [inserted section 26D(3)(b)]—Delete 'the prescribed period' and insert '24 months'

The bill outlines that the authority will pay stamp duty fees on investment properties if a replacement property is purchased within the prescribed period. I understand it will be 12 months. The amendment changes this period to 24 months to give dispossessed owners longer to find a suitable replacement.

The Hon. R.I. LUCAS: The government supports the amendment.

Amendment carried; clause as amended passed.

Clause 21.

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

Amendment No 1 [Treasurer–2]—

Page 15, after line 15 [clause 21, inserted Part 4A]—Insert:

26EA—Special provisions applying where acquisition of underground land for certain tunnel construction

(1) Despite any other provision of this Act, a special Act or any other Act or law, the following provisions apply to a proposed acquisition of underground land under this Part where the land is to be acquired for a purpose related to the construction of a tunnel (however described) to be constructed less than 10 metres below the surface of the underground land:

(a) the Authority must prepare and submit a report to the Public Works Committee of the Parliament in respect of the proposed acquisition and tunnel construction (and the function of inquiring into and making recommendations will, for the purposes of the *Parliamentary Committees Act 1991*, be taken imposed on the Committee under this Act);

(b) the report under paragraph (a) must be accompanied by—

(i) an engineers' report prepared in accordance with any requirements set out in the regulations; and

(ii) such other information as may be required by the Public Works Committee,

and must comply with any other requirements under the regulations;

(c) a dilapidation report in respect of any premises on surface land under which the underground land is located must be prepared in accordance with any requirements set out in the regulations.

(2) The Authority or a person authorised in writing by the Authority may, for the purpose of preparing a report under subsection (1)(a), (b) or (c)—

(a) exercise a power referred to in section 27 or the relevant special Act; and

(b) take such other action as may be reasonably necessary for the preparation of the report.

(3) Subsection (2) is in addition to, and does not derogate from, section 27 or any other provision of this Act or a special Act.

(4) Nothing in this section prevents an Authority from acquiring land under Part 3.

This amendment is a result of recent discussions between the government and the opposition. The government would like to thank the opposition for their engagement with the issue. The amendment provides that, where an authority seeks to acquire underground land that is less than 10 metres below the surface for the purpose of constructing a tunnel, they are required to prepare a report for the Public Works Committee, including an engineering report on the proposed tunnel.

A dilapidation report is also required for each property sitting above the proposed tunnel, again where it is proposed that the tunnel will be less than 10 metres below the surface. To be clear, nothing in this amendment prevents an authority from acquiring the whole of the land, including the surface area and any properties, using the regular acquisition procedures contained in the rest of the act. The procedure laid out in this amendment involving the Public Works Committee only comes into play for underground acquisitions less than 10 metres below the surface. The amendment also allows for entry onto properties for the purposes of completing the dilapidation reports.

The Hon. C.M. SCRIVEN: The opposition will be supporting this amendment and puts on the record its appreciation for the positive and constructive discussions that we have had with the government over these matters. It is important that there is an opportunity for landowners to have confidence that, if there is any damage to their properties because of underground works, notwithstanding that they are well below the area that is expected, there is the opportunity for that to be acknowledged and, if necessary, remedied. This amendment goes a long way toward reassuring the opposition in regard to a number of concerns that we had in relation to this bill and therefore we will be supporting it.

The Hon. M.C. PARNELL: I have a question for the minister, and it relates to the explanation that the Hon. Clare Scriven has just given in relation to potential damage to a property. As members would all be aware when they come into this place, next door to us a major earthworks operation is underway. We have had piledrivers and there is an underground five-storey car park about to be built.

Members would realise that we had inspectors coming through the building some months ago. They looked at every cornice and every wall, basically identifying cracks that might already be in this building with a view to seeking compensation, I presume, from the developers next door if further cracks appear as a result of the earthworks and the piledriving. Is there anything in this that would assist a person who might not have the tunnel going directly beneath their house but might still find their properties damaged as a result of tunnelling works?

If I can just add, my recollection is that when South Australia lost the Grand Prix, it went to Albert Park in Melbourne. I am not quite sure why they did piledriving work but they did a lot of piledriving work in Albert Park and apparently the houses were cracking up hill and down dale and calls for compensation were widespread. I had a number of people from Melbourne say to me, 'Do you want that car race back?' I know many people would have thought that was a wonderful idea. However, there certainly was a lot of cracking associated with those works, and the fear in this building, in Parliament House, was that we would get cracking as a result of the piledriving works next door.

The Hon. R.I. LUCAS: I am advised that the parliament could lodge a claim should it be able to meet the requirements of the legislation, that is, a dilapidation report would need to be compiled and they would need to make the claim.

The Hon. M.C. PARNELL: Just to clarify my question and the concept of land acquisition, as we have said, your land goes infinitely up and infinitely down. This section deals with the actual acquisition of land that is part of a strata beneath your house, factory, shop, whatever it might be. If you are not directly in the line of the tunnel—in other words, if no part of the tunnel is directly beneath your property but you still suffer loss as a result of the tunnelling operations—is your right to compensation covered by this legislation, or are we just talking about some common law right of nuisance or some other claim that might be made in some court elsewhere? Is there any effect of this legislation? This is compulsory acquisition of land legislation. Is there any impact of this legislation on people who are affected by these projects?

The Hon. R.I. LUCAS: I am advised that the answer is no to the honourable member's question, but you can lodge, if you believed it to be so, a common law claim.

The Hon. M.C. PARNELL: I do not intend to delay the committee long with this. The point that I made before was that the Greens believed that this whole area would benefit from further work, so our intention would be to support those amendments that actually make clause 21 better, but we will be opposing clause 21 at this instance with the hope that the government would undertake more work and perhaps bring it back in a separate bill later. There are four amendments to clause 21. The Greens will support all the amendments because we think it makes the clause better, but we will be opposing the totality of clause 21 at the end because we think that further work is needed.

The Hon. C. BONAROS: I indicate for the record that we will be doing the same as has just been described by the Hon. Mark Parnell.

Amendment carried.

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

Amendment No 5 [Treasurer–1]—

Page 16, line 1 [clause 20, inserted section 26F(5)]—Delete 'Despite a provision of this Act, or' and substitute:

Except as is provided by section 26H, and despite

I am advised this is a technical amendment relating to the introduction of the new section 26H, as discussed in amendment No. 7.

Amendment carried.

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

Amendment No 6 [Treasurer–1]—

Page 16, lines 13 to 16 [clause 20, inserted section 26G(1)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

(a) any person who, to the person's knowledge, has an interest in the land, or who had an interest in the land immediately before the acquisition, and the nature of that person's interest (including, to avoid doubt, the person to whom the notice is given); and

(b) the existence of any well, bore or other infrastructure located within the underground land, or on surface land under which the underground land is located, and any entitlement (whether of the person or otherwise) that exists to take water by means of that infrastructure; and

(c) such other information as may be specified by the Authority in the written notice.

This amendment clarifies the requirement for landowners whose underground land is being acquired. A positive obligation is imposed on those landowners to advise the authority of other person's interest in the land, which was already a part of the bill, but also their own interest, including specifically if there is a bore or well located on the property. This is vital information for the authority to have not only in terms of the practical engineering requirements of constructing a tunnel through the acquired land but also for the purposes of the limited compensation to be provided for a bore, which is being introduced by the next amendment.

The Hon. C.M. SCRIVEN: This amendment addresses some of the concerns that were raised by the opposition, and therefore we will be supporting this amendment.

Amendment carried.

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

Amendment No 7 [Treasurer–1]—

Page 16, after line 19 [clause 21, inserted Part 4A]—Insert:

26H—Limited entitlement to compensation where certain water infrastructure or rights affected

(1) Subject to this section, a person (the *interest holder*) who—

(a) holds a prescribed interest in underground land; and

(b) notifies the Authority of the prescribed interest in accordance with section 26G,

is, on an application under this section, entitled to compensation in relation to the acquisition of the underground land to the extent that the acquisition—

(c) involves the acquisition of the prescribed interest; or

(d) results in the discharge of the prescribed interest; or

(e) results in the interest holder being unable to take water by means of, or pursuant to, the prescribed interest.

(2) An application under this section—

(a) must be made within 6 months after publication of a notice of acquisition in relation to the relevant underground land; and

(b) must be made in a manner and form determined by the Authority; and

(c) must be accompanied by such information or documents as may reasonably be required by the Authority; and

(d) must comply with any other requirements set out in the regulations.

(3) On receiving an application under this section, the Authority must assess the application and must make a written offer of compensation (not exceeding the prescribed amount) to the interest holder.

(4) The following provisions apply in relation to the payment of compensation under this section:

(a) the Authority and the interest holder must negotiate in good faith in relation to the compensation;

(b) the Authority may offer non-monetary compensation to the interest holder (including, to avoid doubt, compensation consisting of relocation of any infrastructure affected by the acquisition);

(c) the Authority's liability to pay compensation under this section is reduced by the value of any non-monetary compensation provided at the request of, or by agreement with, the interest holder;

(d) the amount of compensation payable under this section is to be determined on the basis that the interest holder is to be compensated for loss occasioned by reason of disturbance (and regard is to be had to such of the principles set out in section 25 as may be relevant to such a loss);

(e) the Authority or the interest holder may refer a question arising in the course of negotiations into Court (and the matter may be dealt with as if it had been a matter referred into Court under section 23C);

(f) compensation under this section may be paid directly to the interest holder in a manner determined by the Authority;

(g) the payment of compensation must comply with any other requirements set out in the regulations.

(5) In this section—

prescribed interest, in underground land, means—

(a) ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or

(b) a right to take underground water from the underground land by means of such a well,

in each case being an interest existing immediately before a notice of acquisition is published in relation to the underground land;

underground water has the same meaning as in the Natural Resources Management Act 2004;

well has the same meaning as in the *Natural Resources Management Act 2004* and includes, to avoid doubt, a bore.

This provision introduces a limited form of compensation where underground land is acquired and, as a result of the acquisition, a legal well or bore can no longer be used. The government would like to thank members in the other place for raising the issue of bores in underground land being acquired. It seems as though this may be an issue that is fairly unique to South Australia. I am advised by DPTI that their interstate counterparts were very surprised to hear that this was an issue, as it has never arisen when building tunnels interstate, as far as they are aware.

This amendment provides that compensation will be paid where a bore can no longer be used due to an underground acquisition. The compensation will be paid on the basis of disturbance, and may be monetary or non-monetary, which is likely to take the form of rectification works or possibly relocating a bore.

The bore or well must be legal in order to be compensated. No compensation will be paid for illegal structures. To be eligible for compensation, a person must have notified the authority of the bore or well in accordance with the procedures in section 26G, and the interest holder then needs to make an application for the compensation within six months of the acquisition.

DPTI will provide landowners with all the relevant information about their rights and obligations at the time that the notice of acquisition is given. The compensation will be paid directly to the interest holder, rather than paid into court, as is the case for regular acquisitions. As can be seen in the provisions, the definition of 'underground water' and 'well' are both taken from the Natural Resources Management Act 2004.

The Hon. C.M. SCRIVEN: As this addresses some of the issues that the opposition had raised, we will be supporting this amendment.

The Hon. M.C. PARNELL: Just out of interest, given that the only tunnels that are currently being considered are in relation to that section of South Road between the River Torrens and Darlington, I expect the government would have done some analysis of how many legal bores there might be, say, 200 metres on either side of South Road. Is the government able to give any indication of how many legal bores might be affected by this provision?

The Hon. R.I. LUCAS: The honourable member's presumption is wrong. The frank answer is that there is no idea at this stage. That sort of work will be done by the project team further down the track.

Amendment carried; clause as amended passed.

New clause 21A.

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

Amendment No 5 [Darley–1]—

Page 16, after line 19—After clause 21 insert:

21A—Amendment of section 35—Authority may dispose of surplus land

Section 35—after its present contents (now to be designated as subsection (1)) insert:

(2) However, the Authority must, before entering into arrangements to sell land under subsection (1)—

(a) if reasonably practicable to do so, offer to sell the land to the person who was the owner of the land immediately before it was acquired for an amount not exceeding the prescribed amount; and

(b) provide the person with a reasonable time period in which to respond to the offer.

(3) In this section—

prescribed amount, in relation to the purchase of land by a person, means the total amount of compensation paid to the person for the acquisition of the land.

The amendment requires the authority to give the dispossessed owner the first right of refusal to purchase what was acquired if it is deemed to be surplus. There have been circumstances where property is acquired to hold equipment required for the project and this land is no longer needed at the end of the project. This land should be offered back to the dispossessed owner in the first instance.

The dispossessed owner is not obligated to purchase back the property, but if they do the authority must sell the land back to the dispossessed owner at the same price for which it was acquired. I am also aware of a situation several decades ago whereby waterfront land was acquired for a project. The final project plan differed from the original and the land was no longer needed. The waterfront property was then sold for a premium to a developer. In this circumstance, the dispossessed owner should have been given the opportunity to purchase back the property so they could realise the financial benefit.

There was another example back in the early 1970s, in connection with the proposed Monarto satellite city. That project did not proceed and the land was actually sold back to the original owner for the price they paid for it.

The Hon. R.I. LUCAS: The government is opposing the amendment for the following reasons. The amendment would make the process of disposing of surplus land to become largely unworkable, as it is very rare that a property is available in the same condition and in the same configuration that it is acquired.

Firstly, when a property is acquired, as extensively detailed in this debate, the landowner is compensated. They are compensated to the market value of the property, they are provided professional service fees, compensation, and under the government bill, there are to be provided with a sizeable solatium payment if they are residential owners. This payment directly touches on the fact that the land being acquired may well have been the family home, and aims to put the landowner in the best possible position.

Acquired properties, by definition, are acquired because they are required for project purposes and as such it is very unlikely to ever be a like-for-like position. For example, if a property is acquired and then there is land left over after the project is completed, it will be in a completely different configuration, often without appropriate access due to the project or amenity.

As with any property put on the open market, the landowner has the opportunity to purchase the property back in the unique circumstances it will be disposed of by the project team. It is also likely that a substantial period of time will have elapsed following the acquisition and an owner occupier is very likely to have used their compensation to purchase a new property in which to live and would therefore be unlikely to have immediately available funds to repurchase the surplus land.

This issue is in addition to the high likelihood that the surplus land will no longer be fit for its original purpose in any event. Again, I note this amendment stems from one very specific example provided by Mr Darley. For this and the reasons outlined above, the government does not support the amendment.

The Hon. C.M. SCRIVEN: The opposition is not supporting the amendment.

The Hon. M.C. PARNELL: The Greens do support the amendment but it is one of those ones that we imagine should not be necessary to use too often. I have taken a great interest in the Darlington project and I note two areas there: one is a public park so it is not necessarily going to be covered the way private land would, but it was basically commandeered by the road builders to store materials and bulldozers and whatever else. The other one, which members would be familiar with, is the Women's Memorial Playing Fields on the corner of Shepherds Hill Road and Ayliffes Road, I think it is. Again, that has been effectively commandeered for storage, for equipment, for machinery.

My guess would be that if the reason that the land is needed is for that sort of storage, then mostly a lease arrangement or something else would be arranged other than acquisition, in which case the deal would be, 'We will pay you some money for the inconvenience. We will rent it off you for a year or so. We will fix it up afterwards and you can have it back.' That is not the situation the Treasurer described where the land would not be in the same condition. You would get it back. They would reinstate the tennis courts, I hope, on the Women's Memorial Playing Fields. They are pretty tatty tennis courts but if they got new ones in exchange for having let them park trucks there for a while, that would be a good outcome.

I defer to the Hon. John Darley's long experience in these matters. He has come across examples where a person wanted first rights to get their land back and I cannot see why we could not include that in the act for those rare and special cases. The Greens will be supporting this amendment.

The Hon. C. BONAROS: I indicate, for the record, we will also be supporting the amendment on similar grounds. I recall a case in the northern suburbs that fell into precisely that category and it was the subject of an acquisition. The purpose of that acquisition was precisely for the reasons just outlined by the Hon. Mark Parnell. The owners of the land who had their land acquired so that we could use it as storage facilities and so forth during the development of roads out there did seek first rights in order to be able to purchase that back or did try to negotiate that outcome, but only after their land had actually been acquired.

It turned into a pretty messy situation. That is a lifetime investment that that individual had made and it was quite reasonable in the circumstances for them to request that they have the first rights to be able to purchase land back at the conclusion of the project in question. I think that is the exact sort of scenario that this amendment aims to address; therefore, we will be supporting the amendment.

Amendment negatived; clause passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (21:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SOUTH EASTERN FREEWAY OFFENCES) BILL

Final Stages

Consideration in committee of message No. 168 from the House of Assembly.

The Hon. F. PANGALLO: I move:

That the House of Assembly's amendments be agreed to.

This was something that was discovered yesterday, after we had already passed the bill to go on to the House of Assembly, and it relates to transitional provisions. In effect, there seems to have been an anomaly where somebody had been caught and a fine imposed, and if they waited until after the assent of the bill the offender may not have been subject to any of the penalties. So this is actually shoring up a loophole that had been discovered. I am certainly supporting it.

The Hon. D.W. RIDGWAY: We are absolutely supporting these new amendments.

Motion carried.

SUPREME COURT (COURT OF APPEAL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2019.)

The Hon. I.K. HUNTER (21:56): I rise this evening to speak to the Supreme Court (Court of Appeal) Amendment Bill 2019 and to indicate that Labor opposes this bill. We oppose the bill and we now know that the judges also oppose this bill. Labor initially opposed the bill on the basis that we did not know the position of one of the most important stakeholders, that being the Chief Justice and the courts.

The judges are opposed to the establishment of the court of appeal. Members would be aware that the Attorney-General, the member for Bragg in the other place, the Hon. Vickie Chapman, was forced to reveal that the Chief Justice and the courts were opposed. The Attorney-General initially refused to release, I am advised, any correspondence with or submissions from the Chief Justice that related to the proposed changes.

However, my colleague in the other place, the member for Kaurna, made the argument that the establishment of a new court is not an insignificant change—you may agree—and that members of parliament who are considering this change owe it to the parliament and owe it to the South Australian public that not only do they understand the impacts of such change but can actually explain the need for it or otherwise.

Following that, the shadow attorney-general received a letter from the Chief Justice dated 8 November 2019. That letter stated that the Attorney-General may be in a position to provide a summary of the judges' view to the parliament, without necessarily disclosing the correspondence. The Attorney-General outlined eight reasons why the judges are opposed to the establishment of the court of appeal as part of her second reading response. Those eight reasons are as follows. I am, of course, paraphrasing here, and I encourage you to read the *Hansard* from the other place, a riveting document.

1. The establishment of a court of appeal has not been formally proposed by the presidents of the Law Society and the SA Bar Association in their meetings with the Chief Justice.

2. Neither the Chief Justice, nor any of his predecessors, have recommended the establishment of an appeal division.

3. The utility and efficiency of a court of appeal is dependent on the population of the state and the extent of the litigation in its courts, and the judges do not consider that South Australia has the critical litigation mass to warrant a court of appeal.

4. The judges have also suggested that an appeal division must be constituted of at least five judges, with additional judges required because of the rigidity of the proposed structure. They have also highlighted that appeal judgements are often written by judges after the appeal has been heard whilst assigned to matters that do not make as heavy a demand on judgement writing. Judges appointed permanently to an appeal division will, from time to time, need unassigned months in which to write judgements; hence the need for the additional judges.

5. The judges have suggested that the present system of rotation through the appeal and trial lists of the court provides an opportunity to allocate judges to matters requiring their particular expertise and to allow others to deepen their experience in a broader range of matters. It also contributes to a collegial court, I am advised.

6. Judges have highlighted that the cost of appointing an additional judge with support staff is approximately $1.32 million annually. The cost of an appeal division will be greater if the remuneration is higher than the existing trial judges or if they are not accommodated within the existing Supreme Court.

7. The establishment of an appeal division may make appointment to the Supreme Court less attractive to some senior members of the bar. An appointment exclusively to the trial or appeal divisions will diminish the opportunities for a judge with strength in matters of a particular kind to hear such cases. An appointment to the Federal Court may become relatively more attractive, therefore.

8. The judges have also indicated that matters are usually listed in the Full Court within several months of parties requesting a hearing date, but the trial courts generally have longer wait times for a hearing.

My colleague in the other place, the member for Kaurna, has written to the Chief Justice to confirm that the rationale outlined by the Attorney-General fully reflects the judges' position. I am advised that we are yet to receive a response to that correspondence, but we will take the Attorney's summation of the judges' views at face value.

In addition to the reasons outlined just now, there are still many other questions that remain unanswered about this proposed legislation. How will court of appeal judges be selected? How many judges will there be in total in the Supreme Court and how many of those will sit on the court of appeal? When will the Attorney-General fill the current vacancies on the Supreme Court? Where will the court of appeal be physically located? What additional resources will be provided to the court of appeal? What will be the budget of the court of appeal and of the general division? Has anyone proactively requested that a court of appeal be established? These are questions that really deserve to be fully answered because it is becoming increasingly clear that the Attorney-General is under-resourcing the court system.

I would like to mention in passing the illuminating letter the Chief Justice sent to the Budget and Finance Committee in response to questions from the Hon. Terry Stephens. The questions were as follows:

- Does the CAA continue to receive funding for Vanstone J?
- How many auxiliary judges are available to the Supreme Court? Seven of the auxiliary judges are retired District Court judges and masters and three are retired Supreme Court judges. Why did the Attorney-General ask for them to be appointed if you do not use them?
- There are ample auxiliaries. Why did the Chief Justice request the Attorney-General to facilitate their appointment if he was not going to use them?

These are penetrating questions asked by my colleague the Hon. Terry Stephens, who was actually ripping into the system.

The letter of response from the Chief Justice to the Hon. Mr Stephens' questions raises, I think, some significant concerns. In summary, they are that the vacancy created by the retirement of Justice Vanstone has not yet been filled; the vacancy created by the appointment of Justice Hinton as the DPP has not yet been filled; the refusal to fill those positions has resulted in a 16 per cent reduction in the capacity of the court, which undermines the proper administration of justice by the state's highest court; and the Chief Justice has said that auxiliary judges are not a satisfactory replacement. What this letter shows is a court under significant stress because the Attorney-General in the other place has refused to replace those judges.

I will return to the substantive point. The Attorney-General's refusal to replace those judges, combined with the establishment of a new court, could very possibly undermine the proper administration of justice in a system that is already under significant strain. This is of particular concern to me at least, and to others in this place perhaps, because the Attorney-General refuses to advise what resources the court will be allocated or how many additional judges will be required.

We have heard rumours circulating that the Attorney-General will only replace those judges once this bill has been dealt with. It is entirely inappropriate, I would submit to His Honour, that the Attorney-General could hold this chamber to ransom, linking the passing of this bill with the replacement of judges the Supreme Court desperately needs.

In closing I would like to provide some remarks on the less than satisfactory briefing I received on this bill. This is not to cast any aspersions at all on the character or the abilities of the briefing officers, but they were unable to explain to me the policy imperative behind the establishment of a court of appeal. All they could say was that the establishment of a court of appeal would increase the prestige of the Supreme Court—arguable, I suppose.

This may well be the case, but this is really an internal argument or, as they would say in America, an 'inside the Beltway' type of reason. It may be that I am not learned enough in the law and cannot actually come to grips with this argument fully, but I think the argument is fundamentally flawed. The court of appeal may have increased prestige; however, the general division will likely have reduced prestige because of it. Another way to improve the standing of the Supreme Court might be to replace the current vacancies appropriately, bring them up to strength, and give the court the resources it needs.

The Liberal government has now filed amendments to the bill. I am advised that an amendment was requested by the Chief Justice to ensure that rules or procedures governing the court of appeal will be made by the Supreme Court. I am further advised that the amendments mean that the rules of the court of appeal will not be made separately by judges of the appeal division but rather by any three judges of the Supreme Court. I understand this is the same process as how rules are currently made.

I will conclude by saying that Labor will be supporting the amendment because it is an improvement, to use an argument the Greens have made earlier this evening, but we intend to oppose this bill.

The Hon. I. PNEVMATIKOS (22:06): I rise this evening to speak in opposition to the Supreme Court (Court of Appeal) Amendment Bill. The bill seems to destabilise the current structure of our judicial system. It proposes a significant, unnecessary change that our state does not require or need.

There are many problems I can identify in this bill. There are so many obvious flaws that fail to address South Australia specifically. Our current Supreme Court is not operating to its full capacity and is currently down two judges. It is unacceptable for the government to allude to the Supreme Court being inefficient when it does not appoint judges to fill existing vacancies. The Attorney-General may not be holding off on this decision purposefully, but it certainly looks like an intentional way to make the court process look slow and inefficient.

The current workload of the Supreme Court is causing delay in caseload management and pressure on existing judges. Chief Justice Kourakis agrees that it is not because of the current system that we are having these problems, it is because of the government's inability to replace retired judges. Chief Justice Kourakis stated in an interview, 'the failure to appoint permanent judges has strained the capacity of the Supreme Court judges to property discharge their duties.'

It is unacceptable that the Attorney has ignored her duty in appointing judges at this conjecture. We need to be addressing existing issues in terms of judge replacement, not creating new structures to address a perceived problem.

The transfer of the current Supreme Court to a two-tiered system would cause more obvious workload issues. Transferring judges to separate trial and court of appeal divisions narrows the scope of work undertaken, effectively deskilling judges. The two tiers also create a structure lacking flexibility. Regimenting the structure means that resources are unable to be redirected effectively whenever and wherever they are needed.

As highlighted by the Law Society and the Attorney-General during the committee stage in the other place, the government cannot determine the costing of the two-tier system. In their submission to the Attorney, the Law Society ruled that without the costing figures there was no way to determine that setting up the court of appeal would be worth any expense. They also voiced concerns about the current funding, or should I say lack of, into the Supreme Court. The submission suggests that perhaps if more funding was put into the current system, efficiency could be increased, delivering better outcomes for South Australians.

The Hon. Justice Margaret McMurdo expressed her experience of becoming a judge on the Supreme Court of appeal recently at the 20th anniversary of the Victorian Court of Appeal. She mentioned in her speech that, and I quote:

…the creation of a permanent court of appeal tends to disturb the constitutional relationship between the arms of government and arguably the independence of the court's highest judges.

It is already so obvious with the vocal opposition by Chief Justice Kourakis that this will change the relationship between the courts and current government. Apparent tension is already obvious.

The two-tier court system also inflames a system by supersession. This supersession can attack the court as an institution if parliament uses it to retaliate against judges who decide cases contrary to government policy or reward others. South Australia has only five judges on the Supreme Court to mirror the population of the state. In such a small jurisdiction like South Australia there is no need to change the Supreme Court system. It is not only undesirable, it is basically impractical.

The potential cost, the disruption to the current system and the obvious inability of the government to give us any promise on the structure of the Supreme Court makes the task of supporting this bill difficult. This may work effectively in other jurisdictions; however, South Australia is a different state.

The Chief Justice has strongly opposed the decision to create a court of appeal; yet the Attorney and government have decided to ignore the recommendations of the highest Supreme Court judge in our state. There is a reason we have a system of separation of powers which divides the institutions of government into three branches—legislative, executive and judicial—and it is to ensure fair, responsible and democratic government.

The government may argue that this new system for South Australia will take the pressure off our court system. As the Law Society stated:

> Some considered that appellate work and principles are not a discrete area of law in which specialisation will produce faster or better results, as opposed to specialisation in specific areas of law…where specialist judges and judge-managed case lists would be likely to improve efficiency.

Measures to improve access and effective justice are welcomed; however, we cannot be assured by these amendments that the justice system will be improved at all. The establishment of a permanent court of appeal is not without disadvantage, otherwise there would be more of them in Australia. South Australia is in no need of one and, therefore, I will not support the bill.

The Hon. M.C. PARNELL (22:12): I rise to support the second reading of this bill and, in doing so, I would like to thank the Attorney-General for the time that she spent with me, including working through some of the Chief Justice's concerns in relation to the bill. I understand that in the other place members were concerned that they had not seen the Chief Justice's correspondence, but I am satisfied that the Attorney-General did put on the record all of the concerns that were raised.

The Chief Justice's views are not the only consideration to take into account. We also have a contribution from the South Australian Bar Association, the Legal Services Commission and the Law Society of South Australia. It is probably fair to say that this is not a topic that keeps the average member of the public awake at night. It is not something that occupies the minds of people much outside the legal profession, but the reason why the Greens are ultimately supporting the government on this bill are twofold. First of all, we have looked at the statistics for the delivery of judgements and we find them to be unacceptable.

It is very difficult to imagine a line of work where you can get away with sitting on a matter for a year or more and not be accountable to anyone. Judges are in a unique position because the people who are waiting for judgement, hoping with their fingers crossed that the judgement will be in their favour, are unlikely to complain. In response to that situation, I know that we have set up an alternative regime whereby complaints can effectively be filtered so as to be unidentifiable. Nevertheless, the Greens are supportive of anything that might reduce that backlog of judgements. We think it is unacceptable.

The second reason is that we are concerned about the reputation of our highest court, in particular its reputation amongst the judges of even higher courts, such as the High Court of Australia. It is probably overstating the case but it was put to me that, in an application for leave to appeal to the High Court, the first question was, 'Where is it from?' If the answer was 'South Australia', the response was, 'Leave granted.' That is very likely overstating the case but there is a risk, if we do not look at alternative models to structure our judiciary, that there may become even worse quality control issues in the future.

It is about a combination of those two things, namely, quality control and delays in delivering judgements, plus the supportive submissions that were made, in particular by the Bar Association. The one that is probably more influential to us is not the Bar Association or the Law Society—as important as they are, because they are very much part of the system—but the Legal Services Commission. Yes, it is also part of the system but their clientele are effectively legal aid clients. They are the people who are not the big end of town. They are people who need help with the provision of legal services, and they want that help to be granted in a timely manner.

When the Legal Services Commission, representing that pool of clients, comes out saying, 'We think a separate appeal division of the Supreme Court is a good idea,' that carries a fair bit of weight with the Greens. With those few brief words, we will be supporting the second reading of this bill.

The Hon. C. BONAROS (22:16): I rise also to speak in support of the second reading of the Supreme Court (Court of Appeal) Amendment Bill 2019. I thank at the outset the Attorney, the SA Bar Association, the Law Society of South Australia and individual barristers and solicitors for the comprehensive briefings that they have provided to us to inform us about the bill. I have listened intently to the somewhat polarised arguments both for and against the creation of a separate permanent South Australian court of appeal, including the views of the Attorney, the Chief Justice and the opposition.

I have also benefited from hearing about other jurisdictions, including New South Wales, Victoria, Queensland and, most recently, Western Australia, who have already created and, in some cases, also evaluated a supreme court of appeal. We have been additionally assisted by Western Australia's extensive inquiries prior to establishing its Court of Appeal, which found that a court of appeal raises standards in the courts and the legal profession, improves the quality and consistency of appellate judgements, increases the timeliness of judgements and contributes to shorter hearings. The development of the law through appeals was said to be better facilitated and there was an overall improvement in the administration of justice.

While we should not always blindly follow the lead of other jurisdictions—indeed, in years gone by South Australia was usually the trailblazer and not the follower—the creation of a court of appeal is an initiative which has garnered a lot of support here in South Australia. I have to say at the outset that it was disappointing to read the Attorney's comments made in the other place that judges who have been appointed under previous governments are not people that she would rush to as a first choice. I think that was an inappropriate cheap political swipe from our state's most senior legal entity who, one would have thought, was trying to garner support for this bill. I do not think that assisted.

Judges are always appointed by the Attorney-General of the day with recommendations by the Chief Justice, and it is not for parliament to conduct a public performance appraisal of our judges or to make reference to the government of the day that appointed them purely for the purpose of political pointscoring. It would be a very bad thing if this bill was seen in any way as a reflection, I think, of the current bench, including the Chief Justice. I have signalled all along throughout this debate my concern about the views expressed by the Chief Justice, but those views, of course, have to be balanced against the views that have been expressed by everybody else in this debate.

Our focus during this debate should not be on the judges themselves. It needs to be on the need or otherwise for a general and an appeal division of the Supreme Court of South Australia, which is a major reform proposal to streamline and improve the quality and timeliness of appeal matters heard in this state. Again, I have the utmost respect for our Chief Justice, but I think we know now that it is something of an Australian legal tradition for chief justices to express strong opposition to the establishment of a court of appeal in the first instance, before it actually occurs, while the barristers and solicitors who work within the court system every day are strongly in support of a separate court of appeal.

That is certainly the case that has been expressed here in South Australia. I have taken the time to speak to many individuals outside this place and, overwhelmingly, the view that has been expressed is one of support for this model. That has to be balanced against the views that have been expressed by our Chief Justice. I think it is worth noting in relation to the bill itself that it does maintain

the Chief Justice as the head of both divisions and preserves his ability to sit on first instance and appeal cases, with a newly created president having responsibility for the appellate division.

The oversight of a president is a very positive initiative to ensure the appeal court sets and meets its KPIs, an achievement the current configuration of the court has not reached, apparently, for the past five years, with some judgements taking over two years to be delivered. In fact, I think when I met with the Attorney and I asked questions specifically in relation to those statistics it was indicated that sometimes those figures of cases were above 20 per cent and in some years above 30 per cent in relation to the 12-month benchmark that exists. That is clearly something that is not acceptable, and I am sure it is not acceptable to the Chief Justice either.

I think we have all heard anecdotally of judgements taking a very long time before they are delivered. I certainly heard of a case just the other day where it has taken up to five years to have a judgement delivered. We, too, have looked at the statistics referred to by the Hon. Mark Parnell and those offered by the Attorney, and there is no question that they are unacceptable. We need to appreciate, of course, that people's lives and livelihoods can be in limbo for an excruciatingly long time in these sorts of circumstances. We are all concerned at the chronic delays in our courts that bring them into disrepute not only locally but with the High Court, which is dealing with an increasing number of matters being given leave to appeal there.

I will get to those statistics shortly, but the reputation of the court ultimately suffers, and barristers and solicitors report—and they have reported to us—that they are often on the receiving end of client complaints about escalating costs, about delays and about uncertainties, inconsistencies and increasing unpredictability of appeals, all of which are outside their control. Against that backdrop, it is absolutely critical that we ensure that South Australians not only get their day in court but that they receive their judgements in a much more timely manner than is currently the case because, as the old saying goes, justice delayed is justice denied.

Perhaps one of the most compelling arguments for a South Australian court of appeal is to improve the efficiency and effectiveness of our state's higher courts and to increase their capacity to discharge both their first instance hearings and their appellate work. That is certainly the view of the Bar Association and, I think it is fair to say, the Legal Services Commission and other agencies that have expressed support for the bill.

Rather than taking a dichotomised view of the debate, I have been inclined to listen to the firsthand experiences of those barristers and solicitors I have consulted with because they appear every day, year in and year out in our courts, the federal courts and superior courts in other states and in other jurisdictions that have established separate courts of appeal. I have not found the number of opponents to the bill that I thought I would find.

I am also vitally interested in the accounts of people who have matters litigated in the Supreme Court. I am sure I am not the only one who is often contacted by constituents who have been waiting for very long periods for their matters to be resolved while meanwhile their businesses may be folding, their marriages may be breaking up and their lives are effectively suspended. Overwhelmingly, their assessment is that the court is slow and clunky with significant delays in hearings and judgements.

According to some of the statistics that have been provided to us, between 2004 and 2015, of the 30 matters referred to the High Court, 19 judgements were overturned. That is also one of the considerations, obviously, that has played a central role in the development of the bill.

Commentators have noted, particularly the members of the bar we have spoken to (and this is an issue that I followed up with those members of the bar that I spoke to) and the Attorney during our briefing, that while it is more expensive to file in the federal court across the road, many litigants choose that forum over the state's High Court because they can reasonably expect a more timely and reliable judgement from highly experienced, efficient, specialist judges in a fraction of the time.

Yesterday, I asked a couple of barristers I met with what the difference in cost would be in terms of filing fees for the courts and they said the filing fees can often be as much as $10,000 to $20,000 higher in the Federal Court jurisdiction. One of the other comments made was that their clients are willing to pay those fees because (a) they will have their matters dealt with swiftly, and (b)

they are more likely to withstand scrutiny. I think that is a very telling point that cannot be ignored. On the other hand, one of the opposition's arguments in opposing the bill—and this is not the only argument—is that no case has been established for the bill because it has never been requested.

I think it is fair to say that, based on the briefing I received, this was certainly an issue that was flagged with the former government's attorney-general of the day, John Rau, and it was not pursued when he was advised that the Chief Justice was not in favour of the model. I understand that those opposed to it claim that this model will result in a new and unnecessary cost impost and that, if we had committed funding and appropriate resources to the courts, then we would not be in this position.

But I will just say in relation to that particular point, those issues of appropriate resourcing and funding are not new issues. They are not issues that have arisen under this government but they are issues that have existed for a number of years and have been aired very publicly for a number of years. As to the two new divisions that are being created within the current Supreme Court, additional resourcing to cover salaries and premises, it is argued, should be minimal—a cost that it is argued could well be offset by the improved efficiencies that are anticipated.

In terms of the average times—again, I think I have mentioned the fact that we have been told that for the past five or six years the benchmarks and KPIs have not been met—I want to note the comments of the Attorney-General in the other place where she referred to a radio interview by Lindy Powell QC. During that radio interview, she outlined her concern of judgements sometimes taking years before they are provided, which is of course a serious matter. It is a similar argument to the one that has been raised by members of the bar and otherwise.

I think it is worth noting the Attorney's reflection on the comments of Lindy Powell QC because they deal with some of the issues that are at the heart of this debate and that is the impact these delays have on people's lives. As the Attorney says—and she is reflecting on the interview by Lindy Powell QC—it is not such a difficult area in relation to murder or serious indictable offences or treason in South Australia because we do not have those cases.

In murder cases, because frequently there is a jury determination, sometimes not, but mostly a jury, the work of the trial judge is not to determine guilt or innocence but largely to consider sentencing submissions and the like. The delay in waiting for either a trial or a judgement in a civil matter means that whatever the determination—whether it is a compensation claim, whether there is a commercial aspect that needs to be considered or whether an estate is in dispute—people's lives are on hold while they are waiting for judgements. So it is very important that we understand the significance of months of delay, sometimes years of delay, and I think that is where our focus needs to be in this debate.

It is clear based on the feedback that we have received in this place and the discussions that have taken place that this bill will progress through this chamber with the support of the majority of members. I think there are members of the crossbench who have made their position clear now publicly, so I think it is time now, given that this is the outcome we are anticipating, unless something happens that we do not know about in the coming moments, to get on with the job of ensuring that our court operates effectively and that people's lives are not disrupted as much as they have been in the past as a result of the current systemic problems that our court structures have. With those words, I support the second reading of the bill.

The Hon. R.I. LUCAS (Treasurer) (22:34): I thank honourable members for their contribution to the second reading of the Supreme Court (Court of Appeal) Amendment Bill. The Attorney-General in the other place has requested that I place onto the record a matter of clarification on her behalf, and I do so as follows.

The Supreme Court is 12 judges plus the Chief Justice. The 12 include Justice Judy Hughes, who, although holding a five-year term as President of SACAT, provides judicial assistance to the Supreme Court approximately once a week. Appellate work currently comprises more than 50 per cent of the Supreme Court's workload according to the Chief Justice.

During the debate on this bill in the other place, the Attorney-General outlined the views of the judges of the Supreme Court with respect to the proposal, which included that an appeal division

must be constituted of at least five judges. To clarify, their view is that if five judges were appointed to the appeal division, that would require the appointment of three additional judges.

The Attorney-General has already indicated in the other place that the issues of who will populate the appeal court, how many will be selected and where they are to be located are all matters that she will continue to consult with the relevant stakeholders on, including the Chief Justice, should the bill pass the parliament. Therein ends the statement I read on the behalf of the Attorney-General.

Before concluding, if I can speak on my own behalf (these are not attributed to the views of the Attorney-General), I speak as a non-lawyer. We have eminent lawyers in this place speaking and putting, with the great exception of a scientist in the Hon. Mr Hunter, leading the charge on behalf of the opposition.

As someone who has been an observer, and with my Treasurer's hat on this time and 20 years ago, I can see the locked-in views that the Chief Justice has in terms of his support for the current system. I think as a couple of honourable members have indicated, that has been the position in other states when there has been change mooted: it has been strongly opposed by those who were opposing the change and were inhabitants of the old system.

What I would say is that ultimately, in my view, it is governments who are elected and it is parliaments who, through legislative change such as this, will make the final decisions in relation to appropriate structures. We will always give due respect to people who hold positions of significance in our community, whether that be, in this case, the Chief Justice or, in other cases, as I have put on the public record, an ICAC commissioner or indeed even a coroner. One must give respectful consideration to their views.

In and of themselves, they are not omnipotent. In and of themselves, their views do not have to be implemented or instituted by parliament and/or governments in relation to what occurs. They need to be given, as I said, due respect, but ultimately it is the elected government and parliaments who will make decisions in relation to whether or not we should have a structure such as a court of appeal.

The lawyers in this debate have put the views of other representative groups and I will not repeat those. I am sure the Attorney-General in another place has put those, but I think there is always the capacity for the Courts Administration Authority and those who control it, such as the Chief Justice and others, to look at how they might be able to do things better and how they might be able to improve the efficiency and effectiveness of the service they provide. I say that obviously with a financial hat on. Those of you who are lawyers and deal in the system more closely than I will look at it in terms of the quality and the timeliness of the judgements they make, etc. I will leave that to those of you who are lawyers and more closely attuned to those sorts of things.

There is a need for the Chief Justice, the Courts Administration Authority and others to consider appropriate change. Change is not necessarily in and of itself always good, but in many respects it ought to be embraced. I have seen too many examples going back over many years—and these comments do not just relate to the current Chief Justice—where there is this in-built ossification that inhabits that part of the world.

Whether it be a treasurer in relation to financial efficiency or whether it be an attorney-general in relation to administrative or legal efficiency and the like, there is this in-built opposition to any change at all. I do not think that is good or productive. Any change needs to be argued, as it is being argued in this place tonight and also over recent weeks, and I look forward to any discussion in the committee stage of the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I have just been asked to make, on behalf of the government, a matter of clarification on something the Hon. Mr Hunter said in his second reading. I am advised that

the Hon. Mr Hunter made a reference to the Chief Justice and courts being opposed to the bill. I am advised that the Courts Administration Authority submission was separate to that of the Chief Justice. The Courts Administration Authority submission merely dealt with technical matters, such as the timing of the establishment of the court should the bill pass.

Clause passed.

Clauses 2 to 14 passed.

Clause 15.

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

Amendment No 1 [Treasurer–1]—

Page 10, lines 18 to 23 [clause 15, inserted section 19B(e)]—Delete paragraph (e) and substitute:

(e) all causes and matters which are required by the rules of court, or by the express provision of any other Act, to be heard or determined by the Court of Appeal.

The provision to be amended deals with the jurisdiction of the court of appeal to hear and determine matters. The provision in the bill relevantly includes all causes and matters required to be heard and determined by the court of appeal by the rules of the court, made by any three or more judges of the court of appeal with the concurrence of the Chief Justice. This amendment would remove reference to the rules needing to be made by any three or more judges of the court of appeal with the concurrence of the Chief Justice.

The additional jurisdiction of the court of appeal would still be able to be conferred by the rules of the court, but it would be rules made under existing section 72 of the Supreme Court Act 1935, which simply provides for the rules of the court to be made by any three or more judges of the Supreme Court without distinction as to whether they are judges of the court of appeal or otherwise. This amendment is in response to correspondence received by the Attorney-General from the Chief Justice, who indicated a preference that the rules of court that affect the court of appeal be made by the Supreme Court in general and not only by those judges who will sit on the court of appeal.

Amendment carried; clause as amended passed.

Clauses 16 to 20 passed.

Clause 21.

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

Amendment No 2 [Treasurer–1]—

Page 12, lines 18 to 24—This clause will be opposed

This amendment effectively seeks to remove clause 21 from the bill. Clause 21 would propose to amend section 72 of the act to require three or more judges of the court of appeal to make rules that relate only to the practice and procedure of the court of appeal. As noted in respect of the first amendment in this set, it is the Chief Justice's preference that Supreme Court judges in general have the responsibility to make these rules and not only those who sit on the court of appeal.

Clause negatived.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (22:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CROWN LAND MANAGEMENT (SECTION 78B LEASES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 November 2019.)

The Hon. C.M. SCRIVEN (22:48): I rise on behalf of the Labor opposition to make some brief comments about this bill and indicate that Labor will not be supporting this bill in the chamber today. Our objection to this bill is based on a principle which Labor has held for some time on this matter—indeed, one we legislated for some 10 years ago now—that private ownership of and dwellings on coast protection land and Crown land is not desirable, and where it would not be given approval now, should be returned to public ownership when existing rights cease. I understand that this process has taken place in Victoria where a significant number of previously private properties have been taken back under public ownership and returned to their natural state.

In a time of increasing population, growing pressure on the environment and the catastrophic effects of climate change already evident, we should do all we can to ensure that our most affected and yet most fragile environment, our coastline, is protected as best we can. A quirk of this bill is that it was under a Liberal government in a time before any of us were in this place—perhaps save for the Treasurer, I suspect—when this issue was initially addressed, that it was first decided that the properties being considered under this legislation would not be a part of a process of allowing private ownership. Again, I emphasise that was a Liberal government decision.

Alas, we now have an environment minister with a bent for not necessarily doing the best thing for the environment. He went to the election with a commitment to look at the existing arrangements. One of the key reasons given by the Minister for Environment that this legislation is necessary is that the process of handing over these properties would ensure existing and future buildings on these properties would be made to comply with building codes and standards for wastewater and so on.

I understand that when questions were asked on this aspect during the committee stage in the other place, it became evident that these codes are already applicable under current arrangements, so that is not a valid reason to be voting for this bill. For these reasons, I can advise that Labor will oppose the passage of this bill and conclude my remarks for the moment.

The Hon. M.C. PARNELL (22:51): This bill comes as no surprise. The Liberal Party has for years wanted to undo the policy of resumption of private shacks on public land. In opposition, they introduced a bill to do this, but they failed. Now in government, they are trying again. As they are now the government, they have certainly got the numbers in one house, so again the Legislative Council will have the final say.

I was taking a trip down memory lane and looking at the last time we had this debate back in 2013. I am very pleased that the Labor opposition have not changed their opinion. At the risk of channelling Mr Hunter, who was recorded in a number of country newspapers in relation to what he said in this parliament, this bill is the Liberal Party at its privatising best. He went on:

> Michelle Lensink wants to hand out prime chunks of South Australia's Crown land to benefit a select few.

Mr Hunter also said:

> The Liberal Party should be ashamed of this blatant electioneering, which not only contradicts its 1994 policy that resulted in life tenure leases, but also shows a clear lack of care for the environment and the public at large.

I am glad the Labor Party have stuck with their policy.

Depending on what statistics you look at, it seems as if the private shacks that are affected by this bill only number around 230 or so on Crown land. They are located at Milang, Glenelg River, Fisherman Bay and along the Murray River. I understand there are another 80 to 90 shacks in public parks, 62 of which are in the Coorong National Park and 20 in Innes National Park.

In relation to the shacks on Crown land, many of these have been held by the same family for generations, and there is no doubt that many families with access to a shack have a strong connection with their shack and the local area. For others, it is a good source of holiday season rental

income. But it is interesting that we are now down to the last few hundred. When you look at the statistics of South Australian shacks in previous freeholding exercises, there were 4,200 that were being considered back in 1983. Ten years later, 1994, the debate was around 2,000 shacks, and we are now down to the last couple of hundred.

Despite the undoubted pleasure that a small number of lucky families derive from these shacks, the decision that we make as a parliament should be in relation to the public interest, not just the private interest of shack lessees. I refer members to the consultation report that the government published just last month, entitled 'Retaining shacks as part of vibrant holiday communities', a summary of consultation May to August 2019 on the preliminary discussion paper, and the Crown Land Management (Section 78B Leases) Amendment Bill.

It will surprise members to discover that the people who responded to a survey on whether they should have more rights over their shacks were the people who had rights over their shacks. They were the bulk of the respondents. When they were asked whether they would consider applying for longer tenure—in other words, 'Would you like to not have to hand back your shack to the state when the lessee dies?'—shock horror, nearly 80 per cent said yes.

Who would have thought that nearly 80 per cent of people who, for many years, have had access to public land for their private holidays thought that having more tenure would be a good idea. In fact, there was only one, solitary shack lessee out of 143 who said they did not want to have longer tenure. They were then asked, 'What sort of longer tenure would you like? Would you like to own it or would you just like to be able to lease it permanently and then sell the lease to someone else when you did not want it anymore?' Nearly 40 per cent wanted freehold ownership and 60 per cent wanted transferable term tenure. So there were no surprises in the government's consultation asking people who stand to gain whether they like the bill that provides them with that gain.

I will declare at this stage that, to the best of my knowledge, I have never stayed in one of these shacks on Crown land, but I have certainly seen plenty of them, and I will go through some that have piqued my interest. I do not know whether other members of this chamber, or indeed members of the other place, made any declarations about whether they were shack lessees, whether it was a place at which they would holiday or whether they knew people who had shacks and used them.

I know my colleague the Hon. Tammy Franks raised the issue of when it is appropriate for members to declare an interest. I would suggest that anyone who is involved with one of these shacks would have to declare that interest. It is not an interest that they hold in common with the bulk of South Australians, nor with a majority of South Australians, or even a large minority of South Australians. We are talking about a couple of hundred shacks; 99.9 per cent of South Australians do not lease them, own them or stay in them.

There are a few shacks that have come to my attention. When you are boating on the Coorong, you can see the shacks on the peninsula, and you can see them if you go hiking in Innes National Park. They are hard to miss, and it usually elicits two reactions: the first is, 'What a spectacular place to have a holiday'; and the second is, 'How on earth did they get permission to build that there?'

My first exposure to shacks in South Australia was as a young law student in 1984 and 1985, when I took two canoe trips along the navigable section of the Glenelg River. We canoed from Casterton to the sea over two separate trips. It is around 150 kilometres, and the last 60 or 70 kilometres are through the Lower Glenelg National Park in Victoria. My enduring memory of that trip is how peaceful it was. It was quiet; you could observe kingfishers and musk ducks, and Australian darters that were drying their wings on the riverbank.

Then, the peace and tranquillity of Victoria morphs into South Australia when the river crosses the state boundary, and everything changed. The tranquillity and unspoilt beauty of nature were replaced with rows of ramshackle shacks that stuck out over the water. There was the noise of speedboats and waterskiers—I expect, by now, that jet skis have added to that din—and once the river turned back into Victoria, the tranquillity returned.

I know that since I took that trip, the Victorians have opened up some of their stretch of the river to waterskiing in their special purpose areas. Still, in that Lower Glenelg National Park, over

95 per cent of the river is still limited to canoes and slow-speed vessels that travel at five to 10 knots. There are some slow put-put fishing boats, but you do not get the waterskiers and speedboats. Most importantly, there are no visible buildings on the bank; all you see on the Victorian part of the river are the river, bushland and wildlife.

I do not believe the Victorians have ever allowed shacks on their part of the river. Across the rest of Victoria, the shacks that were built on Crown land or in national parks were removed decades ago. In fact, I was told that by a Victorian national parks manager who was recruited from Victoria to come and work for the National Parks and Wildlife Service in South Australia. I remember him saying to me, 'I don't understand your attitude to private shacks in national parks. In Victoria, we just bulldoze them.'

South Australia has never had the courage to make that hard decision and my guess is that too many influential citizens owned or leased shacks and they were not about to give up their good thing. I think that is the difference between Victoria and South Australia. It is worth exploring some of the history of this because it helps us understand why we are in the position we are in today.

The very early shack licences were annual licences. They were issued under sections 244 and 246 of the Crown Lands Act. They permitted entry and occupation of land for 12 months and they were renewable. After the First World War and up until the end of the Second World War, licences were generally issued for camping on licensed sites. After 1945, the practice apparently was to issue shack site licences in place of the camping licences for all new occupations. In the period after the Second World War, up until about 1960, upon request from councils it was common practice to issue annual licences to individual councils for the shack areas that were in their jurisdiction.

In 1960, the shack policy was modified to allow new areas approved by the department of lands to be licensed to councils for shack sites and the transfer of these shack sites took place from 1960 to 1965. The first review of shack sites on waterfront Crown land was undertaken in 1973-74, following which a cabinet subcommittee was formed to determine the government shack policy. Criteria were developed to determine those areas of shack occupation that fell within acceptable and non-acceptable sites. Areas generally within 50 metres of the face of a frontal dune or the edge of a cliff along the coast were classified as non-acceptable.

In 1979, the then government announced the shack site policy, which included an undertaking that a review would be made of all non-acceptable shack sites. The most important aspects of the policy were that, in acceptable areas, individual shack owners were able, upon request, to apply for freehold title to their site and in non-acceptable areas some shack owners were issued with a 10-year lease. Persons who were owners of shacks at 5 November 1979 were given an undertaking that they may retain their shacks for the remainder of their lifetime plus the lifetime of any surviving spouse. Upon the deaths of the present shack owners and any surviving spouse, the shack was to be removed.

The 1983 review recommended the creation of three classifications for shack sites: acceptable sites; miscellaneous lease sites, which were to go from 30 to 40 years; and life tenure sites. In the end, the recommendation of the 30 to 40-year leases was not proceeded with because of a change in government. In November 1989, the government announced the change in policy for shack sites held under terminating tenure, with terminating dates as outlined in the lease document. This was that unacceptable Crown land lease shack sites held under terminating tenure would be granted non-transferable life tenure effective from 4 November 1989.

Under the policy at that date, there were two categories of shack sites on Crown land: (1) environmentally acceptable sites that could be converted to freehold and (2) environmentally unacceptable sites from which shacks would eventually be removed. The reason for going down that track is that it is these environmentally unacceptable sites that the government now wishes to privatise either by freeholding or permanent leasehold.

I am grateful to the parliamentary library for providing some of that information and also the district council of Yorke Peninsula, which had a good summary on its website, both of which refer extensively to the 1994 report, 'Freeholding of shack sites on Crown land', a report of the shack site freeholding committee from November 1994. I think it is also important to refer to the comments that

were made in this place by the Hon. Trevor Griffin. In July 2000, he made it very clear why what the government is now proposing is the wrong way to go. He says:

> The intent of section 78B was to ensure that sites that were considered unacceptable for shacks and holiday accommodation for environmental and amenity reasons would cease to be used for those purposes but at the same time would also accommodate the interests and expectations of those who held existing shacks on such sites at the time the policy that shacks should be removed from unacceptable sites was announced.

So, back then, the Liberals were with the program. They recognised that some of these holiday shacks really should not be there. They had failed every previous test of freeholding and privatisation; they were unacceptable. These few hundred that are left that have failed every previous test to improve their tenure, they have allowed to be privatised—they are the ones the Liberals want to do. I agree with the Hon. Ian Hunter that this is the Liberal Party at their privatising best.

The issue of private shacks was actually on the agenda of the local council at Murray Bridge today. In fact, I think it was at 3 o'clock today that submissions closed on a proposal, in that council area, as to what to do with a number of shacks that are effectively in the heart of town. They are on the river at Wildens Way. There is a community campaign at present to oppose the sale of this riverfront land because it is denying the public right to access the river.

I will not go through a lot of the history of access to rivers and access to the sea, but, since the origins of colonisation, the policy was always to maintain public access to rivers and to the sea. Whilst those policies have been ignored on many occasions over the last 150 years, still it was the official policy to maintain free public access to these important community assets—our rivers and our coasts.

The Greens' position on this bill is that, over the years, there have been more than enough concessions granted to those who have been lucky enough to acquire leasehold interests over public land. Those people have benefited from the privatisation of the commons. The vast bulk of shacks have already been freeholded, and really the only ones left are those that are in unacceptable locations, whether it is environmentally, aesthetically or for other reasons. They did not make the cut when the privatisation freeholding juggernaut was in full flight, and they do not make the cut now. This is pure and simple privatisation of the commons, and the Greens do not accept that this is the right way to go.

The Hon. J.A. DARLEY (23:07): I rise to contribute to the second reading of this bill. The bill concerns Crown land that is subject to leases under the Crown Land Management Act. Most of these leases were granted on a life tenure basis, which meant that once the last lessee listed on the lease dies, the lease extinguishes and the land must be remediated back to its original condition.

Most, if not all, lessees have placed shacks on the land they are leasing, which have been enjoyed for many generations. However, given most of these leases were signed in 1989, we are now reaching a period of time where many of the last-named lessees are passing away and these shacks are facing demolition, if they have not already been demolished. This bill will allow for these leases to either be transferred or sold to the lessee or another person nominated by the lessee. It also outlines that the minister has the ability to have unauthorised fixtures removed from Crown land.

I understand that the provisions of the bill will allow for temporary leases to be granted to lessees, whereby conditions could be made for the upgrade of certain facilities or buildings. Upon satisfying these conditions, I understand that freeholding or a new long-term renewable lease will be granted. I think this is a bit rich because councils have always had the authority to require lessees to upgrade the shacks, and therefore if councils have not required this in the past it is now their problem, not the government's.

Allowing freeholding or renewable leases is something I have advocated for many years now, and I am pleased that this bill has been introduced. I note that this was part of the government's election promise and am aware that the department has been working on this for about 18 months. Ideally, I would have liked for us to have arrived at this point much earlier. Nonetheless, I am glad that we are finally here. I support the second reading of the bill.

The Hon. J.M.A. LENSINK (Minister for Human Services) (23:09): There is a great deal of consistency in the contributions from the various parties. Can I start by thanking the Hon. Clare

Scriven, the Hon. Mark Parnell and the Hon. John Darley for their contributions to this legislation, which does fulfil a longstanding position of the Liberal Party and other parties in this place.

I acknowledge Mr Darley's party and SA-Best for their commitment and, in years gone by, indeed, Family First's continuing support for this particular measure. I also acknowledge that in the gallery today we have Mr Keith Turner and Mr Geoff Gallasch, who have been on this journey for a considerable number of years as well.

Before I go back to the script, I think it is worth responding to some of the comments made by those who continue to be opposed to these measures. The history of many of the shack sites is that they are associated with particular regional farming communities. That is how they have developed over time. For instance, Lucky Bay on Eyre Peninsula has a very strong association with the farming community of Kimba.

I think anybody who goes to those sites would have a quite different view from the Labor Party and the Greens' assessment of those sites, in that you would consider that most of those are no different from shacks that have been freeholded around South Australia, so I reject the continued assertion by those opposed that there is some special type of tenure that is being granted to these shack sites that should have been opposed for environmental or amenity reasons.

I think I have heard in the past Labor members describe people in the remaining shacks that have not had ongoing tenure as squatters, but I just remind them that in other states, particularly, shack sites have often been used by working people. I refer to a series that was narrated by John Doyle, famously of Roy and HG, who talked about the uniquely Australian built forms, whether they be homes or holiday homes. One episode was on the Queenslander, one episode was on federation homes, and one was devoted to shacks. I am assuming that those opposed are taking the view that this is some sort of class issue as well, so that is one of the reasons why they are unable to support these shacks in South Australia.

I have also pointed out in previous contributions how the shack lessees and groups have contributed to positive environmental protection in those particular areas. Because they have a stake in that area, they are often actively involved, working with local park rangers where they are located in national parks to assist with removal of weeds, and assisting in local rescues of people who get themselves into trouble, particularly down at Innes National Park.

I am aware that I am straying a little into the national parks issue rather than the Crown lands issue. I think these are pretty unfair comments to be made. I think the Hon. Mr Parnell was implying that the shacks encourage hoon behaviour. That has certainly not been my experience.

The Hon. M.C. Parnell: I don't think I said that.

The Hon. J.M.A. LENSINK: I reinterpreted your words. Now back to the script. The South Australian government has committed to creating new opportunities to retain shacks on Crown land and in national parks, which will benefit shack owners, regional economies and the broader community. This amendment bill impacts upon shacks on Crown land.

As part of the election commitment to retain shacks, amendments are sought to the Crown Land Management Act 2009. The amendments have two purposes: firstly, to improve tenure for those shacks on Crown land that can satisfy contemporary safety, amenity and environmental considerations and, secondly, to permit the minister to remove unauthorised fixtures on all Crown land and recover the cost of the same from the occupier, which initially relies on a presumption that the fixture was erected by the land occupier as at time of the fixture erection.

The amendment clauses 4 to 7 inclusive and clause 9 of the amendment bill relate to life tenure leases for holiday accommodation purposes; that is, shack leases on Crown land that were issued under section 78B of the Crown Lands Act 1929. This act was repealed in 2010 but was the legislation that was in place when the freeholding project for river and coastal shacks was implemented. Currently, life tenure leases for holiday accommodation purposes for shacks on Crown land and in national parks terminate upon the death of the last lessee that is named on the lease.

In 2010, the Crown Land Management Act 2009 replaced the Crown Lands Act. The current act does not allow the holder of a section 78B shack lease to apply for a new longer term lease or to purchase land due to the following transitional clause found in schedule 1, which states:

> A surrender of a lease that was granted under section 78B of the Crown Lands Act 1929 (and that continued as a lease under this Act in accordance with clause 13) cannot be made conditional on the granting of an interest in the land to the lessee or any other person.

Clause 9 of the bill removes transitional clause 14 from schedule 1 of the Crown Land Management Act 2009. The amendment does not mean that a section 78B shack lessee will automatically be granted better tenure but provides an application pathway, which is clause 7 of the amendment bill that amends section 37A. The application pathway allows the holder of a section 78B shack lease to apply for a long-term lease or to purchase the land. The shack will still need to meet other regulatory requirements and specifications to be eligible for longer tenure, including contemporary safety, amenity and environmental standards.

I note that the legislative pathway envisaged by the proposed section 37A is not prescriptive. To do so would have limited the broad category of situations which might arise for ministerial consideration. Applications will be in a form and address matters as the minister considers fit. Any life tenure at surrender will be on terms determined by the minister. Incapacity to satisfy certain terms of surrender, including an obligation to meet identified contemporary regulatory standards at cost of the applicant and by application to third-party authorities, will largely determine successful surrender. Issues at each site differ. Inflexible application of developed policy is prohibited at common law.

I might actually be doing the second reading explanation instead of the other one, which I apologise for. Yes, I apologise for that. I think I have started on the second reading explanation rather than the summing-up. I think that is probably enough said, given the hour. I thank honourable members for their contributions and look forward to the committee stage of the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: The minister, in her remarks, mentioned the association that a number of shack districts have with various rural communities, and I am sure she is right. She mentioned farmers at Kimba who apparently had a number of the shack leases at Lucky Bay.

I know that the Hon. John Dawkins, and others as well, is familiar with the fact that there is currently a dispute at Lucky Bay between the leaseholders and the state government. With sea level rise and erosion the leaseholders are anxious that their shacks will effectively end up being flooded. They have applied for permission to build rock walls and hard protective measures but those applications have been denied.

The government has said that they are comfortable with moving a bit of sand around. That might protect from sea level rise for a little while but, ultimately, the fate of those shacks is to end up underwater. My question is: are Lucky Bay shacks ones that are being proposed for freeholding or for longer transferable tenure?

The Hon. J.M.A. LENSINK: I apologise for misleading the honourable member in my summing-up remarks. I should not have used that as an example because the shacks at Lucky Bay are not ones that will be captured by this particular legislation. They are under a head lease with the council.

The Hon. I.K. HUNTER: Given the government is now well advised on the potential sea level rise issues and coastal erosion issues that will pertain to South Australian shores in the coming decades, what protections has the government put in place in this legislation to indemnify the taxpayer against any future claims from people who now go and buy these properties from the government and want to make a public liability claim or some other sort of claim against the government for selling land to them which will now be underwater in the future? Given that the government does know about the potential in the future, will they be liable?

The Hon. J.M.A. LENSINK: I thank the honourable member for that question. The advice I have received is that there are two things. Firstly, there are land management agreements that would be registered by the lessees that will indemnify the government against future claims and, secondly, the shack sites or precincts will need to have a coastal protection strategy, which will be the responsibility of lessees.

The Hon. I.K. HUNTER: What is the nature of these coastal protection strategies that lessees or owners of these now Crown land sites but soon to be freehold sites, potentially, be required to put in place? Is it just a form-filling exercise or will they need to get proper engineering advice? Is it something the ordinary person will be able to do without having to go to professionals to make some sort of claim from the government in terms of the future safety of that site?

The Hon. J.M.A. LENSINK: The advice I have received is that it would be like any other similar development application to be referred to the Coast Protection Board for advice. It may then subsequently need engineering advice about whether seawalls or the like, for instance, might be required.

The Hon. I.K. HUNTER: Does the minister currently have advice with her that could tell the council approximately what the cost would be to the leaseholder to get such information together to the satisfaction of the government?

The Hon. J.M.A. LENSINK: I think the honourable member is seeking hypothetical advice.

The Hon. I.K. Hunter: Ballpark figures.

The Hon. J.M.A. LENSINK: I am not really following his logic because he is assuming that the government would have sought advice prior to the legislation passing, so he would be putting the cart before the horse. The answer to his question, in short, is no, the government does not have that advice but, following the passage of this legislation, all those processes would be undertaken.

The Hon. M.C. PARNELL: Just to pursue this same line of questioning, coast protection works usually fall into two overlapping categories. The Adelaide metropolitan beach example is a good one, even though we are not saying there are shacks on the Adelaide metropolitan beach line, but the coast protection works, whether it is building rock walls or sand carting, the two main purposes are maintaining a beach for public amenity and also asset protection.

When it comes to asset protection, the answer I think you gave to the Hon. Ian Hunter was that if the shack owners wanted to protect their asset—for example, by the construction of a rock wall or some other thing—they would need to go to the Coast Protection Board to get approval. The Coast Protection Board has a right of veto. The Coast Protection Board can exercise that right of veto and tell shack owners, 'You are not going to build a rock wall in this location.' They have the right to do that.

This brings us back to the Hon. Ian Hunter's original question which was: if they are unable to protect their properties, what comeback will they have against the state government? You have mentioned, 'We will make them sign a land management agreement', presumably agreeing not to sue the government, but does that not fly in the face of every other similar situation, such as people who want to build on flood plains and who say, 'I promise not to sue you. I promise that if I get flooded it's my own fault. I will sign as many bits of paper as you want to make sure that you are not held liable'?

Public policy has been, 'You might be prepared to do that but we are not going to let you build on that flood plain. We're just not going to let you do it: that's public policy.' Minister, does what you have said not fly in the face of public policy about protecting people from themselves?

The Hon. J.M.A. LENSINK: I will attempt to translate this as a bit of a pathway about the steps in the process, if you like. The first step in that process that I have already referred to is to assess whether there is a risk to that shack site. If the answer is no, that is not an issue. If the answer is yes, there is a risk, then the next step is the development of a strategy, which then needs to be assessed by the Coast Protection Board. If the Coast Protection Board assesses that the strategy is inappropriate, then that particular shack will fail the standard. Therefore, the 78B or this tenure arrangement will not be granted.

The Hon. M.C. PARNELL: I thank the minister for her answer. When we look at the summary of consultation, it is difficult to determine who said what in relation to this. One of the questions asked of the respondents to the survey was, 'Do you have any comments on the proposed coast protection standards?' It is unclear whether they were shack holders or other people. There is a series of dot points, and one of them is:

- Existing shacks not planning to undergo new development must be exempt [from] having to comply with the coastal protection standards as required by the current development plans.

There are other comments effectively saying, 'We need to have the right to disagree with the Coast Protection Board.'

To put this into a specific question, many government agencies were consulted as part of the consultation process, and the Coast Protection Board was specifically consulted. What did they say about this process?

The Hon. J.M.A. LENSINK: The advice that I have received is that the Coast Protection Board was keen on two policy fronts in that they wanted to ensure that any of these future liability issues that have been raised would fall to the shack lessees (those with tenure, etc.), and that current Coast Protection Board policies would be applied.

The Hon. I.K. HUNTER: Can I ask the minister to further engage on these issues because I am really after the following information: how confident is the government that the protections they will seek to put into place will withstand the challenges to those protections? Let me paint a picture. The government is dealing with Crown leasehold land, which they want to convert to freehold land at sites that were previously defined as being unsuitable for environmental reasons or some other reasons. In fact, they have been deemed to be unsuitable for decades.

The government now has advice available to it on projected sea level rise and coastal erosion due to climate change impacts, which is in the hands of the government now, obviously. Despite all that, the government overturns those decades of advice about unsuitable sites, ignores potential climate change impacts and changes the category and decides to freehold the sites, knowing its previous unsuitability and probably future unsuitability.

How does the government propose to protect the taxpayer, then, from claims for compensation when the sites are rendered uninhabitable by climate change impact, such as coastal erosion, flooding or even islanding, and therefore having no way to actually have legal access to these sites? How confident is the government that the clause it seeks to put into a sale document is ironclad and will protect the taxpayer into the future?

The Hon. J.M.A. LENSINK: I think the honourable member, in some of the comments in relation to his questioning, made a whole lot of assumptions. Can I say that he needs to get out more and perhaps visit some of these sites, as others of us have. What he has perhaps assumed in his line of questioning is that every site will be granted ongoing tenure. What this legislation provides is an ability for each site to be assessed. They must all go through the contemporary criteria, which I have already outlined, in order to receive tenure. So all of those things that I have commented about before apply.

The Hon. M.C. PARNELL: Going back to the government's summary of consultation document, I mentioned before that one of the agencies listed as having been invited to provide feedback was the Coast Protection Board; the minister paraphrased two areas that the Coast Protection Board raised. Another body that was consulted and invited to put in a submission was the Parks and Wilderness Council. My question is: will the minister provide copies of any written submissions that were made by the Coast Protection Board and the Parks and Wilderness Council, being two statutory bodies that we know were consulted and invited to provide feedback?

The Hon. J.M.A. LENSINK: If I can deal with the second first, which is the Parks and Wilderness Council, they have been consulted separately on the national parks proposal, not in relation to this one. In relation to the Coast Protection Board, we can seek approval from the board to release the information that the honourable member is seeking.

The Hon. M.C. PARNELL: I thank the minister for her response. I am looking at the Coast Protection Board's website as we speak. They have not published it themselves. Can the minister

think of any reason why a submission from a public agency to a public inquiry should not be made available? Whilst the minister might think it is appropriate just to ask them for it, can the minister conceive of any difficulties that would prevent the public accessing what I think is a pretty fundamental document, the agency responsible for protecting the coast, and the vast bulk of these places are on the coast in places that would never be given permission today to build because they would not comply with modern standards, including sufficient setback from the coast to accommodate climate change?

The Hon. J.M.A. LENSINK: I can just respond as follows. In a sense, the decision is an independent board. From the government's perspective, I do not see why there would not be issues that pertain to the policy that can be released. When it comes to matters that relate to the cabinet submission, then there clearly would be cabinet confidentiality issues that may apply.

The Hon. I.K. HUNTER: Will the government make explicit whatever protection from liability to the taxpayer they will seek to put in place when they freehold these coastal—mainly coastal—currently leasehold Crown lands? Will you make it explicit that no taxpayer funding will be provided for future coastal engineering projects to protect those Crown lands subsequently freeholded?

The Hon. J.M.A. LENSINK: Can I just repeat that there is a process in place which we believe is more than adequate to address this issue. I am not quite sure what the honourable member is suggesting, whether we place advertisements in all the local newspapers, perhaps get a bit of lighting, put it up in lighting just so that we are being abundantly, patronisingly clear to this cohort of people. We believe that the process is adequate.

The Hon. I.K. HUNTER: The honourable member tells us today the process is adequate. We will see in the future whether she is right. She is going to lumber the taxpayer of the future with potential costs of liability for these places that she wants to sell to the public, to these people who are not public but actually private owners into the future if they take it up, and she will not guarantee that the taxpayer will not be lumbered with massive expenditure to do corrective seawall works because the government sold this land knowing that it is going to be prone to incursion, flooding and erosion.

The Hon. J.M.A. LENSINK: The honourable member is being petulant. I have provided information in relation to how the processes will be adequate. He clearly has a different policy position, which the government disagrees with.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (23:45): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes.....10
Noes 9
Majority 1

AYES

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

NOES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.

NOES

Hunter, I.K.	Ngo, T.T.	Parnell, M.C. (teller)
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

PAIRS

Lee, J.S.	Maher, K.J.

Third reading thus carried; bill passed.

At 23:50 the council adjourned until Tuesday 10 December 2019 at 10:00.

Answers to Questions

E3SIXTY

In reply to **the Hon. C.M. SCRIVEN** (16 October 2019).

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

1. I saw representatives from E3Sixty at Bon Jovi.

2. & 3. No, my department has not provided me with written or verbal advice regarding E3Sixty.

GOVERNMENT MARKETING AND COMMUNICATIONS

In reply to **the Hon. E.S. BOURKE** (14 November 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. Coca-Cola supplied the South Australian Tourism Commission (SATC) with a small number of cans as part of the campaign for both PR purposes, the social media campaign and for use in the shoot.

2. Agreements between the two parties are commercial in confidence and would have been signed off as normal business within the SATC.

AUSTRALIAN INTERNATIONAL 3 DAY EVENT

In reply to **the Hon. C.M. SCRIVEN** (14 November 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

The 2018 and 2019 sponsorship is subject to contractual confidentiality restrictions and as such is unable to be disclosed.

CHRISTMAS PAGEANT

In reply to **the Hon. T.A. FRANKS** (14 November 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

Neither the state government nor the South Australian Tourism Commission own Santa's Wonderland, or the Magic Cave.

The Santa's Wonderland have an agreement in place with the pageant to use several floats as backdrops in their wonderland space for the time that it runs.

It is not the place of the state government to comment on the success of either the Santa's Wonderland or the Magic Cave.

WESTPAC

In reply to **the Hon. J.E. HANSON** (26 November 2019).

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

- The SATC tour team has held discussions with Westpac and are comfortable with Westpac's commitment to implementing measures to ensure the issues do not happen again.
- The alleged breaches have no relation or bearing on the sponsorship of the tour.'