HOUSE OF ASSEMBLY

Thursday, 15 October 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:30 and read prayers.

Bills

MARINE PARKS (SANCTUARY ZONES) AMENDMENT BILL

Introduction and First Reading

Mr GRIFFITHS (Goyder) (10:32): Obtained leave and introduced a bill for an act to amend the Marine Parks Act 2007. Read a first time.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is called to order.

Mr Williams: Sir? I am not allowed to talk to my colleague next to me?

The SPEAKER: The member for MacKillop's conversation out of his seat is distracting the Speaker.

Second Reading

Mr GRIFFITHS (Goyder) (10:34): I move:

That this bill be now read a second time.

Mr GRIFFITHS: It is interesting that the parliament at the commencement says the Lord's Prayer. It is possible that I may need to pray on the success of this bill, but it is a very just one to bring to the parliament. It is identical in nature to the bill considered in both chambers last year. It was moved by the Hon. Michelle Lensink in the other place and was successful (passed by a majority of 10:9), debated in this house on September 18 and, sadly, lost by one vote. But the Liberal Party and the communities that it is seeking to represent across three key areas in South Australia believe it has a justification and believe that it needs to be reintroduced.

I have read through the debate that occurred in the house last year because I wanted to remind myself of some of the things that were said, to understand the position taken by the government, to appreciate the words from the member for Waite in supporting the opposition bill, and to review and try to understand the words of the member for Frome in voting against the bill. The member for Frome is seen as the person upon whom the vote rested and was eventually lost.

In reviewing that though, the emphasis to me in determining the position that the member for Frome took was that a regional impact assessment statement had to be prepared. That has been undertaken. There was consideration by the opposition in suggesting this bill again for debate earlier in the year. I did consider it, but thought that some level of natural justice needed to occur to ensure that the fullness of that report had been able to be completed and considered by the government, the community and the opposition. That has now been released. It was done on 1 or 2 October.

It is a lengthy report. It is broken down into the impact as it stands for the Ceduna, Kangaroo Island and Port Wakefield communities. I confirm that I have the great honour of representing the Port Wakefield community, some of whom are with us in the chamber today. But it has emphasised to me the concerns that I continue to have because of the reporting that has been undertaken since then on the report and the different positions that have been taken.

The Minister for Environment and the member for Frome, having reviewed it, do not seemingly believe that there is significant impact. The opposition, in its review upon it, do actually believe there is significant impact and that is why it further enforces the need for us to consider this bill again, and I believe in the fullness of consideration by the chamber, will, when a vote does occur, vote to be supportive of it, because we do not do it out of political opportunism and we do not do it

out of political advantage. We bring this bill before the parliament again on the basis that the community has demanded it of us.

The community want to have some surety attached to an industry, be it recreational or professional fishing, and, indeed, there are the tourism numbers that visit those areas which are associated with fishing opportunities, because they are concerned. I will present some evidence to the parliament on the need for this to occur, but I hope that all members consider this seriously, look at the impacts that it has on real people—who we were elected to actually represent is real people—and to bring forward a different decision than was considered last year, which devastated many people and gave rise to considerable emotion, and has continued to be one that has had a significant impact upon those communities.

This bill intends to change, not remove completely, 13 of the 83 sanctuary zone declared areas across the 19 marine parks to habitat protection zones. They are still part of the marine park system. They are still part of the preservation that exists, but they allow a use to occur that will assist the fishers, and I classify all of them inclusively in that and that is why we do so.

The member for Frome—and I will use that term instead of his ministerial responsibility—has said that we are just grandstanding, that we are just playing politics with this, and I do not believe that I am putting other words into his mouth. That is what I have read in some media reports on it.

I know that the member for Frome has continued to meet with people impacted by this from within and outside of his own electorate. He has considered positions put to them. I know he has acted in good faith by meeting with the Minister for Environment on this, and in questioning in estimates the member for Frome, in his ministerial responsibility, confirmed with me that regular meetings have been had about that. So my hope always was that, as information came through from the community and as information was submitted by the regional impact assessment statement, the member for Frome would ensure that the words that he said to the people in Port Wakefield in February 2014 would be finally acted upon. I take the opportunity to present to the parliament again just some of those words, and they are, and I quote:

> The locals know, not the politicians, not the bureaucrats in Adelaide, they have no idea, so what we did here has to be what the people demand.

By association, the people are demanding action, and that is why the opposition has brought the bill. The people demand and require parliamentarians to ensure that they give recognition to the needs of their communities.

The opposition have been strong supporters for a long time of the marine park process. We respect the fact that the marine environment needs to be preserved. We want to ensure that it is left in the best condition it possibly can be for future generations to enjoy. We are, though, challenged by the need to ensure that a balance is struck that allows some economic certainty to exist because, at the moment, that is what has been lost.

In my review of the over 200 pages of the Sanctuary Zones Regional Impact Assessment Statement: Ceduna, Kangaroo Island and Port Wakefield, I focused mainly on the Port Wakefield community as that is the area I represent. In it, a figure is quoted of a loss of only $14,000. I reflect upon the fact—and it has been put quite often by many people—that the data upon which this report is based was over only a four-month period.

I know that people from the Port Wakefield community met with the member for Frome and asked him to support a request for a 12-month data collection period. I know that request was considered by the minister. I know that those same people, at least on one occasion, did meet with minister Hunter from the other place about this, but it appears to me that again, because of what the report states, that has not occurred, and that is what I struggle to believe.

If I had known it was going to be only a four-month collection period, we would have debated this bill months ago. The need has existed since the implementation of the sanctuary zones for the review to be carried out. I was somewhat devastated, I must say—and I was in the leader's office at the time listening to this media report—when minister Hunter, the Minister for Environment, said on radio that no matter what the results of that were he would make no change. He completely pre-

empted what the position would be without considering the regional impact assessment statement and just showed flagrant disregard of the people—

Mr Marshall: And arrogance.

Mr GRIFFITHS: —and arrogance, indeed, leader—of South Australia who were calling upon a request for the parliament to reconsider this and do something about it and for the minister to recognise this. I implore the Minister for Environment to sit down, study it, and talk to the people in a productive manner that ensures a positive outcome.

I intend to read into *Hansard* some of the correspondence the opposition has received about this legislation. It is not political speak; it is the comments of concerned individuals who to some degree, with their hand on their heart, are telling us—and, by association, I want to tell the parliament and the people of South Australia—what the impact of these sanctuary zones has been on them. I will do that now.

It was not my intention to jump into it, but I do want to make people aware of just some of these things. These are letters that were provided to the Minister for Environment, so it is not a surprise to the government, and I have had discussions with these people so it is not a surprise to me either, but it is a great area of concern. It is an area people need to understand because without it we are going to live with the continued frustration of no changes being made, and if that is to be the case it is something that I cannot support. The first one is from a professional fisher based out of Port Wakefield. He states:

> I am a Marine Scale fish Fisher from Port Wakefield and I have been fishing for 26 years. My family has been fishing in this district for 50 years, my grandfather was and my father is still a fisherman.
>
> Since the implementation of Marine Parks I have lost about 40 per cent of my traditional fishing area and that has caused a loss of 57 per cent of my catch of the primary fish species component of my catch. This resulted in a loss of income of $63,000 in the first 9 months as at the end of June this year.

That is $63,000 from one family, one operator, one man who provides employment opportunities, one man who is a part of a community, and one man who has been significantly involved in this, not from a rant and rave position but from the basis of really detailed conversation. He goes on to say:

> I am finding that the commercial fishers in my area are putting more fishing effort into the remaining marginal fishing areas and I feel that will cause an impact to the sustainability of those fish stocks of the areas that we have available to us.
>
> When I fish in front of the townships of Port Clinton, Ardrossan and Rogues Point the residents complain to the local media about us catching all of their fish. It would be preferable that we did not fish in these locations and were able to fish in our traditional fishing areas where there has now been placed a sanctuary zone. Some fishermen, including myself, have received verbal criticism for being in these areas.
>
> There has been a high level of anxiety and stress within the fishing fleet of Port Wakefield as the fishers try desperately hard to live with making far less money.
>
> There are up to 15 other family fishing businesses in the same situation in our region. If the government had [accepted but] taken not selectively ignored industries cultural knowledge throughout the 10 year consultation process these impacts could have been avoided.
>
> I do not accept that acquisition of my livelihood amounts to fair and reasonable compensation for my current and future losses, which should never have happened.

That letter was provided to the member for Frome also. As I say, this is a person I have known for probably five years now. When I first met him at his house with his family, I was impressed by the quality of the man and continue to be so. He has taken a lead role out of desperation. He has gone far beyond his comfort zone in being a public figure and being a voice continually about this issue because of the desire to ensure that his community—one that he has loved, one that he has grown up in—is not disadvantaged.

The letter does not highlight the fact that his brother, who is also a fisherman, has moved his family and he has incurred costs associated with that. He has had to relocate to Eyre Peninsula to ensure that he has a future in fishing. The letter does not talk about (but I know that this is the case) fishermen from across the region who have relocated to other parts on a temporary basis—some going to the Port Pirie area, which the member for Frome represents.

Those people are abused by community people and by fishermen who operate out of there. It has been the subject of media reporting in that area. I emphasise that they are there because they have to be to provide an income for their family. Their family businesses have struggled significantly and that is the only choice available to them, but it has created a significant level of disquiet because they have been forced out of where they operate from and they are going to an area they do not know. They are trying to provide a future.

How do you recover from that? How do you ensure that you have got a future in an industry? Another letter is from a fisherman on Kangaroo Island, and his letter states:

> …I am a third generation Marine Scalefish Fisher, keeping alive the traditions of my father and Grandfather before him—

which is a common theme here. These are multigeneration operations that are being impacted. The letter continues:

> I commenced fishing on Kangaroo Island in 1999 after my father retired. I had 200 metre net and a 3 metre boat and my local knowledge was less impressive than my equipment.

So, he did not know much about what he was doing. I continue:

> But over the years they have both grown. I have never over-capitalised to the spatial limitations of KI and sharing the area with the one other net fisherman [who was there first].
>
> I have never made big money from fishing, but it has enabled me to survive. In fact without fishing [I] wonder if I could have coped while managing a number of family challenges. I have even been able to give a bit back over the last few years with my involvement with industry representation.
>
> When you have a good knowledge in any field [of] its…composure, confidence enabling you to work through hard times or in my case in later years catch up after meetings. I lost all that on the first of October last year—

with the introduction of the sanctuary zones—

> half of my being all I had learnt was taken away.
>
> Why is it I feel like I am being punished?

This chap has a son who is 26 years old who has suffered from anxiety, panic attacks and depression over the last 10 years. He has tried to help as best he could having had mild depression himself a long time ago. His letter continues:

> The Marine Parks saga has given me a greater appreciation of what it is like to feel helpless and uncertain about your future.
>
> With the permanent closure of Shoal bay I've lost approx 40 percent of net fishing days, there simply isn't anywhere else on KI suitable to work. Based on prices of the premium fish sold locally my average income is down by $33,000 since October 2014.

That is another example of a professional fisherman who has lost income. I have an example of a professional fisher in Port Wakefield who lost up to $100,000. We have fishers who are accessing their superannuation to keep their business operating. Fishers have sold equipment out of desperation to ensure that their business has a future and, by association if their business is successful they are able to provide fish to South Australians who do not fish.

This is an important piece of legislation. It does not gut the 13: it translates them into habitat protection zones. It gives surety to the communities assisting in that. It helps ensure that the marine parks are going to be supported. It is an important piece of legislation to support.

Debate adjourned on motion of Hon. P. Caica.

STOLEN GENERATIONS (COMPENSATION) BILL

Second Reading

Mr MARSHALL (Dunstan—Leader of the Opposition) (10:51): I move:

That this bill be now read a second time.

I rise to speak on the Stolen Generations (Compensation) Bill 2014, which I have restored to the *Notice Paper*. Firstly, I would like to give some background on the bill to the parliament this morning.

The Liberal Party previously introduced this in the other place last year, and I would like to thank the Hon. Terry Stephens, who had carriage of the legislation there. It was successfully passed in the other place by my colleagues and the crossbenchers, despite a lack of support from government members. I note that the then minister for Aboriginal Affairs and Reconciliation was not even in the chamber at the time to hear the bill debated and did not speak to the bill. I think this is an example of the government's lack of interest, compassion and understanding when it comes to the important issue of Aboriginal reconciliation, and I hope in future they take more of an active role in discussions with the parliament in correcting some of the roles in this area.

I take this opportunity to put on the record my thanks to the Hon. Tammy Franks whose own legislation, the Stolen Generations Reparations Tribunal Bill, was introduced in 2010. Ms Franks is in the chamber with us today. That bill was examined by the Aboriginal Lands Parliamentary Standing Committee that same year, 2010, and the recommendations were tabled in the parliament in 2013. This multiparty committee found overwhelmingly that providing ex gratia reparations to members of the stolen generations and their families would give some closure to those who suffered as a result of being taken away from their families.

The committee recommended that the bill be redrafted to simplify the process for survivors of the stolen generations and their families, which is what we have now done. This current bill is based upon the successful Tasmanian legislation in keeping with the recommendations of the Aboriginal Lands Parliamentary Standing Committee recommendations, and it is the recommendations contained in the report that have formed the basis for this current legislation. I thank the members of the Aboriginal Lands Parliamentary Standing Committee for their work.

This is one of those rare bills that come around every so often—a bill that is about far more than legislation or regulation, or the daily nuances of government. This is a bill that seeks to acknowledge a historic wrong. This is a bill that recognises that governments are not infallible, that decisions made by policymakers have the ability to hurt, and hurt deeply, for generations.

I would like to acknowledge those who have contacted my office and said, 'We thought we were doing the right thing at the time,' and I know that the government-sanctioned policy to remove Aboriginal children from their parents was not actually designed to be cruel—it was, of course—but, rather, it came from a misguided sense of European superiority and paternalism and, in some instances, the horrible yet fashionable theory of eugenics.

Our forefathers, who came from those green fields of Europe, simply could not understand the red soils of this country. They sought to tame it, they sought to impose their own ideals of what proper Western civilisation should look like. In doing so, they tore families apart and sought to diminish the oldest existing civilisation in the world. Ultimately, they were unsuccessful, but the scars remain and run deep.

I would like to now read a letter into *Hansard* that I received from a woman named Tjanndamarra who was taken from her family:

> I am a member of the Stolen Generation.
>
> I would like to thank you for your recognition, understanding and embracing of reconciliation with our Nation.
>
> I was removed from my mother's home at [the age of] two years, isolated from my family and everything familiar and raised in institutions.
>
> Namely Kate Cox babies home, Fullarton Children's Home and Kent Street Girls home.
>
> The devastation I have experienced as a result has had an enormous impact on me, who I am and my four beautiful children who are also profoundly affected.
>
> Having had my roots and foundation ripped out from under me at such a tender age has essentially created a disconnection within me and I have always felt like an island in the sea of humanity...
>
> I have done my best to parent and single handedly raise my children without any role modelling or extended family support, to be good citizens and high achieving contributing members of our society.
>
> The grief, hurt and anger that I have endured and have had to work through, witnessed by my children has been enormous.

> While financial compensation is not my sole preoccupation I feel it is extremely important that now there seems to be an opportunity to make it a reality, I am grateful that there are people like you who recognise and have an understanding of what we the individuals of the Stolen Generation have endured.

This is why we are here today, fighting for this bill and fighting to acknowledge the pain that has been caused by the policies of past governments. The members of the stolen generations are getting older. They are ageing and they are dying. Currently, the only way these people can get justice for themselves and for their families is to take this government to court. This is expensive and often traumatic—expensive for the individual and, of course, expensive for the government, which has already had to pay out a significant amount in one particular case.

This bill seeks to make it easier for members of the stolen generation to access justice, but it also reduces the risk of expensive and time-consuming legal proceedings for government. As outlined in the Aboriginal Lands Parliamentary Standing Committee report, this model would:

> ...reduce the cost to both the state and the members of the stolen generations...[as] a total cost of operating the tribunal and paying monetary compensation and reparations to up to 300 stolen generations persons would probably be far less than the total cost of defending against litigation.

There is already the money available to provide compensation to South Australian members of the stolen generations: that exists in the Victims of Crime Fund. Cheryl Axelby, from the Aboriginal Legal Rights Movement, has said:

> The Aboriginal Legal Rights Movement think it is a good suggestion [that payment come from the Victims of Crime Fund], particularly because members of the stolen...generation are also victims of crime in that context;...many of our members were illegally taken from their families.

Another benefit of this scheme is that members of the stolen generations would not have to relive their past trauma in a stressful court environment. Professor of Education from the University of South Australia, and my good friend, Professor Lester-Irabinna Rigney has said:

> One of the things about any process is the pain you feel when you relive and retell those stories. This is a far easier route for Indigenous people to get heard, to hear and to have people care for them in a way that is respectful of what's happened.

I ask those of you here today to remember what it was like to be a child. Our worlds were small: they were made up of our families, our friends, our neighbours and our homes. Imagine now that you were taken from that life suddenly, that you were institutionalised and coached to forget where you had come from. Imagine the isolation this would have caused. Imagine the disruption to your sense of self, the pain to your family and to your parents. All we can do is imagine, but there are those in our community who have lived in it. There are those who are still living it today.

I urge—I implore—members of this place to join with our colleagues in the other place and vote in favour of this important bill. I am dismayed that the Labor government has failed to take any action in response to the recommendation of the Aboriginal Lands Parliamentary Standing Committee investigation into this matter, which was tabled in this parliament in 2013.

I understand that this is a contentious issue, I understand it is not receiving favour within the ALP caucus, and that is why I say to this Premier: this should be a conscience vote. We should move on this matter as a matter of urgency. People from the stolen generations are ageing, they are dying. We need to take action, and we need to take it now.

Mr VAN HOLST PELLEKAAN (Stuart) (11:00): I rise to very strongly support our leader and our Liberal Party on the Stolen Generations (Compensation) Bill. In the electorate of Stuart, which I represent, there are two key Aboriginal communities—Davenport and Nepabunna—and there are Aboriginal communities spread across our entire state, but let me say very clearly that this is not about Aboriginal communities.

Too often, people assume that any public issue with regard to Aboriginal people could automatically be linked to Aboriginal communities, but this is not so in this case. This is actually about people. This is about real people living real lives. This is about people who were taken from their home by the establishment when they were children.

As the leader said, most of the establishment thought at the time that they were doing the right thing, so this is not about trying to look back and penalise people who were clearly doing the

wrong thing with the right intentions, but it is actually about trying to recognise the damage that was done to individual people. There are people who are victims of the stolen generation process in Aboriginal communities, in cities and in country towns. Some of them are very well off, some of them are very poorly off, some of them are living constructive lives and the lives of some have been completely decimated for one reason or another.

The people who we are trying to support are Aboriginal people, regardless of how they ended up, whose lives were damaged, whose lives are not as good as they would or could have been if it were not for what happened to them. Please, let no-one think that this is about a particular class of person, because members of the stolen generation are spread throughout our society: city, country, Aboriginal communities, corporate world and living in poverty as well.

But throughout that wide variety of people, there is one common thread in that they were harmed by what happened to them. There is no way of disputing that their lives were damaged, and that their lives are not as positive as they could have, would have, should have been if it were not for what happened to them.

It is actually time to take responsibility for this. Not one member of parliament here is personally responsible for what happened to these people, but the establishment that we are part of is responsible for what happened to these people, so, today, as the contributors to that establishment, we have to take the responsibility to try to repair the damage that was done. I think that is a very important thing to understand.

The parliamentary committee that looked into this understood. Bipartisan support came together in the parliamentary committee and recommended that this sort of action be taken. Queensland, WA, New South Wales and Tasmania have all taken this sort of action, and it is time for South Australia to do exactly the same thing.

This is not just about saying sorry, as important as that is. This is actually about trying to make a constructive, tangible contribution to the people whose lives were harmed. We cannot undo the damage, but we can recognise the damage and we can try to make some sort of a modern world contribution to those people's lives.

It will not break the bank. It has been estimated to be $5 million. It would not be appropriate in such an earnest, genuine debate as this to list off the myriad $5 million wastes of money that the government has made, but please do not let anybody think that $5 million to the government is the reason that this should not be done. There should be consistent support for people across all walks of life: Liberal, Labor, Greens, Independent—whoever you are—and people who are not in this place. There should be consistent support for the principle of doing what is right, as the parliamentary committee actually found to be the case. It is about correcting a wrong; it is about trying to redress a mistake that was made.

As I am often reminded by Aboriginal leaders in Port Augusta, the Aboriginal culture in Australia is the longest living culture on the planet—the oldest, consistently still alive, living culture on the planet. That was not recognised decades ago, and it was not valued decades ago, but we must value it now. We must try to recognise the mistake that we have made and we must show, in a tangible way, that we want to contribute towards some sort of reparation to the lives of these people.

If the Labor Party was in opposition, I have absolutely no doubt that they would support this bill, wherever it came from, whether it came from Labor, or it came from the Liberals (as it is at the moment), or from the Greens (as it has and I believe will again). If the Labor Party was in opposition, they would support this legislation without any hesitation. There would be no fractious debate in the party room whatsoever. The Labor Party is in government; they can make it happen, and I think they should.

Mr DULUK (Davenport) (11:06): I also rise to speak very briefly on the Stolen Generations (Compensation) Bill 2014, and echo the sentiments of the leader and the member for Stuart. In essence, to me this bill is about trying to right, in some small way, the grievous errors of the past. It was wrong to forcibly remove children from their parents solely on the basis of the colour of their skin. In circumstances in which this has happened, it is appropriate that the state pay adequate compensation.

While it is impossible to erase the pain of the past which has already occurred, we can, as a state, try to ease their suffering. As the member for Stuart alluded to, no-one in this place is personally responsible for that pain and suffering, but as legislators we have an obligation to right the wrongs of the past.

The estimate which I have seen is that this bill will benefit approximately 300 Indigenous people in South Australia, in accordance with the proposed eligibility criteria, at a cost of about $5 million. I hope that this, in some small way, will help the victims of the stolen generation. As we are all aware, this is a scheme which has been successfully implemented in Tasmania. South Australia would be the second state in the commonwealth to adopt such a scheme if we did so.

In my own electorate of Davenport, there is a strong connection with what is known to be the stolen generations. The Colebrook Reconciliation Park in Eden Hills remembers the victims of the stolen generations with two poignant statues called the 'Fountain of Tears' and 'Grieving Mother', which were sculpted by Silvio Apponi. The park was built on the site of the old Colebrook Home, which was home for many Aboriginal children from 1943 until 1972, when it was demolished.

The Colebrook Reconciliation Park also features a list of names of all the children who were residents at the Colebrook Home. Some of the former residents of Colebrook experienced harsh treatment and the dislocation of their culture and Aboriginal identity. A notable resident of Colebrook Home, who attended Unley High School and later became a champion of Indigenous issues, was the 1984 Australian of the Year, Dr Lowitja O'Donoghue. Dr O'Donoghue was also the first chairperson of ATSIC and has been recognised with a Companion of the Order of Australia award, and awarded the Commander of the Order of the British Empire (CBE).

The practical effect of this bill is to compel the state government to put their money where their mouth is on Indigenous issues and support it. Labor members of parliament are more than happy to acknowledge traditional owners of the land at the beginning of each and every meeting that they attend. They are full of platitudes, but it is time for those opposite to step up to the plate and support this measure which has been passed in the other place. It is time for them to support the Indigenous communities in South Australia. The reason for the government's opposition, in my mind, is the measure of symbolism over substance. Too often, we see this within the Labor Party's DNA on these issues.

The Leader of the Opposition (member for Dunstan) has made it clear that the Liberal Party will do whatever it can to work with the government and all members of parliament to ensure this matter is resolved in a satisfactory matter. I do implore those opposite to support this bill that has been passed in the upper house.

I commend the Hon. Terry Stephens MLC, who had carriage of this bill in the other place, for his advocacy on this important issue. I want to put on the record that the Liberal Party has a very proud history of championing Indigenous issues in this place and in this state. Former prime minister Tony Abbott, with his work in Cape York, was a big champion of Indigenous issues, and it was the prime ministership of Harold Holt that saw the successful 1967 referendum. Closer to home, we had Dean Brown's apology to the stolen generation when he was premier, and former premier Tonkin's courageous championing of Indigenous issues in the APY lands was a generous start in this state. I commend this bill to the house, and I urge those opposite to support it.

Debate adjourned on motion of Hon. T.R. Kenyon.

FAMILY RELATIONSHIPS (PARENTAGE PRESUMPTIONS) AMENDMENT BILL

Second Reading

Mr PISONI (Unley) (11:10): I move:

That this bill be now read a second time.

The Family Relationships (Parentage Presumptions) Amendment Bill was introduced in the other place on 25 March this year by the Hon. Tammy Franks MLC. It was passed in the other place on 3 June. I move it today because I support the bill and its sentiments. It has been over six months since the bill was first introduced and four months since it passed the other place. In that time, much has been said about the advancement of the rights of same-sex attracted people in this state, but

little of substance has passed our parliament to continue the work of achieving equality in areas of sexuality and gender identity.

I was very pleased to participate in the motion that commemorated the 40 years of decriminalisation of homosexual activity here in South Australia. I was also very pleased to attend the Adelaide University function that unveiled a memorial to Dr George Duncan, who was a victim of a hate crime against homosexuals back in 1972.

In that time, young Tadgh had his first birthday, and I will be telling the story of young Tadgh, who has no birth certificate. Sally's partner, Elise, gave birth to a beautiful baby boy, but when they went to register his birth, they were shocked to have their forms returned by Births, Deaths and Marriages with a demand for them to prove that they had lived together for three years before they conceived. They were not asked whether they were in a loving, committed relationship, which they were and continue to be, or even whether Sally had consented to the insemination procedure. They were only required to prove whether there had been cohabitation for three years.

Of course, members in this place who have been here for some time would know that the three-year provision is a relic of a particular South Australian approach with regard to the treatment of certain partnerships. In other states, Sally and Elise would not have been required to live together for those three years. South Australia is the only state that has this requirement for same-sex couples. Indeed, many of the families who have now conceived a second or third child in their partnership still have the issue of the non-biological parent still not being recognised with respect to their first child who had been conceived before that three-year period.

Sally and Elise were in a de facto relationship when Tadgh was born and they still are. They own a home together, they have a shared mortgage, and they are known by their family and friends to be a couple. But because they had not lived together for three years before Tadgh was conceived, that was deemed not to be enough.

If Tadgh had been born anywhere else in Australia, both mums would have been registered on Tadgh's birth certificate. In fact, opposite-sex partners need not be in any form of prescribed relationship when they access assisted insemination via a donor. They can then register the resulting birth with the male partner's name as the father without question. The biology and technology involved is not deemed to be important.

In other words, in the case of a couple from a heterosexual relationship, there is no need to prove that the relationship is three years old and, of course, a marriage does mean that those people are in fact in a committed relationship. Of course, same-sex couples are not able to be married in this country or have a marriage that was conducted in, for example, New Zealand recognised here in Australia, which makes this amendment to the bill even more important.

This is, of course, a conscience vote in the Liberal Party. From the debate in the other place, I understand it is a conscience vote for the government, and I note that all Labor members in the other place voted for this bill. It was also supported by members of my own party, the Greens, Dignity for Disability and the Xenophon party in that chamber.

This bill follows on from, and finishes, the work of a previous bill I co-sponsored with the Hon. Tammy Franks in 2010 in the last parliament. That bill gave recognition to both mothers where a child had been conceived by a same-sex couple, both of whom were women, allowing the non-biological mother to be recognised on the birth certificate.

The concept of presumptive parentage is a longstanding one. Put simply, it means that if a woman falls pregnant and bears a child, that child is presumed to be the child of her partner—traditionally, a husband. The presumption is not traditionally based on any DNA or biological measure and so, where a same-sex couple deliberately uses assisted reproductive technologies and donor sperm, the woman's partner is simply presumed to be the other parent. This is what happens in other states and it is what happens here now, but with a three-year qualifying period.

The legislation presented today carries on from a previous bill I sponsored with the Hon. Tammy Franks on behalf of a particular couple, who are constituents in my electorate of Unley and whose daughter, Maddie, is now seven years of age. Joe and Terri have also since successfully

conceived and birthed a son, so they have a pigeon pair in that very happy family. I congratulate them on their success and their family.

Joe and Terri campaigned long and hard to get that recognition. It was a proud day for their family, and it was a day that also gave that same legal certainty and recognition to dozens of other families. Fortunately, they had been known as a couple for more than three years. However, one subsection of this group—those couples who had not cohabited for three of the previous four years prior to the conception of their child—did not benefit from that legal certainty and the recognition of a second parent on the birth certificate.

Some of those families are now in the invidious position of having a birth certificate recognising both mums in relation to their younger child but not their older child. Obviously, the fact that they have gone on to have other children is more evidence that they were committed as a couple before the three-year qualifying period. They may have been together for five, 10, 15 or 20 years, but if they had not been together for the three years before their first child was conceived, then recognition on the birth certificate is denied for that child.

There are obvious day-to-day implications—the ability of the non-biological parent to give health and education consent, to travel with the child and to have the security of knowing that, should the birth mother die or be seriously injured or ill, the connection that has been there for the non-birth mum will have legal certainties for that child.

Same-sex headed families have certainly been the subject of a committee of inquiry. I was pleased to be on the Social Development Committee and introduce those terms of reference along with the Hon. Ian Hunter as the first act of that committee in 2010. It was a very thorough hearing, it went for about 12 months, and there were quite a number of recommendations that the committee has asked the government to consider. If I have time, I will read some of those into *Hansard* just to remind the parliament that there is more work to be done on the same-sex parenting issue.

It seems punitive to treat same-sex couples differently from other same-sex couples—same-sex couples here in South Australia compared with same-sex couples elsewhere—and same-sex couples from opposite-sex couples on a criterion that does not exist in any other state. When a couple conceives a child together, that is recognition of a de facto relationship elsewhere and is certainly adequate for the federal government's processes, so it should be for the state government's processes.

Although it would normally be a fortunate event for Elise and Sally, their baby was conceived on their very first attempt. In fact, if they had been unsuccessful and waited for a second round, they would have been living together for that three-year qualifying period. Unfortunately, Sally is not now recognised as Tadhg's parent. As the legally invisible parent, Sally cannot pass on her UK citizenship to Tadhg nor, when he gets older, sign consent forms for school, for example, or for medical procedures. He is now well past his first birthday and still does not have a birth certificate.

Day to day, this causes problems. A recent interstate plane trip was endangered when Elise, the birth mum, turned up to fly with young Tadhg, the airline warning that, in future, they would not be as lenient because they needed proof that a child was not yet two years of age and therefore not requiring a seat for their travel. I have seen Tadhg and he is quite a large child, so you can understand that the airline would want to see a birth certificate to prove that the child was under two years of age. I should say that he is tall.

Sally cannot make medical treatment decisions for her son in an emergency or where Elise is either unreachable or unable to do so. Worse still, she would have to fight to keep custody of her own child if Elise were to die. Sally and Elise are now campaigning to have these changes made to the South Australian legislation. I am certainly very happy to be introducing this bill today to support them, and I am certainly happy to help them with that. They have also lodged a complaint with the Human Rights Commission, and I note that the process is still in train, and I will keep the house up to date with how that goes.

I would like to tell a quick story about Rosalie and Kylie. They do not have children yet, so you might wonder why they would want the advantage of the removal of the three-year rule. Rosalie and Kylie have been together for a very long time but, as Christians, they have waited to get married before they moved in and lived together. On 17 April this year, they went and married in New Zealand

and now they plan to start a family. They wrote to the Hon. Tammy Franks and told their story and, basically, they say:

> Unfortunately we had to get married in New Zealand rather than Australia. Not only have they legally achieved marriage equality, but there are many churches there who are supportive. It was really important to us that we have a Christian ceremony, as we have both been Christians our entire lives, as well as a fairly traditional ceremony. We have followed other traditions, such as not living with each other until after the wedding. This means that we won't have been living with each other for three years when we want to start a family at the end of next year.

That does not make any sense. Basically, they go on to say that they were a couple but not cohabiting for many years prior to their marriage—and remember that their marriage is not recognised in Australia.

Hundreds of families are affected by what I would call an anomaly in the legislation in South Australia, and this bill will remove discrimination for same-sex couples so that they are not put in a different category, as parents, simply because they are not what some people would consider to be the traditional family.

In summing up: we have a situation where a non-biological parent in an opposite-sex family is presumed to be the father of a child born within that relationship without any time barrier, whereas in a same-sex relationship that has a qualification of proof of cohabitation for three years. I urge members to support the bill.

Mr KNOLL (Schubert) (11:25): In the couple of minutes I have available to me I will make a few comments and then obviously make a few more the next time we debate this bill. From the outset, I would like to say that I have not come to a final position but the bill did intrigue me and inspire me to delve deeper into the background behind it and what the current situation is. As I understand the current situation, part 8 of the Family Relationships Act 1975 states:

> Subject of Part 2A, a child born to a woman during her marriage, or within ten months after the marriage has been dissolved by death or otherwise, shall, in the absence of proof to the contrary, be presumed to be the child of its mother and her husband or domestic partner or former husband or domestic partner (as the case may be).

It goes on:

> For the purposes of this section, a reference to a marriage includes a reference to a qualifying relationship.

The definition of 'qualifying relationship' under 10A(1)(b) states:

> …qualifying relationship means a marriage-like relationship between 2 people who are domestic partners (whether of the same or opposite sex).

As I read that section, and quite clearly read, it means both couples of the same or opposite sex. My understanding from reading this, and certainly from the advice and questions I have asked of the legal fraternity, is that this section does apply equally to heterosexual and homosexual couples. Whilst I do not think there is inherent discrimination in the section as it stands, I think there is some issue that can be taken with the way that this clause applies.

For heterosexual couples there are two ways to get around this section. The first is to get married and obviously the section I read out previously says that. When two people enter into a marriage, it is obviously the sign of a very significant commitment they make to each other, and children resulting from that form part of a nuclear family in the same way that it has done for generations and, indeed, even longer.

The second way that a heterosexual couple can get around this—and keep in mind that I am talking here about non-biological parents being put onto the birth certificate—is by having a child naturally. It is the case that a birth certificate has for a long time recognised a biological mother and a biological father. Having a child is a huge responsibility and, with a three year old at home, I know that my wife and I do not take that responsibility lightly at all.

Obviously, what we are talking about here is the instance of putting a non-biological parent onto a birth certificate and there is a three-year qualifying clause that is part of that. May I say that I want the three-year clause, but I do not just want it for non-biological parents: I would like it for parents, I would like it before two people decide to have a child naturally. This is something that two people should not enter into lightly. In this modern age, when we are increasing lead decoupling

rights from responsibilities, I would love to see more care and cause taken before the decision is made to have a child.

When it comes to this particular amendment, I would also be quite happy or more comfortable if, for instance, in the case that we are talking about here (mentioned by the Hon. Tammy Franks and by the member for Unley), the child is born before the three-year qualifying period, that after the three-year qualifying period we could look at amending the birth certificate in that way.

When it comes to marriage and naturally having a child, I understand that those options are not available to same-sex couples. I understand that there is then a practical form of discrimination if not one that is immediately identifiable from the law itself. There are a number of other points that I want to make, but I seek leave at this time to continue my remarks.

Leave granted; debate adjourned.

Motions

NATIONAL WATER WEEK

Mr WHETSTONE (Chaffey) (11:30): I move:

That this house—

(a) recognises National Water Week 2015; and

(b) acknowledges the importance of conserving and maintaining fresh water for drinking, irrigation and industrial purposes.

I rise to acknowledge National Water Week in this year of 2015, and I would like to acknowledge the importance of conserving and maintaining fresh water for drinking, irrigation and industrial purposes.

The DEPUTY SPEAKER: Before you go on, is that actually this week or was it another week?

Mr WHETSTONE: The week coming. The Australian Water Association, National Water Week begins on Sunday, and it is extremely important that we acknowledge just how important a fresh, clean water supply is to the health and wellbeing of everyone here in South Australia. It is only when we have adversity, particularly with water supply or water security, that people ever really stand up and have concern that we have a shortage or we have something that we always take for granted. When we turn on a tap we expect water to come out. I have been in a situation where I have turned on a tap and only a little bit of water has come out—not what people expect, the full stream of water.

Drought has put pressure on South Australia in the last decade. For almost 10 years we had a looming dry, and all of a sudden that was manifested into the realisation that we did not have that water security that we had always taken for granted. That water security is something that my livelihood depended on. The livelihoods and day-to-day life of the people of Chaffey in particular depended on it. That is a significant reason why I have always held water as a priority and the importance of water is one of the platforms that I come to this place on. Every now and again people do need to reflect on why we need to conserve water, why we need to understand how important it is and how important it is to use it wisely, because it is a finite resource.

Obviously it provides us an opportunity to remind ourselves of its importance, but just as importantly it is about teaching others, teaching our young, just how vital is the need and use of water on a day-to-day basis. It is about what future holds for water use and about what challenges we face in the future, particularly with El Niño events. We can look at countries around the globe, at people who do not have that continuity of supply or any water security, and that is why we need to acknowledge that National Water Week is a week on which we need to reflect, particularly with that water security.

Here in South Australia our water comes from, in many instances, quite a diverse supply range. Primarily it is rain dependent. I have had discussions with the Speaker of this place on other occasions regarding the fact that all water, bar desal water, is stormwater. It is all runoff and comes into catchments one way or another, whether we are talking about river water, surface water or our local reservoir catchments, groundwater, recycled stormwater, treated waste water or just plain local rainwater. I think particularly people in the country understand the importance of being able to capture

rainwater and to be able to utilise it. In many instances it is a clean, safe product if you have your gutters cleaned, if you have made sure that there are no animals in the rainwater tank, and if you have done your due diligence.

Mr Pengilly interjecting:

Mr WHETSTONE: There are a lot of imposters that intrude in our water catchments and the smaller your catchment, the more impact those imposters have. I would like to touch on the River Murray and obviously it is the lifeblood here in South Australia for providing reliable and safe water treated for drinking but, just as importantly, it provides the lifeblood for an economy, lifeblood for the environment.

I think with the environment and the economy, it is about a balance, and for far too long we have always had interest groups that have fought for their piece of turf, and for as long as I can remember there has always been the conservationists—the environmentalists—saying that they want water for their patch, and of course the communities and the food producers are always saying that they want their water for their patch.

One thing that has become very clear over, I guess, a short number of years is that those groups have got together and worked much more closely, and they are much more aligned in trying to achieve the same outcome and that is, if we have a healthy environment, and we have a sustainable river system, so have the food producers and so have those communities that not only rely on it for their income but they rely on it for a lifestyle; they rely on it for tourism, and they rely on it for that supply that everyone takes, as I say, so much for granted.

Back in 1914 the River Murray Water Act was passed and it was passed to create a River Murray Commission and that vision was to fill a valley and regulate that water co-op that was not so much regulated back in 1914. It was to put water into that valley, and direct water out of the mountains, out of the catchments so that it could become part of productive and economic platform that would enable us to grow food and to create economies.

It brought people to those rivers and they then set up small towns. Small villages became existent and all of a sudden there was a trade—there was food growing trade, there was a transport trade, there was an environment that came with that water that was put into the valley system and that is the system that we now know today, a 640-kilometre river that flows through four states and flows out of the mouth here in South Australia and still remains one of the critical parts of the river system.

Through the drought we have learned over a number of years—and I am sure the member for Hammond would agree with me—that it is a vital part of the river system. It is the lungs of the river, it is the floodplain, it is the tell-tale, and we all know that if we have a river system in good health, we have a mouth that is open, we have an environment that is thriving, we have communities that are thriving with irrigation, food production, and it really is one big happy family.

In doing that, we have to work together and for far too long the interest groups looking after their own backyard have always played the blame game, whether it is South Australia looking upstream as to where all the water has gone, whether it is the environmentalists saying that the irrigators no matter where they are using all the water and should not, or whether it is the communities that rely on the economy that come away from the great river system, it has become clear to me that we need that balance, and I think that the Murray-Darling Basin Plan is bringing that balance to the argument.

I do note that as we speak yesterday and today about water, sadly, we have the implementation of the basin plan that we will put water back in the system by 2019. We now have these what I call 'troublemakers': Independents, crossbenchers in the federal parliament, who are now calling for the plan to be halted. Sadly, it is a group of Independents from all states—South Australia, Victoria, New South Wales, Queensland, Western Australia and Tasmania. I do not know how they have any credibility, but what they are saying is that they want the plan halted because it is creating uncertainty within irrigation districts.

I would like to acknowledge South Australian senator, Nick Xenophon. He has come out again and backed the plan. He has said that we need that balance between the environment and the

food production. Federal opposition environment minister, Mark Butler, said that these Independents are saying it is a choice between irrigation and environment, and he says it is wrong. I totally agree with the shadow minister. He does have a very balanced view on an outcome of the basin plan. I congratulate both those politicians.

Where the main game is, we have National minister Joyce ably aided by his junior minister, Senator Anne Ruston, from South Australia. I think that they are going to be a good partnership because I think that Senator Ruston being an irrigator, being a businessperson who understands the river and lives on the river, really does have the capacity to put a good balance into the basin plan. I think that they need to stick at task, just like I did.

Before coming into this place, I had quite good relationships with all the federal water ministers and state water ministers back then. I must say that I had good relations with the now Prime Minister Turnbull and minister McGauran, giving them an understanding or a perspective from South Australia. Back in the early 2000s, it was quite apparent that the South Australian government had very little communication or negotiation with the other states. They were always very focused on bashing the other states or playing the blame game.

Since the implementation of the basin plan has come along, Senator Wong, minister Burke, minister Hunt and Senator Simon Birmingham and I have worked constructively together, on both sides of politics, some better than others. I think along the way we have learned a lot and we have achieved a lot, but there is still much more to achieve. I wish minister Joyce and Senator Ruston all the best with the reform. Roll on 2019, keep that plan on the agenda, keep it rolling along, because it is critical for South Australia.

I made a contribution in this place a couple of days ago about the lack of environmental consideration in South Australia and the lack of will to put environmental assets on the agenda and enact work that needs to be enacted while we have water in the system. I am sure that the member for Colton would understand, being a previous minister, that when we have water in the system no-one really remembers the hard times; they very quickly forget . When we have the dry, all of a sudden people start blaming each other and we start looking over our shoulder at what we should have done.

I think now is an opportune time to remind the current state water minister that environmental works and measures are critically important for the sustainability of our river system. It is all about conserving water; it is about using water more wisely. When we need bargaining tools, to be able to twist people's arm, we have to show good leadership and we have to show that we have actually been good Samaritans when it comes to undertaking works and measures when we are through the good times so that we can actually droughtproof, or better droughtproof, this state. That is something that has gone missing.

Again, we look at diversity here in South Australia. The desal plant was built. Yes, there is a lot of conjecture over whether it was built too big, whether it was at too great a cost to the South Australian taxpayer, but it is part of diversity. We need to continue focusing on how we can diversify our water supply system, stormwater capture and aquifer storage. South Australia will need to be a much wiser, smarter, managed state when it comes to dealing with the dry. The dry is coming. We all know that. The dry is something that we seem to forget very quickly, and that is of real concern to me.

South Australia is a great state. We do need critical human needs. We do need diversity. We do need water for a growing population—2.5 million people by 2050. What are we going to do to droughtproof this state? It really does make me wonder. The future for water is innovation, it is efficiency, it is using new technology, it is about teaching our young how to deal with water to do more.

Time expired.

Ms COOK (Fisher) (11:45): I rise to speak on behalf of the government with an amendment. I will read the new motion in full:

That this house—

(a) recognises National Water Week 2015;

(b) acknowledges the importance of planning for, conserving and maintaining fresh water supplies for environmental, drinking, irrigation and industrial purposes;

(c) congratulates the state government for implementing a process which involves communities and key stakeholders to secure and diversify our water supplies;

(d) congratulates the state government for its policies which have resulted in South Australia leading the nation in stormwater capture and re-use, irrigation practices and wastewater recycling; and

(e) recognises the importance of the Murray-Darling Basin and congratulates the South Australian government, Riverland communities and the broader South Australian population for fighting to ensure a basin plan that will deliver a healthy River Murray for both productive and environmental use.

It congratulates the communities; I think that amendment is fantastic. Water is our most valuable resource. It is fundamental to our health, our way of life, our economy and our environment. Sustainable water management is particularly important in South Australia, which has long been known as the driest state in the driest inhabited continent in the world. National Water Week aims to raise awareness and involve the community and industry in protecting and conserving our precious water resources and this year National Water Week will take place next week, from 18 to 24 October.

It is important that we all take this opportunity to acknowledge the state's internationally recognised approach to sustainable water management. This includes protecting and conserving our water resources and habitats, while ensuring the availability of this resource for economic development purposes. Sustainable management of water resources in South Australia supports industries that are vital to our economic prosperity. These include: irrigated agriculture worth $1.43 billion and mining development worth $4.4 billion annually.

The millennium drought highlighted the importance of planning for, conserving and maintaining fresh water supplies for environmental, drinking, irrigation and industrial purposes, but it also highlighted that many of our previous assumptions about our water supplies were changing in the face of climate change—a challenge that will only increase over time. It has been confirmed by a number of recent reports. For example, the Goyder Institute's SA Climate Ready research, released earlier this year, predicts, amongst other findings, a reduction of up to 50 per cent in annual flows into our largest reservoir within the next 100 years.

According to updated climate change projections for Australia released by the CSIRO and the Bureau of Meteorology in January, we can expect to experience an increase in the number of days above 35 degrees from 20 in 1995 to as high as 47 in the year 2090—very intimidating. This is why our statewide water security plan, Water for Good, has been so important. It outlined 94 actions to diversify our water supplies, reduce our reliance on the River Murray and other rain dependent water sources, increase efficiency and competition in the water supply sector and also establish long-term approaches to monitoring water demands and supplies across natural resources management regions.

The government, in partnership with local councils and SA Water, has ensured that South Australia leads the nation in stormwater capture and re-use, irrigation practices, rainwater tank ownership and wastewater recycling. Adelaide now has the capacity to harvest approximately 20 gigalitres of stormwater per annum and we recycle about 30 per cent of wastewater a year. Engaging the community has been critical in responding to our drought. The efforts made by households to reduce their water consumption and implement water efficient technologies in their homes are to be commended and highlights the importance the community places on our water resources. I have to confirm that up until recently even during doorknocking I see people recycling their grey water out of their washing machines, and that is something that never would have happened 10 to 15 years ago, so I am very happy that that is still going on.

By conserving water, re-using stormwater and wastewater, and diversifying our water supplies, South Australia will be more resilient in times of drought and in the future. Of course, in my own electorate of Fisher, we have a key piece of Adelaide's water infrastructure—the Happy Valley reservoir. This reservoir has a capacity of 11,600 megalitres, is fed from Mount Bold reservoir and currently sits at 91 per cent capacity. The government's significant investment in water infrastructure to diversify our water supplies and guarantee our water security until 2050 means that our taps will not run dry.

Supply from the Happy Valley reservoir is actively managed with production from the Adelaide Desalination Plant. The plant, which is currently producing approximately 30 megalitres of water per day, has produced approximately 126.3 billion litres since it first began production in October 2011. That is not a plant that is lying dormant and in mothballs. Desalinated water is pumped to the Happy Valley Pumping Station and it is then shandied with Happy Valley water before being distributed through the SA Water network—indeed, a very quaint notion that water is shandied.

The Adelaide desalination plant was a significant investment in this state's water security. The plant capable of supplying half of Adelaide's annual water consumption or a third of demand on peak days is an impressive piece of infrastructure which I recently toured. The standard of the facility certainly gives me some comfort that our water supplies are secure. Immediately walking into it, as a nurse with an interest in intensive care, I recognised that it is like a big dialysis machine and found the whole filtration system quite fascinating.

During National Water Week it is important to recognise South Australia's role in ensuring the health of Australia's longest river. The River Murray is the lifeblood of the state providing essential water for irrigation, industry, domestic and recreational use, and our precious wetlands and floodplains. The River Murray is the source of about 85 per cent of the state's drinking water and more than half of the gross value of our irrigated agriculture.

This state government strongly backed by the South Australian community fought very hard to ensure that there is a basin plan that would deliver a healthy River Murray for both productive and environmental use. We now have a basin plan that can return 3,200 gigalitres of water to the river—450 gigalitres more than originally intended. This extra water will help keep the Murray Mouth open, flush salt from the system, and meet salinity and water quality targets to protect the river, Coorong and Lower Lakes. It will provide environmental flows to the River Murray wetlands and floodplains.

Critical to our positioning around the basin plan was the independent scientific work undertaken through the Goyder Institute for Water Research. This provided the state with the evidence needed to call for a greater volume of water to be returned to the environment across the Murray-Darling Basin and again highlights the importance of basing water management decisions on robust science, not just guess work.

Indeed, South Australia boasts some of the best research and training institutes in water management, both nationally and internationally. It is really important that we get this message out. These include the National Centre for Groundwater Research and Training, our outstanding three public universities, the International Centre of Excellence in Water Resources Management, the Australian Water Quality Centre, and Water Research Australia. Our research and training capabilities, our dynamic water industry through the Water Industry Alliance, as well as our demonstrated water planning and policy capacity, can make South Australia a strong partner for international jurisdictions who are tackling similar water management and water quality issues.

In fact, our expertise is being sought by various jurisdictions in the United States, including California that is facing an unprecedented drought and is looking to learn from our expertise. The strong partnership we have across state and local government, industry and the broader community is a key element of our approach to water that is often remarked upon by visiting overseas delegations. National Water Week provides an invaluable opportunity to continue to strengthen these relationships and advocate for our great work. This will remain critical for ensuring the supply of water across South Australia for generations to come.

Mr TRELOAR (Flinders) (11:55): I rise to support the motion brought to the house by the member for Chaffey and congratulate him on his contribution. Chaffey encompasses all of what we know in this state as the Riverland, and the member for Chaffey has spent a good deal of his adult life in that part of the world and spent some time as an irrigator so knows the river all too well. The River Murray has been a significant part of this state's history and development, and I have no doubt that the member for Hammond will also make a contribution and talk about that stretch of the river that traverses his electorate which is the lower part.

The motion is to recognise National Water Week 2015 and acknowledge the importance of conserving and maintaining fresh water for drinking, irrigation and industrial purposes. I feel sorry in a way that the government feel the need to try to amend this motion because National Water Week

ultimately should not be a political issue. It is simply celebrating the week itself which is being held from 18 to 24 October—so coming up very soon—and providing us with the opportunity to speak about one of the world's most important resources.

My own opinion is that it is not the most valuable resource in the world and it is not the most valuable resource in Australia, but it is certainly the most precious and we are fully aware of that in the driest state, in the world's driest inhabited continent. It is often said that we live in the driest state of the driest continent, but Antarctica is drier, supposedly, although it is covered in ice. A good deal of the world's fresh water is bound up in ice, both in the Antarctic ice sheet and also Greenland and various snow-capped mountains. A good portion of our fresh water is, in fact, unavailable for use.

A fresh, clean water supply is critical to the health and wellbeing of everyone and it is vital that that resource be protected and managed. With drought always the elephant in the room, it has placed pressure on Australian water supplies over the years. The most recent significant drought in Australia has been known as the millennium drought. It really stretched our resources, particularly the mighty Murray-Darling catchment basin, of which Adelaide and South Australia is at the end.

National Water Week is about highlighting the need to conserve and maintain fresh water for drinking, irrigation and industrial purposes, and all those uses are critical to our wellbeing. National Water Week has been held annually since 1993 and the 2015 theme is innovation. A lot of South Australian irrigators, in particular, have been incredibly innovative and I have no doubt that that innovation will continue. There are more improvements that can be made. There are always people who spend time thinking and developing mechanisms by which more efficient processes can be put in place.

In fact, I saw one very recently. I will not talk about it too much, but a constituent of mine has developed or invented a particular piece of plumbing which he thinks will be of great value to water users, not just here in Australia but around the world, so it will be interesting to see how that progresses.

National Water Week inspires individuals, communities and organisations to work together to build community awareness and understanding around water issues, and opportunities for growth and innovation. There is no more topical subject in Australia than water, there is no more topical subject in this state than water, and there is no more topical subject on Eyre Peninsula than water.

National Water Week provides an opportunity to remind ourselves and teach others that water must be used wisely if there is to be enough to meet the needs of our future generations. It is a finite resource. There is exactly the same amount of water on this planet as there always has been, and much of it is unavailable. We often talk about water recycling, and it bemuses me somewhat because all our water has been recycled many times over some billions of years. What we have is what we have got and what we have always had. It is a precious and finite resource that must be used wisely.

National Water Week is dedicated to encouraging communities to take action to protect vital water resources. We are becoming more and more conscious of that environmental responsibility to protect and manage our resources. Ultimately, we have to use our resources, but we have to manage them so that they are sustainable in the future. National Water Week is also a celebration of water achievements that have contributed and will contribute to Australia's sustainable future and economic prosperity. We cannot exist without water, our agriculture cannot exist without water, and obviously our irrigated agriculture would be impossible without water.

South Australia is home to some of the most efficient irrigators in the world, and National Water Week is an opportunity to acknowledge the hard work done by our irrigators to assist in putting food on the table of South Australian families. It is also an opportunity for us to consider other options. There are many things we can do better, and I believe that one of those is stormwater harvesting. Many of the smaller towns in my electorate have harvested stormwater. Many of our bowling greens, town ovals and such are watered by those stormwater harvesting solutions. The human body consists of about 80 per cent water, I think, so ultimately it is imperative for our survival that we have a good and potable water supply.

As recently as yesterday, I talked about the water supply on Eyre Peninsula. I will not go into detail again, but our water security is not guaranteed at this point in time. We have much work to do to resolve that issue. It is not going to be a single issue but, rather, a suite of solutions, I would suggest. We will continue to use water from the underground basins. We will continue to harvest rainwater which, for many rural properties and country towns, is a primary source of water for their households and gardens. It really is common sense to me to catch the water off the roof into a tank for further use.

In my contribution yesterday, I had planned to discuss, but did not get to but will touch on it now, a decision by this government not too long ago not to allow school students to drink rainwater and compel them to use reticulated supplies coming from SA Water. In my part of the world, on Eyre Peninsula, even though the reticulated supply is potable it is not particularly palatable. Certainly, rainwater tastes much, much better and it is drunk in preference to the reticulated supply by almost everyone. It was a ludicrous situation, and I really do not understand what brought it about, but schools and hospitals made a considerable investment putting in rainwater tanks, thinking they were doing the right thing, but now, unfortunately, the children are not able to use it. It is a bizarre situation and one that beggars belief.

I will not spend too much time now on the Eyre Peninsula water supply because I am going to continue to pursue water security issues on Eyre Peninsula. It is a task my predecessor, Liz Penfold, the previous member for Flinders, took very seriously, and it is one I will continue to pursue. I think that ultimately it will be about managing the resources we have in a sustainable way that ensures long-term supply of potable water to Eyre Peninsula.

However, I believe that until we secure what I would call 'new water', a new supply, or at least extra water, the pressure is not going to come off the Uley South Basin, it is not going to come off the southern basins, and we will continue to put great pressure on those basins far and away above what they can withstand.

The Hon. P. CAICA (Colton) (12:05): I will be brief in my contribution. I too would like to congratulate the member for Chaffey on bringing this motion to the house, and also I particularly congratulate the member for Fisher for significantly improving, through her amendment that, motion. I stand today to recognise National Water Week and certainly to reflect upon some of the advances that have been made here in South Australia.

I guess if there was any positive at all that came out of the worst drought in anyone's living memory it was the impetus to properly address the sustainability of the River Murray. It actually compelled everyone to understand that this resource (that resource being water), unless it was used effectively and conserved appropriately and used sustainably, was not going to last during that period of time. We were very lucky. We dodged a bullet. But, again, a positive aspect of the drought is the fact that people got a better understanding about how they themselves can ensure that they use their water more wisely than they have in the past, and that goes for the people of metropolitan Adelaide as much as anywhere else.

The other positive that came out of it was, of course, that we needed to diversify our water supplies here in South Australia. We needed a source that was not dependent upon climate because we know that we can continue to improve on our record in South Australia as being the leader amongst all the states in Australia for the collection and the re-use and the harvesting of stormwater. But stormwater is only available when it rains, and what we had during that period of time was a significant lack of rain over an extended period of time that put stress on our resource to the extent that those resources, including the River Murray, were on the verge of ecological collapse.

Another positive that came out through the Murray-Darling Basin Plan and the involvement of people here in South Australia was, as I think the member for Chaffey acknowledged, a consensus that was reached amongst all South Australians to know that we needed to ensure that the plan was a plan that returned the River Murray to a proper level of sustainability and ecological and environmental health, and that we also came to the conclusion that the idea of a working river, one that South Australians—indeed, Australians—rely on for so much primary production, is not mutually exclusive to having a healthy environment.

In fact, the future of the means of production in horticulture, and other uses of primary production, is about it being able to be undertaken in a healthy environment. So, that was a good thing. That was a good outcome as well, and it galvanised the people of South Australia to say, 'This is not an argument about the environment and primary production.' They are both inextricably linked to each other and dependent, and the health of both the environment and our primary production is linked to the health of the environment in which that primary production is undertaken.

So, there were some real positives out of the drought. I hope we do not have to go through one again, but I am pretty confident, unfortunately, that we are heading in that direction again. It may be a bit premature, but those who understand better than I the measurements of the Indian Ocean Dipole say that we are heading for a fairly significant drought event the like of which we had those 10 or 12 years ago.

One of the other things I want to focus on quickly in water week is to acknowledge those people who work in the water industry, those who irrigate and the methods of irrigation they use that have shown South Australia to be a significant leader nationally all throughout the Murray-Darling Basin with the innovations we have undertaken over the years to make sure that our small extraction from the River Murray supply is used to the greatest effect and the most, I guess, efficient effect comparable with anywhere else within the Murray-Darling system.

I also want to acknowledge people from the Goyder Institute and others who are continuing to research other ways by which we can continue to improve the efficiences in which we apply water in South Australia. I have always said that being the driest state in the driest-inhabited continent is the perfect reason for us to become world leaders not only in the way we irrigate but with respect to the research on the application and improvement as to how we apply water to the extent that it becomes an export industry for South Australia. We export our skills, our expertise, our research, our innovations to the rest of the world and make it a good export earner for South Australia, and I have no doubt that we will continue to go down that road, and we will find great success in that area.

I also acknowledge the work that is being done in the Riverland, and I look forward to the research that is being undertaken at the Loxton Research Centre and also at Minnipa and other research centres around Australia which have a particular focus on how we can improve our primary production through innovation. We have a great history here in South Australia, a history of which we can be very proud, that underpins our way forward with respect to the role that South Australia will play in providing to the rest of the world the learnings and the evidence of the research that we undertake in South Australia.

With respect to the amendment, I finish off by recognising not only the importance of the Murray-Darling Basin but congratulating the South Australian communities along the river and even beyond the river that got behind the call for a sustainable Murray-Darling plan. I temper that by saying that, like the member for Chaffey, I have been somewhat concerned by recent rumblings that are occurring in the federal government in relation to paring back, if you like, or at least revisiting aspects of the Murray-Darling Basin Plan. I know that we, as a state, need to combat that. I am pleased that we have people like Senator Birmingham, like Anne Ruston, like Mark Butler and like Nick Xenophon, who understand the importance of the river not just in South Australia and of not just looking at our section of the river in isolation but of the entire catchment area.

I am confident that, if it is required, again there will be a rally call to the people of South Australia to make sure that those people who want to take the Murray-Darling Basin back to operating unsustainably will be defeated, and comprehensively defeated, not just through the support that would be provided by the people I mentioned but the South Australian people who lived through the previous drought. I congratulate both the member for Chaffey and, indeed, the member for Fisher on the original motion and the amendment, and I commend the motion to the house.

Mr PEDERICK (Hammond) (12:12): I rise to support the motion by the member for Chaffey:

That this house—

(a) recognises National Water Week 2015; and

(b) acknowledges the importance of conserving and maintaining fresh water for drinking, irrigation and industrial purposes.

It is interesting to hear everyone's view on history, and I note the amendments that have been pursued by the government in relation to its actions in regard to the health and wellbeing of the River Murray. When you have lived through it—as I did, as a member and a shadow minister on the end of the river—you can see the reality of what happens, or happened.

It was only when there was a meeting with John Howard on Melbourne Cup Day 2006, that people became really alarmed. I became alarmed a lot earlier in 2006 that we were heading into a very, very dry time for not just our dryland farmers but also our irrigated farmers. It was out of that time that exceptional circumstances funding was granted for the very first time in Australia for irrigated properties, and it was a great thing to support people who were in dire straits.

The real issue came when it was perceived that Adelaide was under threat. The river level was dropping and it got to a level of two metres below where it usually sits at 0.75 AHD (Australian Height Datum). Three-quarters of a metre above sea level is where it is kept; where the barrage is normally. That is the aim: to keep it at that level for access, whether it is industrial, irrigation or for critical human needs.

As I have indicated in this house many times around the discussion about the Wellington weir, that was a proposal that was put in place with no environmental outcomes. The only good that would have come out of that weir is it would have cleaned up a heap of limestone—many hundreds and thousands of tonnes—off paddocks in the region. That would have been the only good that came out of it and that stone would have been sent to sink in the riverbed for many metres, probably up to 50 or 100. But, no, the government pursued that plan to put that weir in, which would have totally destroyed the environmental outcomes and the outcomes of industry, agriculture and the needs of people in the lower end of my electorate, which has around $500 million of agricultural production. I lay that on the record as a matter of history.

I also want to commend a reporter who took note early in the piece. It is very hard sometimes with a regional news story to get excitement until you have something that affects the populace of the city. It was Emily Rice, who was working for Ten at the time; she now works in Melbourne. I upset the leader at the time, Iain Evans, because Emily Rice said, 'I want to come down and do a story,' she brought the helicopter down and did a story, and I think I knocked off what was supposed to be our lead story of the day. I got a message from someone about that, but that was alright. I thought it was quite good that a reporter actually realised when there was a story unfolding and got on board, came down and saw what was going on.

It has always intrigued me when, near the end of the drought in 2010 and certainly in the years since, the government has made out that it has done so much work in securing up to 3,200 gigalitres of water when it took so long to get any recognition on a state and national basis of what the drought was doing to the River Murray, not just in my electorate but also in the member for Chaffey's electorate where, at one stage, irrigators were restricted to 18 per cent of their water use. It was a real tragedy, and it was not just irrigators.

It was things like the leisure industry with houseboats, who were having to build new mooring facilities and keep building them down and down. Certainly there was interest from some of houseboat people who spoke to me about putting in a lock 0 to restore their water level. I said, 'We can't go down that path, because we will destroy the very being of the river.' If you cut off a life source like that where it meets the sea, no good will come of that at all.

We fought through for a freshwater outcome, and there were tough times. There were some tough discussions, I must say. I am big enough to hold my own, but I had more than one finger poked at me—poked into me actually—saying, 'What are you doing?' But that was fine. It caused a lot of discussion amongst my colleagues and we all had different needs. The boaties at Goolwa were quite happy to float on raspberry cordial if they could have got it in there, because they were suffering hugely at that end of the electorate, which I picked up in 2010 from the member for Finniss.

A lot has been done, but I think the majority of what has happened, especially with the health of the River Murray, is a result of a greater being than anyone in this place when the water reflowed in 2010. That murky Darling water that so often has said about it, 'There's not much of it, it's not very relevant,' was the first water that came down with the floods that came down through Queensland and New South Wales. As I said in this place only two days ago, that was a magnificent sight as the

river reclaimed its place when so many people, including many so-called experts, who really are not river experts—they have degrees in other things—said that it would never happen again. I note that some of those people still have their jobs. There is a saying, and it is a bit of a joke, but it always does rain after a dry spell, and it did. A lot of us thought it may never, but it certainly did.

In regard to other issues regarding water use, I am assuming the member for MacKillop will talk about his stormwater capture and re-use policy from several years ago, with 400 gigalitres of water that could have been captured and re-used for the city, which was a fantastic policy and would have alleviated a lot of the draw on the River Murray. I certainly note that we have to manage groundwater and our surface water, but I really do get distressed when I see what the natural resources management boards do in regard to this and the levies that are being imposed. Now, the levies are being imposed to just raise extra money for government coffers, because I am sure they have had a direct line from the Treasurer to say, 'We need to raise these funds to boost the Treasury coffers because we are in such a bad state in this state.' It is just terrible, when you think about it.

I know there is a vast amount of people who work in these NRM offices. I know, in Murray Bridge, there are some good people there, but there are so many people that you wonder what the outcomes are of all the work that gets done and all the re-doing of reports every four or five years because it is part of the legislation. The legislation needs a major rework so that people out in the community can see real work being done on the ground instead of this bureaucracy that just buries natural resource management.

It makes people out in the field very angry and, certainly, with the rising fees in the Eastern and Western Mount Lofty Ranges. This is an area where a lot of these places are not under threat. From what I understand, there is probably about one place in the whole area that needs a little bit of management, but there is plenty of water flowing through the rest of it. People out there will just ring me and say, 'Adrian, I am not going to pay the levy.' I say, 'Well, that's your choice. The gaols are full. You can do what you like.' That is the thing they are dealing with.

The government talks about its water management. Through NRM, they were going to introduce these low-flow bypasses. They have certainly caused a lot of angst but, at the end of the day, they would have been no-flow bypasses with the original design because they would have been blocked up with leaves. There has been a competition run recently to devise a similar system. All this carrying on and to and fro just frustrates people. Why do we not come out with some real outcomes and really work with the locals?

I note that the contribution from the member for Flinders talked about the issue of rainwater at schools. I know there is at least one school in my electorate where there is a tap in the staffroom with a sign that says, 'Don't drink rainwater.' That is where they fill the kettle for the coffee because they know it is rainwater and that is where they get their nice drinking water. It is just mad policy set up by bureaucrats who are so frightened of some sort of kickback if there may be a bug in the water—it is unbelievable.

I would just like to end my contribution by saying what a white elephant the desalination plant has become. I note that the government only came on board well after Iain Evans' policy in 2007 of having a 50-gigalitre desal plant, and it is a tragedy that I have to stop.

Mr WILLIAMS (MacKillop) (12:23): Let me start where my colleague the member for Hammond just finished with regard to drinking rainwater in schools. This is a nonsense. I have done a bit of research on this topic because I was approached by a number of my schools, I think even last year. The director had come out from the department saying that schoolchildren could not drink water from their rainwater tanks in the yard.

I feel very confident that I can tell the house there has never been, in the history of this state, a case of a schoolchild becoming ill from drinking rainwater. I understand that there is one case of suspicion interstate, but there has never been one in South Australia, and we have been drinking rainwater from rainwater tanks ever since white settlement.

In my electorate in the South-East, where we get a fair bit of rain, at the Lucindale Area School there is a ban on the students drinking water from the rainwater tanks. At the Bordertown Primary School, north of Naracoorte, there is a ban on students drinking rainwater from the rainwater

tanks. At Naracoorte, there is there is no ban. There is no ban on students drinking water from the rainwater tanks in Naracoorte.

Mr Pederick: There will be now!

Mr WILLIAMS: No, there won't be. The reason is that the SA water supplied to the township of Naracoorte, as is my understanding, fails to meet World Health Organisation drinking water standards. So, the students in that town are allowed to drink from the rainwater tank because the government acknowledges that the town's supply does not meet the guaranteed standard.

What I find amazing about this fact is that the community has never been informed of this. The Naracoorte community has never been informed by this government that the water supplied to them does not actually meet the standards. I think it is a nonsense that the children in the town of Naracoorte can drink water from the rainwater tank in their schoolyard and those up the road at Lucindale, or further up the road at Bordertown, or at any other school in my electorate, are banned from drinking water from rainwater tanks. All of those students drink water from a rainwater tank when they go home. Their parents drink water from the rainwater tank. It is a nonsense.

It just shows how out of touch this government is with the community. That brings me to the amendments, which seem to suggest that this government is in touch. The irony is that the amendment was moved by the newest member of the house, who was not here to see the matters that unfolded during the millennium drought that others have mentioned, and this government playing base politics.

I remember on Melbourne Cup day 2006, John Howard called together the basin state premiers and had a meeting. South Australians were represented, but the Labor Party across Australia ensured that the Victorian government held out, because they knew that there was a federal election coming up (which was subsequently held in November 2007) and they did not want a solution prior to that election.

Politics came to play, and solutions which were eventually put in place which would have been implemented in a much better way and given us much better outcomes, were delayed for at least 12 months because this government, in conspiracy with the Labor Party in other states, chose to play politics. Give me a break about congratulating this government on its water policy.

Let me talk about some of the things that happen in my electorate. We know that the government built weirs around Lake Alexandrina. They dumped tens of thousands of tonnes of material into the lake in various places. One was Narrung, which connects the narrows that connect Lake Albert to Lake Alexandrina. I remember going down there—it was a bit of a stunt—with a shovel and a high-vis vest and a TV crew to try to get the government to get off its backside and remove that material before the high water flows arrived. Did they do anything? No.

Most of that material remains in the narrows. That is why the water quality in Lake Albert has not recovered. The salt levels in Lake Albert are still at a level where the water is virtually unusable. This government wants to congratulate itself, but it has actually messed up its application of water policy in this state in a number of ways.

It wants to congratulate itself over stormwater harvesting. My comment to that is: imagine what could have been in South Australia with the plans largely promoted by local councils, particularly here in metropolitan Adelaide, to have an integrated, interconnected network throughout the east, north and west to harvest, treat and reuse stormwater. Some parts of them have been done, but most of those schemes never got completed. The vision that many of us had of Adelaide becoming virtually self sufficient with regard to water supply died because this government did not want it to happen. The real shame of it is that a lot of the money was spent. A lot of money that was given by the commonwealth government has been spent on consultancies and studies and these sorts of things, but most of the actual on-the-ground work has not been completed.

Just look at Lochiel Park, for instance. I think the stormwater harvesting and recycling project there still is not working. I remember going out there with a TV crew—it poured that day and we all got wet. The poor people who invested and built homes in Lochiel Park invested in rainwater capture, rainwater tanks. They gave money to the state government, the developer, to build a stormwater harvesting and recycling project and they have plumbed their homes and gardens to have this

recycled water. They still do not have access to it, years and years later. The government only has interest in headlines, not in actually getting things done on the ground, and they want to congratulate themselves.

I asked the minister yesterday, or Tuesday, I think, about the pipeline that was built at great expense, again mainly from the commonwealth—some $72 million or $73 million to build a pipeline from the Glenelg Wastewater Treatment Plant to the CBD. I asked the minister how much of the capacity of that system was being utilised. The minister could not provide the answer. I suspect that a very small part of the capacity is being utilised, because this government has demanded that anybody who taps into that water pays 75 per cent of the cost of potable water to utilise that water.

That water is a liability to the state. It is currently being poured into the Gulf St Vincent, where it is doing untold environmental damage. That system should be utilised and we should be encouraging people to use all of the water that can be pumped up that pipeline, rather than dumping it into the gulf and doing the damage that is occurring out there.

As I said, when we were in government and we built a similar system to provide water to the Virginia horticulturists I think they paid 14¢ a kilolitre, and we have a good, strong, viable industry on the back of that. That is the difference between having a good, strong, proactive policy and having no understanding of how to drive the state's economy and look after the environment at the same time.

I have given just a few examples of mismanagement by this government. Fortunately, at some time in the not too distant future we will have a change of government in South Australia and we will have people controlling water management. I hope that at that stage the insights that have been developed, certainly on this side of the house, will come to the fore and South Australia will not necessarily find itself in 20 or 30 years being described as the driest state in the driest continent, because we will have managed our water much more effectively.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge in the gallery a group of students from Willunga High School, who are guests of the member for Mawson. We welcome them to parliament today. I hope you enjoy your time with us. Are you staying for question time later? No. Well, you will miss the best part of the day, but never mind, next time you come. Thank you for visiting parliament.

Motions

NATIONAL WATER WEEK

Debate resumed.

Mr HUGHES (Giles) (12:33): I just have a few words to say about National Water Week. It is especially important, I think, for the communities that I represent to acknowledge the importance of the week and to acknowledge that water is, obviously, essential. It is one of those things, along with energy, that underpins much of what we do. In fact, it has a number of similarities when it comes to energy, in terms of the nature of the distribution networks and what have you.

The community of Whyalla is almost entirely dependent upon the flows from the River Murray. Whyalla has benefited from two pipelines: one built many years ago to supply water to the community and to industry, and the more recent pipeline, which goes under the Spencer Gulf, underpins the development of the integrated steel works in Whyalla, which is celebrating its 50th year. In fact, without the water from the River Murray, the integrated steelworks would not be there.

When you reflect upon the history of Whyalla, and other regional communities, and the development of water infrastructure in this state and see where we have been and where we are likely to go in the future, it brings to the fore that whole importance of innovation. The original water for Whyalla (or Hummock Hill, as it once was) came from Port Pirie. It was barged across Spencer Gulf and landed in Whyalla to support that settlement at that time. In the 1920s, a desalination plant was built at Whyalla by BHP to supply the water needs for the emerging industry there and for the

community. It was not until the pipeline from the River Murray was built that the desalination plant was mothballed and eventually removed.

The issue of innovation, new water supply—and I refer especially to the comments made by the member for Flinders, who has some particular challenges down on Eyre Peninsula when it comes to water—is going to be one that is going to be at the forefront of our mind for many years to come when it comes to water supply. Apart from the fact that we are the driest state in the driest inhabited continent, we have the overall long-term trends associated with climate change. Probably the overwhelming odds are that rainfall is going to start to reflect the rainfall patterns that have existed in the south-west of Western Australia over the last couple of decades.

Of course, Western Australia was the first state to put in a desalination plant, at Kwinana. They now need a second plant to be built in order to supply their needs. I obviously was not in the parliament when all the discussion was going on about the investment in the major desalination plant in Whyalla. I think that there is always legitimate debate about scale and timing. That debate is now water under the bridge, no pun intended. The point about the desal plant here in Adelaide is that it is now a major piece of insurance for the future because, if those predictions about climate change are accurate or probable, this state is going to face incredibly difficult challenges.

When the member for Flinders talked about the need for a new supply (I think he also referred to the issue yesterday during a debate on water), he indicated that one of the options is for smaller-scale desalination plants around Eyre Peninsula so that communities such as Ceduna, Streaky Bay, Elliston and Port Lincoln are ultimately served with a secure water supply. The situation they are currently in is arguably not sustainable as time goes on.

Of course, Eyre Peninsula is now linked to the River Murray with the infrastructure that was put in between Iron Knob and Kimba. Some people argue about whether that was a good approach at the time. Certainly, when that announcement was made, it was in the context at the time that a memorandum of understanding had been entered into between BHP Billiton and the state government in relation to a potential large-scale desalination plant at Point Lowly, near Whyalla, to serve the needs of what was the proposed or mooted expansion at Olympic Dam, even though the expansion did not have a green light.

The feeling at the time was that the desalination plant on Point Lowly Peninsula would also be able to feed into the reticulated water supply for Eyre Peninsula and for communities like Whyalla. I would have to point out that the proposal for a desalination plant on Point Lowly Peninsula was a contentious one at the time. Some people were arguing—and I think it was a strong argument—that a major desalination plant would make a lot more sense down on the West Coast of Eyre Peninsula where you had a far more energetic ocean environment to dissipate brine discharge.

The point is that we should be looking at a range of technologies. For areas such as those I come from, in the very dry part of the state, desalination does make sense, but it might well be that we should look at smaller-scale desalination to suit the needs of various communities and tailored to their particular needs.

As I said, the ironworks (which preceded the steelworks) had a desalination plant at one time back in the 1920s and it is interesting to note that, in recent years, OneSteel—or Arrium, as it is now—has also built a new desalination plant at Whyalla as part of Project Magnet and part of a response to not draw additional water from the River Murray in order to assist with the pipeline that brings magnetite in a slurry form from the Middleback Ranges.

Companies like Arrium are investing in desalination to address some of their needs, albeit that they are still a major user of water from the River Murray. It is interesting that, when you look at the sort of practices they are engaging in, there is a lot of focus on efficiency: 'How can we use water far more efficiently than we do?'

Over the years—and this is going back a fair while—as a community representative from Whyalla when on council, I have had my battles with SA Water. People have mentioned, in the discussions here today and previously, the shortsightedness of taking effluent, treating it and then discharging it into the marine environment both in Adelaide—which has had an incredibly detrimental effect on seagrass beds—and also in communities like Whyalla where, for many years, water was

transported over 300-odd kilometres, used once, put through an effluent treatment plant and then discharged into the Northern Spencer Gulf to cause damage up there also to seagrass beds.

It was one of those good initiatives of the Labor government to invest in an effluent treatment plant and recycling process in Whyalla. There is minimal water discharged to the marine environment and that water is now being put to good use. That sort of innovation and that sort of willingness to invest in water infrastructure will stand us in good stead for the future.

Time expired.

Mr PENGILLY (Finniss) (12:43): I would like to make a small contribution to this motion by the member for Chaffey. For the life of me, I do not know why the government wants to introduce an amendment to what is already a perfectly good motion. As was said earlier, water is a non-political issue, quite frankly, as far as discussion in parliament is concerned.

If you think back to 2006, when some of us came into this place and we were in the middle of the millennium drought, compared to where we are now, it is rather interesting. I recall at that time Bob Brown said it was not going to rain for yonks and yonks and the River Murray would never run again. When it eventually did rain, the Murray was running full bore within about six months.

I would also mention the matter of the desalination plant. There was a case in the opposition's time under Iain Evans, who put up the idea of a desalination plant. Indeed, numbers from this place, on both sides, went over to Perth and looked at the desalination plant. They were frightening times for the government of the day, with former premier Rann and former deputy premier Foley and those ministers. We were very supportive of the desalination plant. The Public Works Committee went down there and visited it and had a good look at it. Ultimately, there were some politics involved, of course, because the federal government at the time decided to put in money and double the size of it; and now it is sitting there, not doing a lot, but it is there.

Let me say this about living in the country, like a lot of us do, on this side particularly. I note what the member for Giles had to say, that he lives in a dry area as well. We look after water like you would not believe. Water is the very foundation for us. If we do not have water, we do not have anything, and very much so in our homes. We supply our own water to our own home. We collect water. We have 120,000 litres of rainwater storage and we run our home on the rainwater. If we are lucky enough to get a wet year, we have a garden. We have an extension on the pipeline which we can use as a backup but it is horrendously expensive. Trying to convince people who live in the country to be careful about water is something that really does not need to happen, because we just have to be.

I might say that, when our children were younger—and, indeed, those who have teenagers now know that it is a bit difficult to get them out of the shower from time to time and they can be in there in 30 minutes—our kids had about three minutes and they were out of the shower whether they liked it or not because, if they were not out, I turned off the pressure pump. That fixed them very smartly.

Let me say that water is a big issue across the electorate of Finniss. I heard what the member for Hammond said earlier. When I came into this place, Goolwa was in my electorate and I happened to lob into that area at about the worst possible time, and Goolwa was struggling. The bottom end of the river was forgotten about and there was a trickle down the middle of the Murray, yet they hung in there. They had their moments.

I think I also need to mention that the water group that was formed and met on Hindmarsh Island under the chairmanship of Dean Brown is still going. Indeed, I was there just recently. They did a phenomenal job working hand in hand with government departments and the federal government at the time and they got through.

Sadly, upstream irrigators and upstream members of parliament in various states do not seem to understand the dynamics of the Lower Lakes, the Lower Murray and the mouth of the Murray, and I hope that those who are in positions of authority to do with the Murray show a lot of common sense to ensure that what happened in 2000 in the millennium drought, despite the fact that it just did not rain, will not happen again, that they will make sure that we never get in that sort of mess again, if possible. There are still ongoing calls to get rid of the barrages. I find it just ridiculous.

I am extremely pleased that Senator Ruston is in the position she is in now. She is completely the right person for that job. She is very solid, sensible and has an innate knowledge of the Murray and, as long as she is in that position, she will make sure that nothing untoward happens.

Let me talk briefly about some water issues in my electorate. What happened with the NRM boards and the Eastern Mount Lofty and Western Mount Lofty water allocation plans is still causing huge amounts of angst. It seems to me that the bureaucrats and boards that are commissioned by the government do not have an understanding of how the rural sector works.

Indeed, they have no understanding of the Southern Fleurieu Peninsula where there is little or no underground water, and the issue to do with putting meters on dams and charging people for this, that and everything else still cuts deep. It is still highly unpopular and it is not going to go away in a hurry. Even last week we were getting complaints about people who are being billed large accounts for irrigation when they do not need irrigation whatsoever.

The issue of the Myponga dam is to the fore. Whilst those who seem to think they know and forecast large population increases down on the South Coast, let me say that if we run out of water or something catastrophic happens, I do not know how they are going to supply that. The Myponga dam is a great resource. It is a terrific resource. For those who do not know, it can be sent back to the metropolitan area but it also supplies Yankalilla, Normanville, right through Victor Harbor, Goolwa, Port Elliot, Middleton and that area. It is a major source of water—and good water.

Mount Compass is on its own scheme. I move over to the Kangaroo Island sector of my electorate and the Middle River dam. It is also important to remember that the first desalination plant in the state was put in at Penneshaw on Kangaroo Island by the Brown government. It has had its problems but it is operating properly now. The Middle River dam is a source of concern for me. There seems to be this overwhelming environmental need to restrict people from doing anything.

Earlier this year, I was very worried at the way the season started that we were not going to get water into that dam. I asked what was going to happen in the event that that dam did not fill—I am still waiting for an answer, I might add. However, as luck would have it, we had reasonable rains in July, even into August, and even though they shut down at the end of August and not much in September, the dam is full; it started running over a few weeks ago so that will get us through this year.

I also pick up on what the member for MacKillop said. I find it absolutely blatantly ridiculous that departmental people have stopped children from drinking rainwater in schools. It is just crazy; absolute madness. The amount of roof area in the schools and the amount of catchment they have to supply rainwater tanks so kids can go and get a drink out of these taps is wonderful. It is something we grew up with. We would race over to the tap and have a drink. I cannot see that it hurt too many of us—as I think the member for MacKillop said also.

I find that we do some foolish things in this state. I am not sure who drafted the member for Fisher's contribution, but I wish that members would stand here and talk from the heart rather than read parrot-fashion nonsense from ministerial officers and try to contribute to the debate. You need to know what you are talking about and you need to understand what you are talking about in relation to water. I know that the member for Colton in another life had a good day down on the Southern Fleurieu and the Fleurieu some years ago and I think he got a better understanding of water than he had before he went down there. He got a better understanding—

An honourable member interjecting:

Mr PENGILLY: —you've had your go—of exactly how things fit. With that contribution I will resume my seat.

Debate adjourned on motion of Ms Chapman.

NEW SOUTH WALES ELECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:53): I move:

That his house congratulates Premier Mike Baird on his government's re-election in the state of New South Wales and further acknowledges the appointment of new members of his ministry, including Ms Leslie Williams, formerly of Kangaroo Island in South Australia.

I rise to speak on this motion to congratulate Premier Mike Brand on his government's re-election in the state of New South Wales and further acknowledge the appointment of new members of his ministry, including Ms Leslie Williams, formerly of Kangaroo Island South Australia.

The Hon. P. Caica: I think you said Mike Rann.

Ms CHAPMAN: Did I? Mike Baird.

Members interjecting:

Ms CHAPMAN: No, Baird.

The DEPUTY SPEAKER: It could have been a Freudian slip!

Ms CHAPMAN: Many months have passed since I proposed this motion in April. Of course, my congratulations have developed into their own merit as the government's achievements in that time have led to a very successful government. I particularly acknowledge the new ministers who have been appointed and also Premier Mike Baird's absolute commitment to the recycling of assets in his state.

His state is moving ahead at an enormously fast pace, and it is very much as a result of the work he is doing there. I congratulate he and his government in achieving that. Whilst South Australia wallows in unemployment and economic dysfunction, together with the mismanagement of its government, Premier Baird can show Australia how it is done, and of course his state is streaking ahead and good on him.

Of the new ministers, Ms Leslie Williams I particularly acknowledge. She is a member of the National Party in New South Wales and has been re-elected as the member for Port Macquarie and been appointed under new ministries as the Minister for Early Childhood Education, Minister for Aboriginal Affairs and Assistant Minister for Education in New South Wales.

Leslie and her husband Don have spent the last 15 years or so living in the Lake Cathie area, having gone there to own and operate the local post office. They took their children there, having lived in other parts of South Australia. However, at a personal level, as she is my first cousin and was born and grew up on Kangaroo Island, I wish to particularly commend her. The local community were overjoyed at her election, and very impressed that in a short time she has been promoted to the ministry in the Baird government. Good on you, Leslie: we greatly recognise your achievement and wish you well with Premier Baird's new government.

Debate adjourned on motion of Ms Digance.

Sitting suspended from 12:57 to 14:00.

Petitions

REPATRIATION GENERAL HOSPITAL

Mr WINGARD (Mitchell): Presented a petition signed by 1,007 residents of South Australia requesting the house to urge the government not to close the Repatriation General Hospital and recognise this hospital as the spiritual home of and vital lifeline for veterans of South Australia and the South Australian community.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Health (Hon. J.J. Snelling)—

Regulations made under the following Acts—
Health Practitioner Regulation National Law (South Australia)—Midwife Insurance Exemption

By the Minister for Disabilities (Hon. A. Piccolo)—

Construction Industry Training Board—Annual Report 2014-15

By the Minister for Education and Child Development (Hon. S.E. Close)—

Dog and Cat Management Board—Annual Report 2014-15
Flinders Ranges National Park Co-management Board—Annual Report 2014-15
Ngaut Ngaut Conservation Park Co-management Board—Annual Report 2014-15
Technical Regulator Water—Annual Report 2014-15
Vulkathunha-Gammon Ranges National Park Co-management Board—
Annual Report 2014-15

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:03): I bring up the 533rd report of the committee, entitled O-Bahn City Access Project.

Report received and ordered to be published.

Question Time

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): My question is to the Premier. Does the Premier agree that the Treasurer's behaviour towards his departmental staff was in direct contravention of the South Australian Ministerial Code of Conduct, which reads, and I quote:

Ministers must ensure that their personal conduct is consistent with the dignity, reputation and integrity of Parliament.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:04): I answered this question yesterday, and, whatever the strict legal application of the Ministerial Code of Conduct is, it is certainly not consistent with the spirit of the code of conduct and that is why the minister apologised and that is why he was publicly reprimanded.

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): Just for clarity, can the Premier confirm to the house that there was a breach of the Ministerial Code of Conduct?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:04): I have said that it is not consistent with the spirit of the code of conduct.

Ms Sanderson interjecting:

The Hon. J.W. WEATHERILL: It is not consistent with the spirit. The language of the code, if you look at it, seems to be talking about—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: —behaviour in parliament, but I think the general point, the general vibe, if you like, of the Ministerial Code of Conduct is that people—

Members interjecting:

The Hon. J.W. WEATHERILL: —need to conduct themselves with dignity, and I think it is inconsistent with that. That is why the minister was reprimanded, that is why he has apologised and he did that as soon as it was raised with him.

The SPEAKER: Before the leader asks his question, I call to order the members for Adelaide, Unley, Hammond, Schubert, Morialta and the deputy leader, and I warn the deputy leader for the first time. Leader.

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05): Did the Premier on being aware of this breach provide the Treasurer with a formal warning?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): Yes. He was brought into my office and we had a meeting that went for something of the order of an hour and we discussed the implications of his conduct, and the whole nature of the tenor of the communication was about the fact that this was unacceptable conduct and would not continue in the future, and, of course, you have seen his public apology.

Ms Sanderson interjecting:

The SPEAKER: I warn the member for Adelaide for the first time. Leader.

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): Can the Premier speak to the efficacy of that warning when the Treasurer, on radio this morning, was asked a question, 'Did you receive a warning from the Premier?' His answer was, 'No.'

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): Well, I can only repeat—

Mr Marshall: Some warning. I mean, he didn't even think he got one.

The Hon. J.W. WEATHERILL: Well, I think I have said publicly—

Members interjecting:

The Hon. J.W. WEATHERILL: —that this conduct is conduct that will not be repeated and, if it is repeated, then there will be consequences. I don't know how much clearer I could be with the minister; and, if he hasn't got the message now, I don't think he will ever get the message.

Members interjecting:

The SPEAKER: I call to order the members for Kavel and Wright, and I warn for the first time the member for Schubert. Leader.

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): Was the warning put in writing to the Treasurer?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:07): No.

MINISTERIAL CODE OF CONDUCT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): Were any notes of that meeting taken?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:07): For Godsakes. This is a pathetic line of question.

Members interjecting:

The Hon. J.W. WEATHERILL: There could not be a more public performance of every single element of this equation. At 9am the report was communicated to my office. I read it over the period of time between that time and the time when the minister came into my office. I had a meeting which went for something of the order of an hour where we discussed all of the implications of that report.

I made it clear to him that the conduct, that the language that he used, was inappropriate. He acknowledged that. We discussed in detail why the behaviour was inappropriate. I outlined those reasons in the house. The minister then went out publicly and acknowledged every element of why the behaviour was inappropriate, so it demonstrated that he understood that.

This sits at the heart of proper disciplinary processes when one is raising questions of behaviour and performance in the context of an environment where a superior is seeking to raise

matters and have changed conduct. It is precisely the way in which these matters should be dealt with. To actually start parsing and talking about whether something is recorded in writing, make some process note, when we are actually talking here about something which was dealt with entirely appropriately and in detail, in full public gaze, just trivialises the whole process.

Members interjecting:

The SPEAKER: I call to order the members for Taylor, Chaffey, Newland, Stuart, Hartley and the leader, and I warn for the first time the members for Newland and Wright.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is to the Premier. Does the Premier accept the findings of Commissioner Lander that the Premier was aware of the Urban Renewal Authority board's initial recommendation to reject the Gillman land deal from ACP?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:09): I accept all of the recommendations and findings that were made by the commissioner and, indeed, we have acted upon them. It was obvious that that was the case because the relevant minister actually then went and spoke to the board and, after he spoke to the board, they made a further resolution which was also communicated and formed part of our decision-making process. So, of course.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Supplementary to that: if the Premier was aware of the recommendation of the board, then why did the Premier state on 13 February 2014 on ABC radio that, and I quote, 'The only recommendation that was brought to me and to the cabinet was the final recommendation'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:10): Because that amounted to the considered opinion of the board. The Full Supreme Court makes absolutely clear that, in respect of value, the later board decisions superseded the earlier board decision, and that is a finding that is the recommendations—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, the recommendations that were made through the board came to us and superseded—and that was found directly by the Full Supreme Court in their decision.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Sorry, how does a recommendation being superseded wipe the original recommendation completely from the record? The Premier stated, 'The only recommendation that was brought to me and to the cabinet was the final recommendation.' Is that correct, or did you mislead the people of South Australia?

The SPEAKER: Before the Premier answers, I warn the leader for the first time. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:11): It has been made very clear that, when the board considered the matter after the minister had the opportunity to speak to them, they made a recommendation about this being good value, and in that respect the Full Supreme Court decided and made a specific finding that that had superseded the earlier decision.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My question is to the Premier. Does the Premier concede that as stated in the Ministerial Code of Conduct, ministers are responsible to the parliament for their actions and the actions of the departments and agencies within their portfolio and, therefore, the Treasurer must take overall responsibility for maladministration on the Gillman land deal?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:12): Absolutely, and it is a source of great disappointment that maladministration occurred within a state government agency. I

have to take responsibility as leader of the government, and individual ministers need to take responsibility for the behaviour of the agencies that sit within their portfolios.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome today to the parliament students from Salisbury Primary School, who are guests of the member for Ramsay.

Question Time

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Given that in 1991 when maladministration was rife at the State Bank of South Australia, the then premier, John Bannon, resigned stating that, 'The buck stops with me,' why shouldn't the Treasurer equally accept ultimate responsibility like premier Bannon did?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:13): Well, that's not the test for ministerial responsibility. The test for ministerial responsibility, which I think was elegantly set out in the Debelle report, is the personal responsibility of ministers for behaviour that they are either directly responsible for or of which they have notice. There is no finding here in relation to the Ombudsman's report that there was any particular culpability of the minister in respect of the decisions or advice of the maladministration that occurred.

But let's remember here that we never sought to hide behind the advice of the agency. We always accepted that this was a cabinet decision, and a cabinet decision was made in respect of this matter, and there was no finding of maladministration in relation to the cabinet decision or of any of the ministers who actually participated in the cabinet decision process. We were let down in some respects during some of the process which led to this, but it does not affect, in my view, the nature of the decision that cabinet took.

Every time we were seeking to promote this transaction and defend it against criticism in the lead-up to the election, we made it absolutely clear that this was a cabinet decision and that we weren't seeking to hide behind the resolution that was made by the Renewal SA board. Cabinet specifically took responsibility for making the decision off the Renewal SA board. The first cabinet decision had a recommendation that it would go back to Renewal SA for a decision and we took it off them and made that decision ourselves because we viewed it as our responsibility.

When the minister went to the board to talk to them—because they had great reservations about the matter and we now know with the benefit of hindsight were treated quite poorly by Renewal SA staff—he made it absolutely clear to them that it was a state government set of imperatives that we were seeking to advance, and he was prepared to listen most certainly to whatever they had to say and, if they had any concerns with the process, they should contact him directly and he would put to cabinet precisely what their concerns were.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:15): Supplementary: having accepted that ministers do take overall responsibility for maladministration, why has he allowed the Attorney-General to refer back to the Renewal SA agency responsibility for dealing with the maladministration of Mr Buchan?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:16): Because we have confidence in the agency to be able to effectively deal with this matter. The first thing is that—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned for the second and final time.

The Hon. J.W. WEATHERILL: —the agency has new leadership, which is a pretty fundamental reason because the chief executive of the agency now, Renewal SA, who has responsibility for dealing with these matters is a different person and has not been the subject of

criticism in the report of Commissioner Lander, and there is no reason to believe that this agency cannot effectively discharge its responsibilities.

If you look at the report where it sets out all of the steps that we have taken since this transaction to remedy deficiencies, Commissioner Lander reaches the view that each of those steps that were taken were appropriate steps, and he only adds one further step to consider, which is reviewing the governance of the relationship between the minister and the board and the chief executive, and that's something that we will now turn our attention to.

UNSOLICITED BID PROCESS

Ms VLAHOS (Taylor) (14:17): My question is to the Premier. Can the Premier inform the house about the government's unsolicited bid process and what responses the state business community has made to this process?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:17): One of the potentially unfortunate effects of the criticism of the Gillman transaction is that it could have put off companies from coming forward to government and making unsolicited bids about other transactions. We were very anxious to avoid that, so at an early time what we did was establish a new process for dealing with unsolicited bids—a new process, I might add, that was cited with approval by Commissioner Lander in his report.

We know that innovation will play a key role in our economy in moving from the old economy to the new economy, and so we do need people to come up with innovative ideas and promote them to government. Obviously, government doesn't have all the ideas and they will emerge from other quarters, but some people who have new ideas are reluctant to share them with government if they think that those ideas are not going to be respected in terms of their intellectual property.

So, in common practice with other states for some time, we have established a proposal mechanism for dealing with unsolicited bids. We want to send the message that we are prepared to consider innovative proposals and ones that challenge the status quo. We want to encourage that by giving a framework which is easily navigable and one which allows people to come forward with ideas, like the sorts of ideas that the young entrepreneurs who came forward with the Gillman proposal put to us.

So far, Jim Hallion, former chief executive of DPC, is in that role. The feedback we are getting about the way in which he is performing that role is excellent. So far, 84 proposals have been brought to the government for consideration, and a number of them have actually proceeded to the second stage of the unsolicited bid process. A number of them, of course, have been sent through the ordinary process, which is the process of tendering, which is, generally speaking, the common place in which we deal with these sorts of things. They are proposals like:

- Bickford's proposal to build a craft distillery and microbrewery in the former Kingscote police station nearby land in the Kingscote wharf precinct on Kangaroo Island;
- Martindale Hall, with the luxury resort and wellness retreat to attract tourists to the Clare Valley and Mid North; and
- the Victor Harbor proposal for a new tourism venture for Granite Island, featuring opportunities to swim with marine life.

There is no doubt that some of these proposals will be controversial, but we are determined to actually give proposals like this a chance to succeed. It does need to meet certain thresholds. Obviously, there needs to be a good basis to depart from the usual process of going out to tender, and we certainly take that seriously.

Our committee of chief executives looks at this. The first step is a prelodgement meeting and, if the proposal progresses to the further stage, it's then referred to other government agencies. The initial proposal is then considered by a cabinet.

Mr KNOLL: Point of order, Mr Speaker. The process which the Premier is now detailing out is outlined in sa.gov.au—Business, industry and trade, as per what's in your inbox.

The SPEAKER: That may well be so, but this is in the context, I think, of the ICAC report on Gillman. It has a whole new relevance because of that and, therefore, I think—

Members interjecting:

The SPEAKER: Yes, I understand the member for Schubert's point and I have upheld it many times before, but I am not going to uphold it in this context.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. I will leave aside the process. We can read online the process, but we are committed to continue to move all barriers that we possibly can to business growth. You only need to look at the challenges we have in terms of employment in South Australia to know that we cannot afford to turn our backs on innovative ideas that will grow jobs here in South Australia. That has been the motivation, and the sole motivation, for any of the decisions that we have taken in relation to these matters, and we are not going to be deflected from our course.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:21): My question is to the Premier. Will the Premier commit that the Treasurer will answer every question he is asked regarding the Gillman land deal, because, as the Premier has previously stated, 'serious questions deserve serious answers'?

The SPEAKER: Before the Premier answers, I neglected to call to order the member for Davenport, to warn the members for Hartley and Hammond for the first time, and to warn the member for Hartley for the second and final time. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:22): Thank you, Mr Speaker, but passing strange that a question should be asked about questions when they ran out of questions about Gillman halfway through yesterday's question time—a bit embarrassing really. This was the big star turn for the week; anyway.

Let's just be a bit realistic. Let's be a bit realistic about questions and their answers. There have been more answers to questions under my leadership in relation to question time than have ever existed in this place. I must say, the tone in which we have given the answers has, by and large, I venture to suggest, been more civil than perhaps in earlier times. I think that, from time to time, when provoked, when the animal is attacked, it will defend itself, but, by and large, there has been an improvement in the tone and the civility of this place, so I don't think there can be any criticism of the amount of information or the manner in which it's been progressed by my government.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:23): My question is to the Treasurer. Does the Treasurer accept his portrayal as a witness by Commissioner Lander who said, and I quote:

> I found that Minister Koutsantonis was inclined not to answer direct questions directly…Witnesses who do not answer questions directly do not assist.

Mr Pisoni interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:24): I answered all questions—

The SPEAKER: The member for Unley is warned.

The Hon. A. KOUTSANTONIS: I accept all the findings of the commissioner, but I did my very best to cooperate with his inquiry, as did my office to cooperate with his inquiry. I did my very best to give evidence to him, and I took an oath while I gave that evidence.

Members interjecting:

The SPEAKER: The leader is warned for the second and final time and the member for Stuart is warned. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:24): A further question to the Treasurer: does the Treasurer accept that he was a difficult witness to question, as stated in the transcript of the evidence where the Treasurer said, 'I'm not trying to be difficult, sir,' to which the commissioner answered, 'Well, you are'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:24): I don't think that categorises the entire point of the questioning. That was on one matter and I immediately did all I could to assist the commissioner in his investigations and I support his findings.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25): A final supplementary on that matter, if I may: is it the position of the Treasurer, then, that he answered all questions directly except one which was identified in this quote?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:25): I support his findings and I answered all questions truthfully and honestly.

Mr Pederick: You should stare down the barrel.

The Hon. A. KOUTSANTONIS: I am, of the Speaker over there.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25): My question is to the Premier: does the Premier think it is appropriate that a minister of the Crown should be such a difficult witness when giving evidence to the Independent Commissioner against Corruption?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:25): I know those opposite were hoping for something different out of the Ombudsman's inquiry conducted by Commissioner Lander and they seek to travel beyond his findings to make political points in this place. We have accepted the criticisms that are contained in the report of the Treasurer.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, he accepts—

Mr Marshall interjecting:

The SPEAKER: The leader is living dangerously.

The Hon. J.W. WEATHERILL: It is inappropriate to cite passages of transcript which ultimately don't lead to findings in this report. It is the findings that are relevant and it is the findings that we have accepted, and the findings, when they have led to findings of inappropriate language, have been apologised for.

If the commissioner had decided to make further and other findings about the Treasurer, I think we can see, from the tenor of his report, he would not have hesitated to do that, but we are simply not going to permit those opposite to conduct their own further elaboration on a very significant piece of work that was conducted by an eminent jurist who has made findings, and we stand by those findings.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): Supplementary, sir: does the Premier accept this finding on page 28 of Mr Lander's report when he said:

I found that Minister Koutsantonis was inclined not to answer direct questions directly. His evidence in relation to whether the 2 December 2013 Cabinet submission should have included particular information is but an example.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:27): Yes.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for the second and final time. The member for Elder.

SMALL BUSINESS ROUNDTABLE

Ms DIGANCE (Elder) (14:28): My question is to the Minister for Investment and Trade. Can the minister advise the house on the outcome of the most recent Small Business Roundtable?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:28): I thank the member for Elder for her question, because the Small Business Roundtable was established by the government in September last year with my colleague the Treasurer and Minister for Small Business co-hosting the forum with me as Minister for Investment and Trade.

Around 34 business and industry groups attend these sessions and today I hosted the fourth roundtable. It was an opportunity for the government to explain recent reforms to the return-to-work agency, initiatives in red tape reduction, proposed planning reforms, changes to industry participation guidelines and building export partnerships. More importantly, it was an opportunity to listen to these organisations and their concerns on behalf of their members.

I can report that the reaction to the changes the government has made to reform what was known as WorkCover have been very well received indeed. The reduction in levies has had a noted impact on businesses, with an estimated $180 million being added to business bottom lines. I thank the Deputy Premier for his attendance at the roundtable this morning, where we heard that premiums were already falling amongst membership in small business organisations.

There was also a presentation from the co-owner of an Adelaide winery on the capacity to grow business and jobs through exports. The company, based near McLaren Vale, has increased its revenue by 270 per cent over the last four years. It has gone from being a domestic supplier only to a company that now sells 36 per cent of its product to China. That is currently worth $3 million a year, and growing, and, as a result, the number of employees at the winery is growing.

I can also add that the company's representative in China is an international student graduate of Adelaide University's wine business course, a Chinese-born Australian fluent in Mandarin. She has gone from being a Chinese local studying in Adelaide to an effective representative in China, employed by a South Australian business.

The business is one of many associated with the Export Partnership grants program offered by the state government. We have recently added another 20 businesses to that list, with more than $440,000 worth of approved grants arranged in recent days. The round table is an open dialogue with small business leaders and will reconvene in February for its fifth meeting.

I can assure the house that, once again, the state government will be listening to small business, which we recognise is creating the jobs for the future in this economy. As we act to assist small business to promote their activities, that will add to job opportunities for South Australians in South Australia, and the state government will continue to play its role in the transformation underway across the state and also across the nation.

TEA TREE GULLY STATE EMERGENCY SERVICE

The Hon. T.R. KENYON (Newland) (14:31): My question is to the Minister for Emergency Services. Can the minister advise the house about the Tea Tree Gully State Emergency Service unit's recent participation in the National Disaster Rescue Challenge in Canberra?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I would like to thank the honourable member for his question and also acknowledge his close association with the unit; and, also, the association of the member for Florey, who supports the unit as well.

In June, I advised this house about the many achievements of the Tea Tree Gully State Emergency Service unit, noting the support that they provided at Sampson Flat in January this year. I also advised the house about the SES State Rescue Challenge, which is held every two years. The

challenge involves rescue scenarios where SES teams are assessed on their response capabilities and compete against each other to promote learning and development of skills, validate operational capabilities and celebrate excellence.

Not only did the Tea Tree Gully unit win the state challenge in May this year, they have now also won 12 consecutive events. The unit subsequently qualified to participate in the National Disaster Rescue Challenge in Canberra which was held early this year at the beginning of September. The South Australian team, from the Tea Tree Gully unit, competed against the best SES teams from across Australia. I am pleased to note that the team finished a very respectable second. The team from Kiama SES unit in New South Wales won the event. However, I note that the Tea Tree Gully unit has won this national event several times, most recently in 2011.

I recently attended the unit to congratulate the volunteers, with the member for Newland. The member for Florey was an apology on the night because of illness, but her gift was well received by the unit members. The member for Newland is a strong supporter of the unit, as well as other emergency services in his electorate.

I was extremely pleased to provide 10-year service certificates to two volunteers, Mr Phillip Hosking and Mr Ian Brittin. It was also an honour to acknowledge 25 years of service recently attained by volunteers Mr Andrew Buckle and Ms Megan Peel. Notwithstanding these outstanding achievements, all of the volunteers, led very well by Mr Phil Tann, are extremely professional and dedicated, and are great ambassadors for their community, the SES and, indeed, our state of South Australia. We can all be rightly proud that men and women of such calibre dedicate so much of themselves to keeping our state safe. I would once again like to congratulate the unit and thank them for their ongoing support to the community.

Finally, back in May this year, the SES Chief Officer, Mr Chris Beattie, and I officially launched a new book about the history of the SES called *In times of need*. If any members would like a copy, please drop by my parliamentary office, where I can give them a copy if they wish. It is a fantastic book about a fantastic organisation.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): My question is to the Treasurer. Did the Treasurer ask any of his staff or former staff to provide evidence in support of his character to ICAC?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:34): I understand my legal team did, yes.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34): I have a supplementary. Did your legal team ask for them to give that evidence on your instructions?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:35): Yes, I think.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:35): Another supplementary: can you explain to the house what was the purpose of requiring them to come and give evidence to support your character when you had given evidence yourself?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:35): To assist the commissioner.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:35): Why did the commissioner describe the Treasurer's former chief of staff, Robert Malinauskas, as 'trying to paint minister Koutsantonis in the best possible light'?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:35): It is not reasonable for the honourable member to ask a member of the government to speculate on what was in the mind of the commissioner when he wrote what he has written in his report. I think it's been made very clear already that the government is in no way running away from or arguing with the findings made by the commissioner in his report. As to what thought processes may or may not have been going on in the mind of the commissioner, that's a matter for the commissioner.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): Supplementary question to the Treasurer again: having questioned the Treasurer's former chief of staff on evidence that he gave to ICAC, and considering the commissioner said, 'I've asked him the same question nine times but he never gave a straightforward answer to the question,' what discussions did you have with Mr Malinauskas before he gave evidence?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:36): What is in the report speaks for itself. The findings of the commissioner speak for themselves. The Treasurer has already indicated that people representing him in the context of this invited people to provide information to the commission, which they did, and that's an end to the matter.

Members interjecting:

The SPEAKER: The member for Morialta is warned for the first time and the member for Goyder is called to order.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:37): I have a further supplementary question. How many of the Treasurer's ministerial staff who provided affidavits to the commissioner on behalf of the Treasurer are members of the Australian Labor Party?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:37): The question as to how many people and who such people were is one that could be answered by a forensic perusal of the report. As to whether or not these people have any or what affiliation, that is a matter for them.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): I have a supplementary question. Is the Treasurer then not prepared to tell us whether he had any conversation with these witnesses before they gave evidence or whether they are members of the Australian Labor Party? Come on, John: a serious question.

The SPEAKER: The Deputy Premier.

Ms Chapman interjecting:

The SPEAKER: The deputy leader, if she makes an utterance outside standing orders for the next 26 minutes, will be removed from the chamber.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:38): The situation is that I apprehend that the deputy leader is, for some reason, disappointed in the findings of the commissioner. That is a matter that she may or may not wish to undertake in some other forum. However, the fact is that the Treasurer cooperated with the inquiry; the findings of the commissioner are the findings of the commissioner. The government is not arguing with what the commissioner has written. The government has acknowledged that where criticisms were made they need to be

taken seriously, and the commissioner has acknowledged that at least in respect of Renewal SA's performance there have already been important remedial steps taken.

I think the Treasurer and the Premier have certainly during today and yesterday more than thoroughly covered the question of the suggestion in the report that some of the language used by the Treasurer in some instances may not have been ideal, and the Treasurer made a public apology in respect of that matter yesterday. That really is an end to this matter, and raking over the coals about who was invited to speak and what they said—what they said to the commissioner and what the commissioner held to be relevant is contained in the body of his report.

If the commissioner had thought it relevant to consider the questions that are being raised by the deputy leader when assessing the value or otherwise of the evidence of the individuals concerned, he no doubt would have asked those questions himself. As the deputy leader would appreciate, the commissioner, in his days at the bar, was regarded as one of the most fierce forensic cross-examiners ever to be seen, and he has a very high reputation as a judge, both in the Supreme Court and in the Federal Court of Australia. I think, round for round, he would possibly be at least as forensically capable as the Deputy Leader of the Opposition—possibly more—and I therefore have confidence that he would have asked the appropriate questions.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:41): I have a further question for the Treasurer. At what point in the Gillman investigation—which, from the report, observed from early 2014 until early 2015 when the investigation proper commenced—did the Treasurer decide to seek legal representation?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:41): Whether or not the Treasurer engaged legal representatives at any particular point in time is, with the greatest of respect to the deputy leader, not an appropriate matter for her to be inquiring into. He is entitled, as any citizen is, to seek such advice as he wishes to seek when and if he determines it is necessary for him to do so.

The deputy leader would know, being a practitioner of some standing herself, that were the next question hypothetically to be, 'And what did your lawyers tell you?' that would be an entirely inappropriate question. The notion that the—

Ms CHAPMAN: Point of order: he is now asking questions of himself, so clearly it is out of order.

The SPEAKER: Yes, well, rhetorical questioning of oneself is always available to members of parliament, and I have seen it indulged in many times in the past 25 years. The Deputy Premier.

The Hon. J.R. RAU: Yes, thank you, Mr Speaker. As I was asking myself, I would have said to myself, 'That would be inappropriate.' That's what I would have said: I would have said, 'I am seeking to ask myself to breach legal professional privilege,' which would be terrible. Likewise, the fact or not of an individual seeking legal advice is a whisker away from the proposition as to what that advice was or some other attempt to forensically ascertain at what moment in time that particular decision was made and then link that to some other event, perhaps a phase of the moon or some other event. It is not an appropriate question.

Mr Duluk: It's a joke, isn't it?

The SPEAKER: The member for Davenport is warned.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): The Attorney would be pleased to hear that I wouldn't ask such a stupid question. My supplementary to the Treasurer is—

The SPEAKER: Excellent!

Members interjecting:

Ms CHAPMAN: Yes, his question. My question now is to the Treasurer, as a supplementary. How were Michael Abbott QC, as counsel, and Adrian Tisato, as solicitor, paid?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:43): The matters that pass between a client and their legal team are matters between them, and this line of questioning—having failed, apparently, in the primary objective of obtaining something salacious out of the body of the report itself—we now decide that we are going to go tilling the soil around the edge of it to see if we can dig up some little relic that we can hold up to those who gaze down upon us from other parts—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is on two warnings already.

The Hon. J.R. RAU: —and say to them, 'This is something you can write in your paper tomorrow.' This is completely inappropriate.

The SPEAKER: It would appear to be a breach of legal professional privilege. The deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:44): My further supplementary then to the Treasurer is: can the Treasurer assure the house that the representation that's been referred to here in this ICAC report, of which you have instructed, has not been paid from the public purse?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:44): Again, that in exactly the same position, but—

The Hon. M.L.J. Hamilton-Smith: Be very careful what you wish for.

The SPEAKER: The Minister for Investment and Trade is called to order.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned. Deputy Premier.

The Hon. J.R. RAU: I can indicate to the Deputy Leader of the Opposition, in the hope that perhaps this course of questioning will now come to an end, the answer to her question is that there has been no public money paid.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): A further supplementary to the Attorney: has the Attorney approved the payment of any public moneys for witnesses to this ICAC inquiry for representation?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:46): No.

SPORTING EVENTS

Mr PICTON (Kaurna) (14:46): My question is to the Minister for Tourism. Can the minister explain how the state government's investments in tourism are helping to attract world-class sporting events?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:46): I thank the member for Kaurna for the question. Of course, the tourism sector is worth $5.4 billion to the South Australian economy each year. We want to grow that to $8 billion by 2020.

This year, in the state budget we put in an extra $35 million to ensure that we can reach that figure of $8 billion. It is going to be a tough figure to reach, but we saw Qatar Airways announce this week that they are flying into Adelaide from 2 May next year—voted the best airline in the world in 2015 and known as the five-star airline as well. It is great to see that the money that we're spending is being picked up by international operators, the very high-level international operators. We are seeing that with more hotels being built, we are seeing that with more seats coming into Adelaide on these international flights.

What we need to do to make sure that grows even further is to get more events and to market the state, of course. When we talk about events, Adelaide is a terrific host city for a variety of events. I'm really pleased to inform the house that some of the world's best competitors are in town for the world duathlon championships, which I will open tonight down at the Rotunda. For those who don't know about duathlon, it's like triathlon without the swim leg: it is cycling and it is running. We will be showing off the magnificent Riverbank Precinct, Montefiore Hill, the Adelaide Oval. It is just going to be a terrific course for the 1,400 competitors who are here competing in a variety of duathlon events for prize money of up to $100,000.

It is the biggest duathlon event ever held in the Southern Hemisphere, and we are really pleased that it is the first time in six years that the organisers, the International Triathlon Union, have actually staged an event in Australia. It is a terrific event, and I encourage people to get out there and cheer on those people who are competing. It is expected to inject about $3 million into the state economy. As I have said many times, the best money that we can have in our economy is the money from people interstate and overseas. It is great to grow our economy.

Other events coming up that we have managed to secure for Adelaide include the Adelaide Motorsport Festival, which my good friend the Minister for Trade launched during the week. He was out there with a couple of Ayrton Senna's race cars. It was good to see them back on the grid down at Victoria Park. That's on this weekend. The Bridgestone World Solar Challenge is on from 18 to 25 October, from Darwin down to Adelaide, and the Pacific School Games is one of those mass participation events that will bring about 4,000 competitors. These are big money earners for the state, with economic benefits estimated at $13.6 million. That, of course, follows on from the Australian Masters Games which I spoke about on Tuesday and which injected, we reckon, about $10 million into the economy with 10,000 competitors and officials.

Sometimes we go for the events that bring the elite athletes down, sometimes we get those mass participation ones. Having all these students from around the Pacific coming into Adelaide is just going to be terrific, and they will bring family members with them and, hopefully, tell people when they go back home to wherever they come from what a wonderful time they had in Adelaide. I know that Adelaide and South Australian people are always very good to throw out the welcome mat and show people a good time.

We would love these kids to go home and bring their family back for a holiday sometime because return visits, just like conventions and conferences, are where you really get the economic benefit.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): My question, again, is to the Treasurer. Does the Treasurer still believe that this deal at Gillman was in the best interests of South Australians given that the current Chief Executive of Renewal SA John Hanlon's comments in the report state:

> I think it's an extraordinary transaction to make. They quite successfully tied up 10 years worth of competition. It is just an extraordinary way of tying up your asset. It's an extraordinary transaction that you do question why there does not seem to be a benefit. There is no benefit to the state in relation to this.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:51): We do stand by our decision about this being a good deal for South Australia. The narrow perspective of a land disposal body about maximising the value of land and the price of a piece of land—and I think, frankly, the erroneous chain of reasoning about the effect on landfill competitors—is something we just do not accept. We understood those arguments and we understand those arguments; we just do not accept them.

As I said before when I was asked this question on public radio today, public servants advise and governments decide, and it is the province of the cabinet to make these decisions. One of the recommendations that we are going to have to reflect upon is this whole question of the relationship between the way in which we do in fact dispose of land.

In the past, LMC was very much a land disposal body, and there is a lot of the old LMC culture left in Renewal SA. The truth is that we are seeking to take parcels of land now and use them for other and more strategic purposes—purposes which are more than just about flogging land and maximising its value, and that is what the cabinet was trying to do here.

The truth is that we have run into a bit of difficulty with the old culture of Renewal SA colliding with the ambitions of the cabinet about using this land for strategic purposes, and we are going to have to review the government's arrangements from that perspective. But, no, it is a different perspective and he is entitled to that view. We just don't share it.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): Supplementary?

The SPEAKER: Deputy leader.

Ms CHAPMAN: Given the comments of Mr Hanlon, which you do not agree to in the report, how can you have confidence in him being the person asked to action the dealing of the maladministration of Mr Buchan?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:52): Well, these are opinions. These are opinions. As it happens, Mr Hanlon is not a qualified valuer, so his opinions about matters outside his areas of expertise need to be considered in that regard. Just because you do not share somebody's opinion does not mean that other elements of their expertise are not full of value.

In fact, Mr Hanlon has been an excellent chief executive of Renewal SA and has delivered an extraordinary amount of high-value projects for South Australia. I personally have a lot of confidence in him. I certainly have confidence in his capacity to carry out the work that the Deputy Premier has asked him to undertake.

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett is called to order. The deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): My question is to the Treasurer. Why didn't the government sell the Gillman land via an open market, given that the Treasurer told the ICAC that if he were advised to do that he would have?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:54): Well, the government made a decision. It was not prepared to take the risk that it would lose the deal. The proponents told us, and they repeated their evidence on oath to the Ombudsman, that they would not have been in this arrangement if they did not have an exclusive option to pursue it.

They were being asked to spend millions of their dollars to actually put themselves in a position to actually settle this transaction. They weren't prepared to go out and actually attract those international investors and actually put that arrangement together and expend their own money unless they thought there was something at the end of it. Given that this was a unique business model that they had come up with, it was something that we were prepared to entertain, having regard to the challenges for the South Australian economy and seeing a piece of land that was just sitting there idle for 30 years, we decided we wanted to do something and actually turn it into employment rather than just have it sitting there lying idle.

Members interjecting:

The SPEAKER: The member for Kavel is warned and the member for Schubert is warned for the second and final time. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): This is a supplementary, sir. How many other unsolicited bids of which the proponent has indicated that they would not undertake a tender process in those circumstances has the government acceded to?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:55): I don't know the answer to that. I think I have mentioned before in answer to a previous question that there were 38, I think I mentioned, unsolicited bids that we have been entertaining. Some of them have been progressed to the next stage. I don't know how many of those were ones where the proponents said that they would not be interested in pursuing it in an open tender process. But that is not the only consideration. Another consideration might be intellectual property and the message we send to people who would be discouraged.

It is routine for people to say to us, 'If we come up with an idea that we have dreamt up and nobody else has dreamt up and then you share it with everybody for an open tender process, we think that is unfair. Why would we put our time and effort into developing such an idea?' We can't always do that because some ideas aren't unique enough to just quarantine them for a process. It is a question of weighing these things up.

It will be rare I think that we have an unsolicited bid process, but when you consider the many hundreds and thousands of tenders that we run every day through government, in that context it won't be usual, but from time to time we reserve the right to do that in the state's interest, and that is the judgement we made. It is the judgement we made and told the people of South Australia about before the last election. I notice you tried to get it up—

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned for the second and final time.

The Hon. J.W. WEATHERILL: —in a certain by-election and it didn't seem to resonate really with the community much there. I think people understand what the government is doing here. They are trying to create jobs. I understand that the proponent actually had a bit of a coffee meeting with the Leader of the Opposition and told him about the plan, and certainly the proponent left that meeting, I think, feeling as though he had the support of the Leader of the Opposition, so I don't quite know what's happened between now and then.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:57): Supplementary to the Premier: does the ACP have any investors in the project to date?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:57): I am not aware precisely of what the investment portfolio of ACP is at any point in time. They are the interface with government, not whoever it is that they have been able to secure or not as the case might be as investors behind them, so that is really primarily not our concern as the contracting party. What we are concerned about is whether they meet their milestones and whether they settle.

Ms Chapman interjecting:

The Hon. J.R. RAU: I think I explained to everybody here yesterday—

An honourable member interjecting:

The Hon. J.R. RAU: Tuesday, was it?

The Hon. J.J. Snelling: It is the same question.

The Hon. J.R. RAU: With the same questions you lose—

Members interjecting:

The SPEAKER: The Minister for Health is called to order, and the deputy leader is warned that she is on two warnings.

The Hon. J.R. RAU: We are now in a position where there are certain steps which need to be undertaken by ACP. At the end of those steps then it is our expectation that there will be a settlement. Now it is up to them at that point in time to be in a position to settle and that is our expectation.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:58): Supplementary: is it not a term of the contract that ACP must inform the government of investors and seek your approval of those investors? Have they sought any approval for investors that they have obtained to date?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:59): Not that I am aware of but that does not necessarily mean because I don't accept necessarily the summary given by the Leader of the Opposition of the terms and obligations under the contract necessarily is accurate, with all due respect. But assuming that the question is fairly framed and that there is some obligation on them to discuss the matter with me, I'm not aware of that having been discussed with me. It may or may not have been discussed with public servants. I would just have to take that on notice.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:59): Is it not also a term of the contract that the state government must participate in attracting those investors to South Australia? Has any work been done by the government to attract those investors and can the government update the house?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:59): This is a very similar question to that asked by the Deputy Leader of the Opposition some time ago.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: That is right and I do. We meet—

Members interjecting:

The SPEAKER: The member for Newland is warned for the second and final time.

The Hon. J.W. WEATHERILL: We meet and promote the economic opportunities that exist in South Australia in the oil and gas sector. We are happy to provide briefings to any particular investors. Whether or not they find their way into the investor stream for ACP is not something that we necessarily would be aware of. At every one of the industry briefings that we go to, whether in this country or in other countries, we are always seeking to promote our natural resources and the other opportunities that exist. I am sure that at one of those briefings there may well have been somebody who may have shown some interest in the ACP proposal, but I am not presently familiar with whether any of those people, if they do exist, have then gone on to form a relationship with ACP.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:00): My question is to the Treasurer. Is the government pursuing Mr Fred Hansen to repay all or part of the $385,000 payout that he received when he left Renewal SA last year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:01): No, we are not.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:01): My question is to the Premier. When did the Premier first become aware that the Treasurer was provided with a minute from Renewal SA to be passed on to the Premier on 4 July 2013?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:01): I will have to take that question on notice. I am not familiar with the document to which the member refers.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:01): I would just like to remind the Premier from the report where it says:

> That letter was never sent because, although the minute suggested it be sent to the Premier, Minister Koutsantonis did not provide the minute to the Premier.

When did the Premier first become aware of this minute?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:02): Now we know from the way in which the passage has been cited that it was not sent to me, so I am asked when I received something which was not received. I think I will take this question on notice and look at it carefully because I think we have already heard that there is a trick in the question.

Members interjecting:

The SPEAKER: The member for Unley will withdraw from the chamber for the next half hour and the member for Newland will join him.

The honourable member for Unley and the honourable member for Newland having withdrawn from the chamber:

Mr MARSHALL: That will be quite a tete-a-tete, sir.

GILLMAN LAND SALE

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:02): Supplementary: is the Premier concerned that information intended to be provided to him as the Premier from one of his government agencies was concealed from him by the Treasurer?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:02): This is another example of the Leader of the Opposition making his own findings rather than relying upon the findings that are made by the Ombudsman. He is not satisfied with the findings of the Ombudsman. He, in fact, now wants to make his own findings about concealment of relevant documents. If the Ombudsman had wanted to make a finding about that—

Mr Marshall interjecting:

The SPEAKER: The leader is on two warnings.

The Hon. J.W. WEATHERILL: If he had wanted to make a finding which was a negative finding about the Treasurer, I think we can see that he would not hesitate about doing those sorts of things, and I am sure he would have added this to the list of things that he wanted to agitate, and he did not. We have seen this all before where the opposition seeks to run their own separate inquiries, not satisfied with us establishing the Independent Commissioner Against Corruption, not satisfied with us taking very seriously and cooperating with inquiries of this sort, and not satisfied with us responding to his recommendations in full and accepting his recommendations. They seek to put themselves above the ICAC commissioner.

Grievance Debate

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:04): Here we are, at about chapter 85 of the saga of the Gillman land deal and, as *The Advertiser* said this morning, it stinks! It is a stench that is just unquashable. It is important that we all understand the significant players in this. We have got 'Planet Jay', we have got 'Planet John' and now we have got 'Planet Tom'—what a disaster! We have had repeated inquiries already, a High Court application—

The SPEAKER: Is the member for Bragg quoting *The Advertiser*?

Ms CHAPMAN: No.

The SPEAKER: Well, if the member for Bragg is not quoting *The Advertiser*, I suggest she refer to 'Planet Premier', 'Planet Deputy Premier' and 'Planet Treasurer'.

Ms CHAPMAN: Thank you for making that clear, Mr Speaker. I am absolutely delighted that you made it absolutely clear. Obviously you got it; good on you. We have an application before the High Court for special leave, we have an ongoing select committee and we have the court of public opinion out there, the people of South Australia, absolutely outraged at what has happened over this very significant piece of land at Gillman—a property of over 400 hectares which has been given away on a platter to one party who has threatened the government that, if they did not do a deal with them, they would not be prepared to tender. That is the level of blackmail that the government is claiming is their excuse for not putting this out to public tender and why we have ended up with such a deal.

The Hon. J.M. Rankine interjecting:

Ms CHAPMAN: It doesn't have to be my opinion. We are dealing with Supreme Court judges, and plenty of them. Of course, we have dealt with the ICAC report, we have dealt with property experts, we have the public servants who have given evidence, we have the board members who have given evidence and statements, and a number of them have resigned—resigned from a public board.

We have evidence before the ICAC inquiry of the most scandalous nature in respect of the Treasurer's not only foul and uncouth language but indeed statements of alleged threat towards other public servants. We can couple all of that with the ICAC annual report this year, which reports a 40 per cent bullying and intimidation level of complaint.

We have the Premier's deal, which he keeps on about today, as does the Treasurer, as being the best deal for South Australia. 'This is going to give us jobs.' It does not matter about value. He does not give a toss about that. This is all about jobs. How many jobs have we got out of this? The salvation of the two sitting here on the front bench: the then treasurer and the then urban development minister, who are doing everything they possibly can to save their jobs, not the 6,000 jobs for South Australians.

In the face of all of that, we then have the announcement, in the ICAC report, in Commissioner Lander's report, where the current CEO of Renewal SA—the organisation responsible for the management of this project and the acquisition and sale of assets in South Australia—too says he cannot believe it. This is a deal that is just completely without any explanation. Why would you alienate, even above the 150 hectares, all of the rest of the land for one protagonist who is threatening the government that they will not proceed with this, if they have not got it?

We have the property experts. We have the Treasury department again confirmed in this report as saying, 'Do not do this and, if you do do it, if you do not go out to public tender, at the very least, keep it quarantined at 150 hectares, not the 400.' How many pieces of advice can they get?

Of course, as I say, at page 180—it is a good read—of Commissioner Lander's report, the current CEO is clearly astounded as to why the government would proceed with this. Well, he has been put in charge of doing two things: one is, as the head of Renewal SA, continuing to manage this deal, of which he clearly does not approve himself; secondly, he has been flicked off yesterday, given responsibility to deal with the management or repercussions of Mr Buchan's maladministration findings.

He has to go in there and discipline the very chap who has been under pressure to not say to a government, to not say back to minister Koutsantonis, 'Do not put pressure on us. We have not got time to do what you ask.' This was clearly the position of Commissioner Lander, saying, 'You cannot do this,' and 'Mr Buchan should have done that.' Yet, he is being asked, as the CEO of Renewal SA, to do just that.

Time expired.

ELDER ELECTORATE

Ms DIGANCE (Elder) (15:09): I rise to speak today about two very active community groups in my electorate—the Ascot Parks Scouts and the Marion Tennis Club.

Members interjecting:

The DEPUTY SPEAKER: I am on my feet.

Ms DIGANCE: On Monday—

The DEPUTY SPEAKER: Sit down. If members could leave the chamber in silence, it would be appreciated. Member for Elder.

Mr Marshall interjecting:

The DEPUTY SPEAKER: Vickie can look after herself.

An honourable member interjecting:

The DEPUTY SPEAKER: If he has a dissent with the Chair, he can bring his body back and have a go. Go on, Member for Elder.

Ms DIGANCE: Thank you, Deputy Speaker. On Monday, I had the pleasure of hosting the very eager and lively Ascot Park Scout group on a Parliament House visit. The visit was arranged by Jarrod, a year 9 student who is undertaking his Australian Scout Medallion. Jarrod tells me that, to earn this high award, he needed to demonstrate leadership by planning, organising and reporting on a visit such as this on behalf of his Scout group. The award is very prestigious, being the highest award in the Scout section, and is considered the pinnacle of Scouting at this stage.

The Ascot Park Scouts is a group of around 30 or so, and the Scouts who visited on this day were year 6 to 9 students from various schools across the area. They were accompanied by a number of parents and Scout leaders. The Scouts asked many inquiring and interesting questions to further their understanding of parliament and its processes, and they were indeed a pleasure to host.

Boys and girls aged six to 25 can be involved in Scout programs to engage in peer-to-peer mentoring and outdoor activities to develop their self-confidence, and learn problem-solving abilities, risk management and life and leadership skills. They actively learn to understand the importance of honesty, integrity and community service, enabling them to become involved and enabled citizens, business leaders and role models in their local communities.

Scouts is a growing organisation worldwide, with over 25 million members, of which there are 7,000 in SA alone. Scouting is about helping young people to be their best. There are also plenty of ways adults can get involved and contribute to the positive development of young people in the Scout program—roles such as assisting with activities, helping to fundraise, providing transport and assisting with food preparation to name but a few. They are a local group doing great things, and I am pleased to recognise the wonderful work of the volunteer leaders, parents and Scouts of Ascot Park Scout group and I thoroughly enjoyed their visit. I wish Jarrod all the best in his endeavours and thank him for organising the visit.

The other remarkable group I wish to mention today is the Marion Tennis Club, which minister Hunter and I were pleased to visit recently. I understand they are uniquely placed, being the first carbon-neutral tennis club in Australia. This is a great story of transformation through innovation, vision and hard work in the face of adversity.

I understand that closure was imminent after their being suddenly decoupled from the City of Marion master plan with the pulling of the important funding that they needed to continue. This incredible change is the result of a team spearheaded by Rick, Ann and Jen and a new committee, which has seen them working incredibly hard over the last 18 months to set a new pathway with outstanding results. I was also pleased, on this visit, to present Jen with a volunteer of the year award that I sponsor.

Being 70 years old, the Marion Tennis Club is one of the oldest tennis clubs in the Glenelg Districts Tennis Association. The majority of members are a combination of juniors and seniors ranging from ages six to 45, spread over six junior and six senior teams. Ann and Rick pooled their resources and enthusiasm and, with the great work of Jen in fundraising, the trio have been working on goals they set and have more they wish to achieve.

They tell me they were originally inspired by the TV show *The Block* to pull off an immediate renovation rescue of their clubroom. The clubroom walls were bright green and pink inside and described as an eyesore. This was the beginning of what has been a strategically-planned major restart of the Marion Tennis Club. Ann and Rick developed a strategic plan, appropriately titled Our Advantage, with a strategy known as 'the game plan', the vision known as 'the ace', a mission

statement known as 'the follow-through', values are called 'the winner' and key result areas 'the triple bagel'.

The club has been awarded STAR Club status, which is more than just accreditation for being a leader in quality coaches and officials working alongside volunteers: it is recognition that they are an exemplar. They have also obtained funding for new fencing and shade, as well as new shirts for the juniors. Other projects they are working towards include attaining funding for solar panels, building a Gallipoli garden, becoming a Cancer Council SunSmart club and offering barista training for youth to increase employability skills, while maintaining their carbon-neutral status.

The Marion Tennis Club story is undeniably one of leadership, creativity and committed vision to build a brand with a value proposition of difference. I applaud the hard work and commitment of these two incredible clubs—the Marion Tennis Club and the Ascot Park Scout Club—which, on a day-to-day basis, put their community first. I wish them well with their futures and look forward to continuing to work with them.

SOCIETY OF SAINT HILARION

Mr TARZIA (Hartley) (15:14): I wish to speak of three organisations today. First, I would like to congratulate the Society of Saint Hilarion, who had their 60th anniversary in 2015, and pay tribute to them for their service to many elderly people—especially Italian migrants, but also the wider community—through their aged-care facilities which have improved and preserved the lives of older people for years now by providing much higher quality aged-care facilities in what is certainly a culturally diverse environment. I want to acknowledge the importance of their establishment and the work they have done over the last 60 years in the promotion and preservation of their heritage and, in doing so, the contribution they have made which certainly has enriched the multicultural landscape of South Australia.

It was founded as a cultural and religious body in 1955 and eventually incorporated in 1974. Obviously, they are a not-for-profit organisation, and they have a large emphasis on family and community values, underpinned by making sure that the residents enjoy a quality and compassionate level of care in what is certainly a loving and caring environment. In 1987, Saint Hilarion entered the aged-care sector and purchased a nursing home in Lockleys. Today, Saint Hilarion own and operate two aged-care facilities. The second property is a wonderful villa-style development in the suburb of Fulham. Over the years, it has grown to become a leading multicultural aged-care service provider.

The Society of Saint Hilarion is named after the patron saint of Caulonia, a small town in the region of Calabria. You might be asking, Deputy Speaker, why I am talking about a facility that is in Fulham and Lockleys. Obviously, there are many Italians of Calabrian heritage. whose families have Calabrian heritage, also in my electorate of Hartley; in fact, one set of my grandparents were from only about 30 kilometres from the town of Caulonia. They were from Siderno Marina—my grandfather, Vincenzo and my grandmother, Maria.

The point is that this society has done such a fantastic job that, much of the time when, especially Italian migrants, seek these types of facilities later in life, it is without hesitation that some of them, with the help of their family, move to the other side of town because of the wonderful job they are doing in the aged-care area. I congratulate them on their anniversary and wish them all the very best in the upcoming year.

I also want to talk to the house today about a couple of grand finals that occurred recently in local sport. First, I would like to talk about the Hectorville Football Club, a great organisation that has come a long way in recent times. I am the vice patron of that club, I declare. I want to talk about the junior grand finals, especially the under 12s, under 13s and under 16.5s. I would like to congratulate everyone involved at the Hectorville Football Club this season, which culminated in three minor premierships—the under 12s, the under 13s and the under 16.5s. It has certainly been a history-making season. They were lucky and fortunate enough to enjoy premiership success with the under 12s and under 16.5s, with a gallant, valiant effort from the under 13s, which is also to be respected.

I would like to especially thank all the volunteers—the coaches, the team managers and the officials—who constantly give up their time, week in and week out, to enable our children in the area

to play what is a wonderful game in a club that is glowing with excitement and much talent and will be for years to come. I would also like to thank the parents and the caregivers and their children who have made Hectorville Football Club their club of choice and such a fantastic community group to be associated with, and I feel very humbled and grateful to be involved in such a community.

I would also like to take this opportunity to congratulate the Rocks, who won in their B grade group division 1 grand final. The Rocks were in the reserves and Payneham Norwood Union were in division 1, and they beat a team only a couple of weeks ago.

I would like to especially congratulate Sven Surikov, Pierce Seymour, Adam Rowett and Carl Milne, and all the players, the executive committee members, and the junior committee members for the wonderful job they have done, as well as the president George D'Antiochia, vice-president James Roder, chairman Rod Fragomeni, treasurer Billy Kollias, secretary Peta Winn and all the volunteers in that organisation.

LIBERAL PARTY

The Hon. P. CAICA (Colton) (15:20): In most recent times when I have been on my feet there have been people on the other side who ask, 'Oh, you are awake, are you?' I admit that it is hard to stay awake in this place when I have to listen to what I believe is the worst opposition in my 14 years here.

We know the opposition is filming question time. The freeing-up of the rules and photographing in this chamber is not something that I necessarily agree with but I accept it now that it is here, and that is the way it is. However, I know that the opposition's purpose is purely political and that material is to be used for political purposes during the next election campaign. To this end they must think that this is the mechanism that will help them get to this side of the house.

This leads me to the point or focus of this grieve. The opposition, beyond this strategy of let's photograph the government during question time, has nothing. It has no direction; it has no policies beyond winding back marine parks; it has no ideas; it has no substance; it has no leadership—and it has a great albatross hanging around its neck.

A few months ago, I made a contribution that focused on the new blood that the opposition brought into the parliament at the last election. I genuinely praised these newbies for bringing to the opposition a sense of hunger and a work ethic that has been missing from the opposition in the past. I inadvertently left the member for Davenport off the list but I add him to those I mentioned previously.

The member for Schubert recently commenced a contribution in his usual confident manner by informing the house that he is a modern 21st century politician. We know of his skills on the computer and that has been widely acknowledged. However, the member for Schubert, the member for Bright, the member for Hartley, the member for Davenport and the member for Mount Gambier—all of them—could be regarded as modern 21s century parliamentarians.

It must be excruciatingly painful for all of them to witness, indeed, be tainted by a party brimming with deadwood, brimming with underwhelming performers who are stifling your individual and collective advancement. It is this albatross that is around their neck, that is halting their advance. It is time for you to claim your rightful spot. This can only be done by getting rid of those who will never be capable and, in fact, are incapable of delivering what you want to get to this side of the chamber.

There was an opportunity that was lost. In the lead-up to the Davenport by-election, I believe that the members for Morphett, Finniss, Kavel, MacKillop and Heysen (and I would include in that group the member for Bragg) should have been tapped on the shoulder by the leader—if he was truly a leader—to make way for a super Saturday of by-elections. You would not have lost any of these seats; you would have instead replaced this underwhelming group with those like the newbies: hungry and committed to doing all they can to win a general election.

I often look at the faces of the young group over there who I have mentioned. I see the pain and anguish in their faces; I see the embarrassment on their faces when they have endured another question time, endured a day in this place without laying a glove, without bothering the scorer, and bereft of any strategy. I also hear the rumblings. I understand that some of you are questioning the current leadership's abilities, questioning whether or not this leadership can deliver you government.

You are right to be asking these questions. It is now time for you to move. It is time for you to rid yourselves of the albatross hanging around your neck, otherwise you might find yourselves in the years to come in a situation like the member for Morphett and the member for Heysen, amongst others, resigned to life in opposition.

Whilst we are talking about getting rid of some of the deadwood, I would not just say it about this place either. We certainly have a couple of people over in what I refer to as the other place, the elephants' burial ground, who could well do with being got rid of as well. We know who they are, those who have been occupying seats for a long time without delivering on behalf of the opposition.

What I want, what this government wants, what the people of South Australia want is a successful opposition because that is the way a democracy operates and operates at its best like that. However, what we have is an opposition that is bereft of ideas and bereft of strategies, and it is time now for the young people brought in at the last election to make the move and start doing what they need to do, and that is to get rid of that deadwood, that weight that is weighing you down and not allowing you to be a good opposition.

BRIGHT ELECTORATE

Mr SPEIRS (Bright) (15:24): This afternoon I want to give an overview of the busiest weekend I have in the year in the seat of Bright, which is the opening of the surf clubs and the sailing clubs in my electorate. That was last Saturday afternoon when I was able to attend five events back to back in the electorate: the season opening of Brighton and Seacliff Yacht Club, the opening of Seacliff surf club, the opening of Brighton surf club, the opening of Somerton surf club and the opening of Somerton Yacht Club.

I want to give a brief overview of each of these clubs and pay tribute to the army of volunteers who hold these clubs—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr SPEIRS: —together—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr SPEIRS: —and who build the community that I am fortunate enough to represent. The great thing about representing 16 kilometres of beautiful Adelaide metropolitan coastline is the opportunity to be able to be part of the sailing clubs and surf clubs which flank the coastline along Gulf St Vincent, particularly between Seacliff and Somerton Park.

Last Saturday afternoon, the first visit I had was to Seacliff Surf Lifesaving Club. It is the smallest of the three clubs that I have, but it is certainly a place with significant levels of community. I always receive a very warm welcome there, particularly from Andrew Chandler, the President of Seacliff Surf Lifesaving Club, and the team that supports him. It was great to go along to the club down on the Esplanade at Seacliff and catch up with Andrew Chandler, to also see Clare Harris, chief executive of Surf Life Saving SA, and John Baker, the president of Surf Life Saving SA, and to find out a bit about what is happening at Seacliff. It was good to hear about Swim-Paddle-Run (SPR), the upcoming fundraiser which is occurring in November. It will be the major fundraiser for Seacliff Surf Lifesaving Club.

From the surf lifesaving club I popped next door, just a few short footsteps away, to the Brighton & Seacliff Yacht Club where I caught up with Bruce Noble, the commodore. Bruce was the commodore of the yacht club last year and will again be taking on the role of commodore this year. It was good to catch up with Bruce and to catch up with many of the other volunteers and office holders in the yacht club about their plans. They have just received a council grant and are in the process of doing some upgrades to the facility there. It is a beautiful facility, like all these clubs, right on the edge of Gulf St Vincent.

From Seacliff yacht club I then drove down to Brighton Surf Lifesaving Club, my home surf lifesaving club. I signed up for my membership when I was down there and replaced my fob key so

I can have access to the gym, because it broke during winter. I was able to catch up with a range of people at Brighton Surf Lifesaving Club as well, including the new president of that club, Chris Parsons. I wish Chris all the best in his endeavours in leading the club through the current year. Chris is one of the younger presidents—could be the youngest president of a surf club in South Australia at the moment—and it is great to see him in that role.

From Brighton I then headed down to Somerton Park where I went to the opening of Somerton surf club, the largest surf club in the state and a previous holder of surf lifesaving club of the year just a couple of years ago. I caught up with the many volunteers and active surf life savers who are doing a huge amount to keep that club running. I caught up with the new president there, Mark Williams, also known as Curly, and had a good chat with him. Again, I saw Clare Harris and John Baker, bumping into people who I had seen further up the coast at Seacliff.

Finally, I finished off the day with dinner at the Somerton Yacht Club, which is actually in the member for Morphett's electorate, but which sits right on our boundary.

The DEPUTY SPEAKER: Schnitzels?

Mr SPEIRS: I did not have a schnitzel, Deputy Speaker, but it was great to go down to that club and catch up with Adrian Nicholson, the commodore, Jacqui Cole, the vice commodore, and Steve Konetschka, the rear commodore of sailing. It was good to catch up with all of them and really see how that club is going. It is a thriving community with a real mix of ages—young people, older people, people in between. It was a great weekend down in Bright with the opening of these sailing and surfing clubs, and it was just a great opportunity to pay tribute to my beautiful coastal community.

Time expired.

WINDSOR GARDENS SECONDARY COLLEGE

Ms WORTLEY (Torrens) (15:29): 2016 promises to be an exciting year for Windsor Gardens Secondary College in my electorate of Torrens, with the new and improved college facilities. These include a new music performance suite and sound recording studio that will be used to deliver Certificate III in Technical Production in music. I look forward to attending the opening of the suite and studio with the Minister for Education in February. The music-focused curriculum will be on music in the performance space, practice rooms and a recording studio. The college, which already has a significant cohort of music students, is pursuing the path to becoming a specialist music school to grow its music program.

Another focus of the college curriculum will be STEM (science, technology, engineering and maths), with pathways developed through to university in those areas of new, clean technologies. The college is about to sign a memorandum of understanding with the University of South Australia, and 20 teachers are working with UniSA to work on advance pedagogies for science, technology, engineering and maths. Renovations to the sports area are now complete, and the fully functioning gym and physical education learning area will see students through to a Certificate III in Sport and Recreation. The college works with state sport organisations to increase students' knowledge of professional sporting careers.

The college's design technology area includes state-of-the-art CAD, with 3-D printers where you can see students engaged in projects designing work in quadcopters. Students also have access to a media centre where they can study and create multimedia films and college radio. Students can also study for a Certificate I and II in Kitchen Operations or front of house in the fully equipped industrial kitchen and Parendi cafe, headed by experienced TAFE trainers.

At all year levels, students at Windsor Gardens Secondary College are engaged in projects that provide creative thinking. Programs include the business pathway at the trade fair; the comprehensive sports program, which includes over 50 years of sport and recreational exchange with Cheltenham College in Melbourne; the statewide Ice Factor team program; the Power Cup; the Pedal Prix team participation in the UniSA Australian Human Powered Vehicle Super Series; concepts to creation; dramatic games; media competitions; making tracks to the future; as well as academic challenges.

Next month, I look forward to attending the college's upcoming Windsor Under the Stars for the third year in a row, an annual showcase of the arts staged by the college, where music students

perform on an outdoor stage throughout the evening, and students' multimedia, painting and photography pieces are exhibited. This year saw some wonderful achievements for the college including the Auslan singing choir and the Windsor Stage Band being selected to perform at the Festival of Music, the first time that a signing choir and stage band have combined to play and sing together.

Year 9 student Jenny Master-Collins was one of 80 students from across the state chosen as lead soloist at the annual Instrumental Music Service singing day. Windsor Gardens Secondary College offers a full range of Australian curriculum and SACE subjects across years 8 to 12. In addition, it offers a certificate III course in sport and recreation, laboratory skills certificate III as well as hospitality certificates. All are accredited and designed to be part of students' SACE certificate and count towards their ATAR score.

Principal Paulette Seargent said the college is focusing on personalised pathways for students with university, business and industry partners, and it approaches education with the aim of motivating and inspiring young people to actively pursue their chosen university, tertiary education and employment pathways.

Bills

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL

Introduction and First Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:35): Obtained leave and introduced a bill for an act to provide for community based sentences imposed in participating jurisdictions to be transferred, by registration, between participating jurisdictions. Read a first time.

Second Reading

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:36): I move:

That this bill be now read a second time.

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

Leave granted.

Introduction

The *Community Based Sentences (Interstate Transfer) Bill 2015* provides for South Australia's participation in a scheme for the formal transfer and enforcement of community based sentences between Australian jurisdictions. Community based sentences are sentences that are served within the community, and can be supervised and administered in the local jurisdiction.

There are many reasons why offenders may wish to transfer to a new jurisdiction. Notable reasons may be proximity to improved family and community support, to escape domestic violence, or the prospect of increased choice of employment or study opportunities. Allowing a transfer to a new area in which the offender has good support increases the probability of the offender fulfilling the order, being positively re-integrated back into the community, and desisting from further offending.

A community based sentence is a sentence that is handed down by the Court that is a penalty other than imprisonment. Community based sentences include, but are not limited to, a South Australian Bond with Supervision handed down under the *Criminal Law (Sentencing) Act 1988*, or a South Australian Bond With Supervision (Suspended Sentence).

All community based sentences, such as Suspended Sentences and Bonds with Supervision issued in this State have a mandatory condition that the offender not leave the State of South Australia during the period of the Order.

There is currently national model legislation in place in all jurisdictions to enable the interstate transfer of prisoners, which in South Australia is the *Prisoners (Interstate Transfer) Act 1982 (SA).* There is also National model legislation in place in all jurisdictions to enable the interstate transfer of Parole Orders, which in South Australia is the *Parole Orders (Transfer) Act 1983 (SA),* both of these schemes operate extremely well.

National model legislation to enable the interstate transfer of other community based sentences such as Supervised Bonds has been discussed nationally for many years and is a regular item on the agenda of the Corrective Services Administrators' Council.

The model legislation was consulted and subsequently endorsed by the Corrective Services Administrators' Council and the Corrective Services Ministers' Conference. The Corrective Services Ministers' Conference at that time, resolved to submit the model legislation to the Standing Committee of Attorneys-General, now known as the Council on Law, Crime and Community Safety. The legislation was subsequently endorsed by all Ministers in 2010 and Attorneys-General in 2011.

The overall aim is to have national legislation in place in all States and Territories to enable the transfer of community based sentences (other than parole) in and out of Australian jurisdictions.

Bill in Detail

I move now to the detail of the Bill. The provisions in the Bill will apply only to community based sentences imposed on adults. Under the formal arrangements created by the Bill, an offender with a community-based sentence in South Australia will be able to transfer the supervision and administration of the sentence to a new jurisdiction on a voluntary basis, provided certain requirements are satisfied. The offender will then be managed in the new jurisdiction as though a court of the new jurisdiction had imposed the sentence, except for the purposes of appeal or review, which will remain the responsibility of the originating jurisdiction.

The formal arrangements will operate in much the same way as those established by the *Prisoners (Interstate Transfer) Act 1982 (SA)* and related interstate legislation.

It is acknowledged that community based sentences vary markedly across jurisdictions. In this regard, it has been agreed that some orders will simply not correspond, or 'substantially correspond', to that in a receiving jurisdiction. It is likely that in these cases, transfer simply may not be possible. It is anticipated that decisions about correspondence will be made via direct liaison between Corrective Services Departments in each jurisdiction.

The legislation also has provisions for Orders having multiple components (as is often the case in South Australia) providing that some components will need to be completed in the sending jurisdiction prior to any transfer taking place such as reparation to the community against which they offended (community service components) and fines.

Interstate authorities that administer corresponding legislation will have a designated local authority for that jurisdiction. Having one local authority for each jurisdiction will ensure that there is a single communication point between an offender and the supervising authority, establishing clear communication procedures and practices. The Bill provides that the local authority for South Australia is to be the Chief Executive of the Department for Correctional Services. Details of the transferred sentences will be recorded and maintained on a register.

The local authority will make decisions on the basis of information sent by the relevant interstate authority regarding the offender and sentence, provided specific criteria are satisfied. The criteria that the local authority will apply when deciding whether to accept a request for transfer are that the offender has consented to the order and has not withdrawn that consent; there is a sentence in South Australia that corresponds to the sentence imposed in the interstate jurisdiction; the offender can comply with the sentence in South Australia; and the sentence can be safely, efficiently, and effectively administered in South Australia. The local authority will be able to refuse a request for transfer if the criteria are not met, or otherwise at the local authority's discretion. This will be particularly relevant in a case when the local authority becomes aware of concerns expressed by an individual for his or her safety if the offender were to reside in South Australia. Discretion may also be exercised in a case when an offender poses an unacceptable administrative burden to South Australia because the offender has a history of not complying with directions issued by a supervising officer.

If deciding to accept a request for transfer, the local authority may choose to register the sentence, decline to register the sentence or require the offender to meet certain preconditions before registering the sentence. Imposing preconditions provides a means for the local authority to confirm the offender's ability and willingness to comply with the sentence in South Australia before registration and formal transfer occurs. A precondition may include the offender satisfying the local authority before a stated time that the offender is living in South Australia, or that the offender is reporting to a stated person in South Australia at a stated time and place. If the local authority decides to accept the request for transfer and registers the sentence, the offender will be supervised and administered by the Department for Correctional Services, as though the sentence had been imposed in South Australia.

The administration of a sentence includes managing a breach of the sentence. Therefore, if the offender does not comply with the conditions of a transfer order, he or she may be re-sentenced by a South Australian court according to the laws of this state, in which the offence was committed. The South Australian court may, however, refer to the penalty range and type that would have been applicable in the original jurisdiction, so as to ensure that the transfer does not serve to avoid the sentencing intentions of the original jurisdiction.

Registration of the sentence does not affect an offender's right to seek an appeal or review of the conviction or finding of guilt, or the imposition of a sentence, in the original jurisdiction. As a matter of practicality, if the offender seeks an appeal or amendment of the conviction or sentence, or the sentence relating to the conviction, the appeal will be made in the original jurisdiction and not to a South Australian court, even though South Australia is the

jurisdiction supervising and administering the transferred sentence. In the case that an appeal or request for amendment of sentence is successful, the amended sentence will be administered and supervised in South Australia as though a South Australian court had upheld the appeal or made the amendment. It would be contrary to natural justice to prevent an offender from seeking an appeal or review of their conviction or sentence by virtue of registration in a jurisdiction other than the original jurisdiction.

Conclusion

The involvement of South Australia in the scheme highlights the contribution this State is making to the corrective services framework nationally by the framing of a cohesive national approach to corrective services provision and enforcement.

Allowing an offender to transfer to a new area in which the offender has good support or opportunities increases the probability of the offender fulfilling the order, being positively reintegrated back into the community, and being diverted from returning to the prison system.

The Government encourages the early passage of the Bill to ensure the prompt and efficient implementation of the formal arrangements in South Australia.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides the short title as the *Community Based Sentences (Interstate Transfer) Act 2015*.

2—Commencement

Commencement will be on a day fixed by proclamation.

3—Interpretation

This clause provides definitions for the purposes of the measure. Importantly, a *community based sentence* to which the measure applies is defined as meaning—

(a) a sentence of community service imposed under the *Criminal Law (Sentencing) Act 1988*; or

(b) a sentence of imprisonment suspended on condition that the defendant enter into a bond under section 38 of the *Criminal Law (Sentencing) Act 1988*; or

(c) a bond to be of good behaviour imposed under section 39 of the *Criminal Law (Sentencing) Act 1988*; or

(d) in relation to an interstate jurisdiction—a sentence that is a community based sentence under the corresponding law of the jurisdiction; or

(e) a prescribed sentence.

For the purposes of determining which States and Territories are included in the scheme, a *participating jurisdiction* means South Australia or a State or Territory of the Commonwealth prescribed by the regulations to be a participating jurisdiction.

4—Application of Act

This clause provides that the measure does not apply to the following:

(a) a sentence imposed by a court in this State, another State or a Territory, on a person who was not an adult at the time he or she committed the offence in relation to which the sentence was imposed; or

(b) a sentence in relation to which a prisoner has been released from prison to serve a period of home detention under Part 4 Division 6A of the *Correctional Services Act 1982*; or

(c) a parole order within the meaning of the *Parole Orders (Transfer) Act 1983*; or

(d) a sentence of a kind prescribed by regulation for the purposes of this section.

Part 2—Administration

5—Local authority

This clause provides that the *local authority* for this jurisdiction is the Chief Executive of the Department (being the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the measure).

6—Delegation

This clause provides for the delegation by the local authority of a function or power of the local authority provided under the measure.

7—Local register

This clause requires the local authority to establish and maintain a register (the *local register*) of interstate sentences registered under the measure.

Part 3—Registration of interstate sentences in this jurisdiction

8—Request for transfer of interstate sentence

This clause provides that the local authority may, in accordance with Part 3, register an interstate sentence in this jurisdiction at the request of the interstate authority for the interstate jurisdiction in which the sentence is in force.

9—Form of request for registration

This clause provides requirements as to the content and form of a request of an interstate authority under clause 8 including specific information and documentation which must accompany a request as follows:

(a) a copy of the interstate sentence certified by the interstate authority;

(b) a copy of the offender's consent for the registration of the sentence in this jurisdiction;

(c) a copy of any relevant pre-sentence report about the offender held by the interstate jurisdiction in relation to any offence committed by the offender for which the offender is subject to a sentence;

(d) a copy of any relevant psychological or other assessment of the offender held by the interstate authority;

(e) details of—

(i) the offender's criminal record (whether in or outside Australia); and

(ii) the offender's compliance with the interstate sentence and any other relevant non-custodial sentence;

(f) a statement by the interstate authority explaining what part of the sentence has been served in the interstate jurisdiction or any other interstate jurisdiction before the making of the request;

(g) a statement by the interstate authority that the authority has explained to the offender, in language likely to be readily understood by the offender, that, if the sentence is registered in this jurisdiction—

(i) the offender will be bound by the requirements of the law of this jurisdiction in relation to the sentence; and

(ii) a breach of the sentence may result in the offender being re-sentenced in this jurisdiction for the offence; and

(iii) the other consequences for a breach of the sentence in this jurisdiction may be different from the consequences for a breach of the sentence in the interstate jurisdiction, and that, in particular, the penalties for breach of the sentence may be different;

(h) a statement by the interstate authority that sets out the reasons given by the offender for requesting to register the interstate sentence in this jurisdiction;

(i) any other document reasonably required by the local authority.

10—Request for additional information

This clause provides that the local authority may request additional information from an interstate authority about an interstate sentence or an offender the subject of a request under clause 8.

11—Withdrawal of offender's consent

This clause provides that an offender who has consented to the registration of an interstate sentence in this jurisdiction may withdraw his or her consent at any time before (but not after) the registration of the sentence by giving written notice to the local authority.

12—Registration criteria

This clause provides the *registration criteria* for the purposes of determining a request for registration. The *registration criteria* are as follows:

(a) the offender has consented to the interstate sentence being registered in this jurisdiction and has not withdrawn that consent; and

(b) there is a corresponding community based sentence under the law of this jurisdiction; and

(c) the offender is capable of complying with the sentence in this jurisdiction; and

(d) the sentence is capable of being safely, efficiently and effectively administered in this jurisdiction.

13—Decision on request

This clause provides for a decision to be made on request under clause 8 such that the local authority may register the interstate sentence in this jurisdiction (with or without preconditions under clause 14) or may decline to register the sentence. In deciding whether to register an interstate sentence, the local authority must have regard to the registration criteria and may have regard to any matter prescribed by the regulations or any other relevant matter. The local authority may decline to register an interstate sentence even if satisfied the registration criteria are met and must not register an interstate sentence unless satisfied that the registration criteria are met.

14—Preconditions for registration

This clause provides that the local authority may impose preconditions for the registration of an interstate sentence that the offender must meet to show that the offender is capable of complying, and is willing to comply, with the sentence in this jurisdiction. Such preconditions may be that the offender must satisfy the local authority, before a specified time, that the offender is living in this jurisdiction or that the offender must report to a specified person in this jurisdiction at a specified time and place. The local authority must give written notice of the decision and the precondition to the offender and the interstate authority.

15—How interstate sentence is registered

If the local authority decides to register an interstate sentence in this jurisdiction for the registration of the sentence, the local authority must register the sentence by entering the required details in the local register. If preconditions have been imposed then the details must not be entered into the register unless the authority is satisfied that the precondition has been met. Required details are the details of the offender and the interstate sentence prescribed by the regulations.

16—Notice of registration

This clause provides that the local authority must give written notice of the registration of a sentence in this jurisdiction to the offender and the interstate authority which must include the date the sentence was registered.

17—Effect of registration generally

This clause provides that, if an interstate sentence is registered in this jurisdiction, the following provisions apply:

(a) the sentence becomes a community based sentence in force in this jurisdiction, and ceases to be a community based sentence in force in the interstate jurisdiction;

(b) the sentence is taken to have been validly imposed by the appropriate court of this jurisdiction;

(c) the sentence continues to apply to the offender in accordance with its terms despite anything to the contrary under the law of this jurisdiction;

(d) the offence for which the sentence was imposed on the offender (the *relevant offence*) is taken to be an offence against the law of this jurisdiction, and not an offence against the law of the originating jurisdiction;

(e) the penalty for the relevant offence is taken to be the relevant penalty for the offence under the law of the originating jurisdiction, and not the penalty for an offence of that kind (if any) under the law of this jurisdiction;

(f) any part of the sentence served in an interstate jurisdiction before its registration is taken to have been served in this jurisdiction;

(g) the offender may be dealt with in this jurisdiction for a breach of the sentence, whether the breach happened before, or happens after, the registration of the sentence;

(h) the law of this jurisdiction applies to the sentence and any breach of it with the changes (if any) prescribed by the regulations.

This clause does not affect any right, in the originating jurisdiction, of appeal or review (however described) in relation to the conviction or finding of guilt on which the interstate sentence was based or the imposition of the interstate sentence.

This clause does not apply to an interstate sentence to the extent to which—

(a) it imposes a fine or other financial penalty (however described); or

(b) it requires the making of reparation (however described).

Part 4—Registration of local sentences in interstate jurisdictions

18—Request for transfer of local sentence

This clause provides that the local authority may request the interstate authority for an interstate jurisdiction to register a local sentence in the interstate jurisdiction.

19—Response to request for additional information

This clause provides that the local authority may, at the request of an interstate authority or on its own initiative, give the interstate authority any additional relevant information about a local sentence or offender in relation to whom a request has been made under clause 18.

20—Effect of interstate registration

This clause provides that if a local sentence is registered in an interstate jurisdiction, the following provisions have effect:

(a) the sentence becomes a community based sentence in force in the interstate jurisdiction, and ceases to be a community based sentence in force in this jurisdiction;

(b) the offender may be dealt with in the interstate jurisdiction for a breach of the sentence, whether the breach happened before, or happens after, the registration of the sentence;

(c) if the sentence is registered in the local register—the sentence ceases to be so registered;

(d) proceedings against the offender may not be commenced or continued under the law of this jurisdiction in relation to any breach of the conditions attached to the sentence that occurred before it was registered in the interstate jurisdiction.

If this jurisdiction is the originating jurisdiction for a local sentence registered in an interstate jurisdiction, this clause does not affect any right of appeal or review (however described) within this jurisdiction in relation to the conviction or finding of guilt on which the sentence was based or the imposition of the sentence.

If this jurisdiction is the originating jurisdiction for the local sentence registered in an interstate jurisdiction, this clause does not affect the sentence to the extent to which it imposes a fine or other financial penalty (however described) or it requires the making of reparation (however described) and, to that extent, the sentence remains a sentence in force in this jurisdiction and may be enforced accordingly.

Part 5—Miscellaneous

21—Inaccurate information about local sentence registered interstate

This clause provides for an obligation on the local authority, where the local authority is aware that information about a sentence or an offender recorded in the register kept under the corresponding law of the interstate jurisdiction is not, or is no longer, accurate, to advise the interstate authority of that inaccuracy and how the information in the interstate register needs to be changed to be accurate.

22—Dispute about accuracy of information in interstate register

This clause provides that an offender who is registered in an interstate register after transfer from this jurisdiction may claim inaccuracy in information recorded about the sentence or the offender in the *interstate register*. If an offender makes a claim under this clause the interstate authority may send the local authority a copy of the claim and an extract from the interstate register containing the information that the offender claims is inaccurate. On receipt of a claim and extract under this clause, the local authority must check whether the information in the extract is accurate, having regard to the offender's claims and must inform the interstate authority if the information is accurate and, if it is not, must provide to the interstate authority the correct information.

23—Evidence of registration and registered particulars

This clause provides that a certificate that appears to be signed by or on behalf of the local authority or the interstate authority for an interstate jurisdiction, and states any of the following matters, is evidence of the matter:

(a) matter that appears in or can be ascertained from the register kept under the measure or a corresponding law;

(b) details of a community based sentence or the offender in relation to a community based sentence;

(c) details of any part of a community based sentence that has or has not been served;

(d) any matter prescribed by the regulations.

A court must accept a certificate mentioned in this clause as proof of the matters stated in it if there is no evidence to the contrary.

24—Regulations

This clause provides that the Governor may make regulations, not inconsistent with the measure, for or with respect to any matter that by this measure is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to the measure.

Debate adjourned on motion of Mr Gardner.

ELECTORAL (LEGISLATIVE COUNCIL VOTING) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:37): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:37): I move:

That this bill be now read a second time.

The Electoral (Legislative Council Voting) Amendment Bill 2015 proposes amendments to the Electoral Act 1985 to introduce a new system of voting for the Legislative Council in South Australia. This government has committed to reforming a system of voting in the upper house to eliminate the anti-democratic practice of preference harvesting.

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

Leave granted.

We have seen examples in other Australian jurisdictions where micro parties have secured upper house seats through complex preference arrangements. The Commonwealth Joint Standing Committee on Electoral Matters, which considered Senate voting practices in the context of the 2013 Federal Election, described the issue as follows:

> The 'gaming' and systematic harvesting of preferences involving complex deals that are not readily communicated to, or easily understood by the electorate has led to a situation where preference deals are as valuable as primary votes.

The result of preference harvesting is electoral outcomes that do not necessarily reflect the will of voters. This affects the integrity of the electoral system.

Preference harvesting can be eliminated by changing the voting method for the Legislative Council to make it simpler for a voter to direct his or her vote, rather than having votes flow in accordance with preference arrangements negotiated by parties and candidates. To this end, this Bill proposes the introduction of the Sainte-Lague system of voting for the Legislative Council in South Australia.

Like our current electoral system for the Legislative Council, the Sainte-Lague system is a proportional system. It seeks to allocate seats in proportion to the number of votes given to a particular group or candidate in an election. In contrast to the current system, which is a single transferable vote system with full preferential voting, Sainte-Lague is a 'highest averages' and divisor based system.

In practice, under the Sainte-Lague system, voters in an election will vote for the group or ungrouped candidate that they would like to see elected, by placing a '1' in the relevant box. There are no preferences. There is no calculation of a quota. Instead, the total number of votes for each group or ungrouped candidate will be tallied up, and a series of calculations undertaken, applying the divisors 1, 3, 5, 7 and so on, to determine quotients for each candidate and ungrouped candidate. Those quotients will be used to allocate seats.

The introduction of the Sainte-Lague system of voting in this State would be a first for Australia. The Government welcomes discussion and debate on the Bill and the proposed new Sainte-Lague system of voting for the Legislative Council.

Turning to the details of the Bill.

Clauses 7 and 8 of the Bill make changes to sections 59 and 62 of the Electoral Act to allow the form of the ballot paper for the Legislative Council to fit the Sainte-Lague system. Clause 11 of the Bill amends section 76 of the Electoral Act to require voters in a Legislative Council election to vote for either a group or ungrouped candidate.

Clauses 9 of the Bill amends section 63 of the Electoral Act to provide that voting tickets will now only be used in House of Assembly elections. As there are no preferences under the Saint-Lague system, voting tickets will no longer have a place in Legislative Council elections. The Bill makes a number of other amendments to the Electoral Act to reflect the fact that there will no longer be voting tickets for Legislative Council elections.

Clause 14 of the Bill revises section 95 of the Electoral Act, which provides for the scrutiny of votes in Legislative Council elections, to give effect to the Sainte-Lague system of voting. Once the total number of votes for each group and ungrouped candidate is ascertained, proposed new section 95(6) prescribes a series of calculations that are to be undertaken to determine quotients, which are then used to allocate seats.

For each calculation, a divisor is applied to the total number of votes received by each group or ungrouped candidate. The divisor is calculated according to the formula 2E+1.

For the first calculation, E is always 0. This means that the number of votes received by each group or ungrouped candidate is divided by 1, to determine the first series of quotients. The group or ungrouped candidate with the highest quotient in the series is allocated the first vacancy.

For the second and subsequent calculations, for the purposes of the formula 2E+1:

- in relation to an ungrouped candidate, E will continue to be 0; and
- in relation to a group, E will be the number of members of the group that have been elected. The effect is that, for a group, the divisor will start at 1 for the first calculation, and increase to 3, 5, 7, 9 and so on for subsequent calculations as members of the group are elected.

Once the second calculation has been undertaken, and the second series of quotients determined, then the group or ungrouped candidate with the highest quotient in that second series is allocated the second vacancy. This process of calculating quotients and allocating vacancies continues until all vacancies in the Legislative Council are filled.

Where a group is allocated a vacancy, then the candidate listed highest in the order of candidates submitted to the Electoral Commissioner under section 58 of the Electoral Act will be elected. Where an ungrouped candidate is allocated a vacancy, then the ungrouped candidate will be elected. Once an ungrouped candidate is elected, then they will be disregarded for further calculations. Similarly, if all of the members of a group are elected, then the group will be disregarded for any subsequent calculations.

Schedule 1 of the Bill contains a table that sets out an example of quotient calculations and the allocation of vacancies for a Legislative Council election.

The Bill also makes a number of consequential changes to the Electoral Act. For example:

- the definition of 'group' is moved from Part 13A of the Electoral Act to section 4 of the Electoral Act, and a definition of 'ungrouped candidate' is inserted in section 4 of the Act; and

references to 'first preference votes' in the Legislative Council have been removed and replaced with reference to 'votes'.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

Certain definitions are inserted into section 4 for the purposes of the measure. Other definitions are deleted.

5—Amendment of section 53—Multiple nominations of candidates endorsed by political party

6—Amendment of section 57—Deposit to be forfeited in certain cases

These amendments are consequential.

7—Amendment of section 59—Printing of Legislative Council ballot papers

Section 59(1) is amended to reflect the fact, under the Sainte-Lague voting system, a square is not to be printed opposite the name of each candidate on a ballot paper. Instead, a square will be printed opposite any name or

description submitted under section 62 of the Act in relation to a group or ungrouped candidate or, in the case of a group or candidate that does not submit a name or description, above the group or candidate.

A new provision is included relating to the location on the ballot paper of any name or description submitted under section 62 of the Act. Other amendments are consequential.

8—Amendment of section 62—Printing of descriptive information on ballot papers

This amendment is consequential.

9—Amendment of section 63—Voting tickets

The provision relating to voting tickets is consequentially amended to reflect the fact that voting tickets will not be submitted for a Legislative Council election.

10—Amendment of section 66—Preparation of certain electoral material

This amendment is consequential.

11—Amendment of section 76—Marking of votes on ballot papers

Currently, voters may vote in a Legislative Council election by marking the number 1 in a voting ticket square ('above the line') or by numbering all squares printed opposite the names of each candidate ('below the line'). The Sainte-Lague voting system abolishes the current procedure whereby voters exercise a choice to either vote 'above the line' or vote preferentially 'below the line'. Instead, section 76 of the Act provides that a voter is required to mark only the number 1 in a square on the ballot paper (whether voting for a group or ungrouped candidate).

12—Repeal of section 92

13—Amendment of section 94—Informal ballot papers

These amendments are consequential.

14—Substitution of section 95

Section 95 is substituted:

95—Scrutiny of votes in Legislative Council election

Proposed section 95 provides for the Sainte-Lague voting system for the Legislative Council. The task of those responsible for the scrutiny of votes is set out and it includes counting of the number of votes given for each group and ungrouped candidate. Subsection (6) provides for the allocation of vacancies on the basis of the returning officer determining a quotient as follows:

- the first calculation of the quotient for each group or ungrouped candidate is determined by applying the formula set out in the subsection;
- the group or ungrouped candidate with the highest quotient on the first calculation is allocated the first vacancy and, in the case of a group, the candidate listed highest in the group in accordance with section 58(2)(c) will be elected or, in the case of an ungrouped candidate, the candidate will be elected;
- the returning officer must then determine a further quotient for each group or ungrouped candidate (other than any ungrouped candidate who has been elected) by applying the formula and the group or ungrouped candidate with the highest quotient is allocated the next vacancy;
- the returning officer must continue to determine quotients and allocate vacancies in this way until all vacancies have been filled.

Other provisions provide for related matters such as where 2 or more groups or candidates have an equal number of votes and the order in which candidates are to be taken to have been elected.

15—Amendment of section 96D—Use of approved computer program in election

16—Amendment of section 130A—Interpretation

17—Amendment of section 130O—Interpretation

These amendments are consequential.

18—Insertion of Schedule 1

Proposed Schedule 1 sets out a table that provides an example of quotient calculations for a Legislative Council election under the Sainte-Lague voting system.

Debate adjourned on motion of Mr Gardner.

CONSTITUTION (APPROPRIATION AND SUPPLY) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:38): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:39): I move:

That this bill be now read a second time.

This bill makes changes to part 2, division 5 of the Constitution Act 1934 which relates to money bills. It introduces a new process for securing the passage of the annual Appropriation Bill and Supply Bill so that those bills will not need to be passed by the Legislative Council before being presented to the Governor for assent.

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

Leave granted.

In 1913, the current provisions of the Constitution Act relating to money Bills were inserted. Those provisions set out specific requirements regarding money Bills and money clauses, including that the Legislative Council cannot amend a money clause, but can suggest amendments.

The Constitution Act also contains specific provisions in relation to appropriation Bills. It draws a distinction between a money clause in an appropriation Bill that appropriates revenue or other public money *for some purpose other than a previously authorised purpose*, and a money clause in an appropriation Bill which appropriates revenue or other public money *for a previously authorised purpose*. It was intended, when the provisions were inserted, that the former category of money clauses would be able to be the subject of suggested amendment by the Legislative Council; the latter would not. In other words, the Constitution Act envisaged that the role of the Legislative Council in relation to money Bills that were for a previously authorised purpose was to be more limited, and that amendment (including suggested amendments) by the Legislative Council, would not be permitted.

In practice what has occurred is that, since at least 1981, the annual Appropriation Bill provides for appropriations both for previously authorised purposes, and for purposes not previously authorised, and the Legislative Council is able to suggest amendments to all aspects of the annual Appropriation Bill. The intention behind the provisions inserted into the Constitution Act in 1913 has not been realised.

As a result, the Legislative Council today has more power in relation to the annual Appropriation Bill than was originally intended. There is a risk that the Legislative Council could misuse that power and, for example, unacceptably delay the annual Appropriation Bill and, in doing so, disrupt the machinery of Government. This Bill removes that risk.

The Bill removes from the Constitution Act the current definitions of 'appropriation Bill' and 'previously authorised purpose' and deletes current section 63 of the Constitution Act. As already discussed, those provisions have not operated as originally intended and are to be replaced by the proposed new mechanism for dealing with annual Appropriation Bills and Supply Bills.

The Bill proposes to insert new section 63 into the Constitution Act to provide that if, in relation to either the annual Appropriation Bill or the Supply Bill, after transmission to the Legislative Council, the Legislative Council:

- open-capture fails to pass the Bill within one month; or
- open-capture rejects the Bill; or
- open-capture passes the Bill with amendments to which the House of Assembly does not agree,

the annual Appropriation Bill or Supply Bill (as the case may be) will be taken to have passed both Houses of Parliament and will be presented to the Governor for assent.

So, in effect, the Legislative Council has one month to deal with the Annual Appropriation Bill or Supply Bill. If it does not, then the Bill will be presented to the Governor for assent without having passed the Legislative Council.

Proposed new section 63(2) provides that there can only be one annual Appropriation Bill and one Supply Bill in respect of a particular financial year.

Definitions of 'annual Appropriation Bill' and 'Supply Bill' will be in new section 63(3) of the Constitution Act. In South Australia, the annual Appropriation Bill authorises all appropriation for the financial year, other than some standing appropriations that are contained in specific legislation. It is intended that this will continue to be the case. The Bill defines 'annual Appropriation Bill' as a Bill that 'appropriates money from the Consolidated Account in respect of a particular financial year', and that deals only with the appropriation of such money. The Supply Bill is defined as a Bill that 'appropriates money from the Consolidated Account in respect of a particular financial year pending the enactment of the annual Appropriation Bill in respect of that year', and that deals only with such appropriation of such money.

Importantly, the definitions of annual Appropriation Bill and Supply Bill make clear that there can be no tacking of other matters on to those Bills. Annual Appropriation Bills and Supply Bills can only deal with appropriation from the Consolidated Account in respect of a particular financial year. This is an important safeguard, which is intended to prevent against any expansion of the content of an annual Appropriation or Supply Bill beyond what we would ordinarily expect to see in those Bills.

The commencement of the Bill is subject to the operation of the *Referendum (Appropriation and Supply) Bill 2015,* which provides for a referendum on the Bill to be conducted at the next general election of the House of Assembly.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement and operation

The measure will need to be submitted to a referendum under the proposed *Referendum (Appropriation and Supply) Act 2015*.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Constitution Act 1934*

4—Amendment of section 60—Interpretation

This clause is consequential on the amendments relating to annual Bills for appropriation and supply.

5—Amendment of section 62—Power of Council as to money clauses

The repeal of section 62(3) is related to the operation of proposed section 63. The amendment to section 62(2) is consequential on the repeal of subsection (3).

6—Substitution of section 63

This clause sets out a new scheme with respect to annual Bills for appropriation and supply (which are defined as *prescribed annual Bills*). Essentially, the scheme provides that a prescribed annual Bill that has been passed by the House of Assembly will, if the Legislative Council fails to pass the Bill within 1 month, rejects it or passes the Bill with suggested amendments to which the House of Assembly does not agree, be deemed to have passed both Houses of Parliament and will be presented to the Governor for assent.

Key definitions are set out, including definitions of an *annual Appropriation Bill* and a *Supply Bill*.

Schedule 1—Transitional provision

1—Annual Bills for appropriation and supply

The new provisions relating to annual Bills for appropriation and supply will only apply in relation to Bills introduced into the Parliament after the commencement of this measure.

Debate adjourned on motion of Mr Gardner.

CONSTITUTION (DEADLOCKS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:40): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:40): I move:

That this bill be now read a second time.

This bill proposes to amend the Constitution Act to insert a new mechanism to resolve persistent disagreements between the Legislative Council and the House of Assembly. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Section 41 of the Constitution Act currently provides that where a Bill has been passed by an absolute majority of the House of Assembly but rejected by the Legislative Council and, after a general election, the same or a similar Bill is then passed by an absolute majority of the House of Assembly but rejected by the Legislative Council, the Governor may either dissolve the Parliament or issue writs for the election of two additional members for each Council district.

Section 41 has never been used. The most likely reason for this is that it only operates in relation to Bills that have been in dispute for more than one term of a government. Further, the deadlock mechanism does not guarantee the resolution of a deadlock. This is because, since the introduction of a single state-wide electorate in 1973, the option to elect two additional members to the Legislative Council is unlikely to resolve a deadlock. In addition, it is also not necessarily the case that a dissolution election would return a Parliament that is amenable to the Bill or Bills that triggered the double dissolution.

This leaves disagreements between the Houses of Parliament in South Australia to be dealt with by way of ordinary negotiations in the course of the parliamentary process, and the Conference of Managers process, provided for in the Standing Orders.

This Bill provides another option. The Bill deletes the current section 41 of the Constitution Act, and replaces it with a new deadlock mechanism, which is modelled on the deadlock mechanism in section 57 of the *Commonwealth Constitution*. The new deadlock mechanism includes a double dissolution and a joint sitting. It is intended that the new deadlock mechanism will be a workable option in the event of an ongoing and persistent deadlock between the Houses of Parliament.

Proposed new section 41 of the Constitution Act provides that the Governor may call a double dissolution to resolve a deadlock where the following two processes have occurred.

First, the House of Assembly has passed a Bill (referred to as the 'first Bill'), and the Legislative Council has:

- failed to pass the first Bill within 15 sitting days after its transmission to the Legislative Council; or
- rejected the first Bill; or
- passed the first Bill with amendments to which the House of Assembly does not agree.

Second, the House of Assembly has introduced a Bill that is the same as the first Bill, and passed that Bill with amendments (if any) within the scope of proposed new section 41(6) of the Constitution Act. This is referred to as the 'second Bill'. The Legislative Council has then:

- failed to pass the second Bill within 9 sitting days after it is transmitted to the Legislative Council; or
- rejected the second Bill; or
- passed the second Bill with amendments to which the House of Assembly does not agree.

At a double dissolution election, all members of the House of Assembly and the Legislative Council would vacate their seats. Sections 14 and 15 of the Constitution Act set out the process for determining which members of the Legislative Council would then retire at the next general election.

After a double dissolution, where the House of Assembly introduces a Bill that is the same as the second Bill, and passes that Bill with amendments (if any) within the scope of proposed new section 41(7) of the Constitution Act, then it would be referred to as the 'third Bill' for the purposes of new section 41. If the Legislative Council then:

- fails to pass the third Bill within 9 sitting days after it is transmitted to the Legislative Council; or
- rejects the third Bill; or
- passes the third Bill with amendments to which the House of Assembly does not agree,

the Governor may convene a joint sitting of the members of the Legislative Council and House of Assembly.

The joint sitting may consider the third Bill and any amendments that have been made to the third Bill by one House and not agreed to by the other (referred to 'prescribed amendments'). If the third Bill is affirmed by an absolute majority of the total number of members of the Legislative Council and the House of Assembly at the joint sitting, then it will be taken to have passed both Houses of Parliament, along with any prescribed amendments that are also affirmed by an absolute majority of the total number of members of the Legislative Council and the House of Assembly at the joint sitting. The third Bill can then be presented to the Governor for assent, unless it is a Bill that would in the ordinary course require approval at a referendum prior to assent (in which case that would need to occur).

As with the deadlock mechanism in the *Commonwealth Constitution*, it is intended that a double dissolution could be triggered by more than one Bill, and that more than one Bill could be considered at a joint sitting.

Subsections (6) and (7) of the proposed new section 41 set out the types of amendments that the House of Assembly can make to a second Bill and third Bill. Consistent with the position in section 57 of the Commonwealth Constitution, the House of Assembly can:

- make amendments to the second Bill that are certified by the Speaker as being consistent with amendments made to, or agreed in relation to, the first Bill by the Legislative Council; and
- make amendments to the third Bill that are certified by the Speaker as being consistent with amendments made to, or agreed in relation to, the second Bill by the Legislative Council.

This ensures that the deadlock mechanism provides scope for changes to be made to the second and third Bills to reflect any compromise, or agreements reached along the way, between the Houses.

In addition, the House of Assembly can make amendments to the second and third Bill which are certified by the Speaker to be necessary owing to the time has elapsed since the date on which the first or second Bill passed the House of Assembly. This would allow, for example, a commencement date in a second Bill or third Bill to be amended where the commencement date had already passed or was no longer appropriate having regard to the passage of time.

As well as the amendments to section 41 of the Constitution Act, the Bill makes a minor amendment to section 57 of the Constitution Act to make clear that section 57 applies to a Bill for the purposes of section 41. Where a Bill is restored to the Notice Paper after prorogation then, for the purposes of section 41, the Bill will be treated as if no prorogation had occurred. This ensures that the process for settlement of deadlocks is not disrupted by the prorogation of Parliament.

If passed by the Parliament, the Bill will need to be approved at a referendum. As such, the commencement of this Bill is subject to the operation of the *Referendum (Deadlocks) Act 2015*.

For too long the Constitution Act has been without an effective deadlock mechanism. It is hoped that the introduction of the deadlock mechanism that includes a joint sitting would provide an effective deadlock mechanism in the event of a persistent disagreement between the Houses of Parliament, to complement the Conference of Managers process that is currently utilised by the South Australian Parliament.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement and operation

The measure will need to be submitted to a referendum under the proposed *Referendum (Deadlocks) Act 2009*.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Constitution Act 1934*

4—Substitution of section 41

This clause sets out a new scheme with respect to the settlement of deadlocks between the House of Assembly and the Legislative Council. It is based on the scheme under section 57 of the Commonwealth of Australia Constitution Act. Essentially, the scheme provides for a double-dissolution trigger if a particular Bill is rejected on 2 occasions by the Legislative Council, taking into account some specified time periods and other related requirements. If, after a double-dissolution election, the Bill is rejected on a third occasion, the scheme provides for a joint sitting. If the joint sitting affirms the Bill (by an absolute majority), the Bill (with any amendments affirmed by an absolute majority of the joint sitting) is deemed to have passed Parliament and will be presented to the Governor for assent.

5—Amendment of section 57—Restoration of lapsed Bills

This clause is related to the operation of proposed section 41.

Schedule 1—Transitional provisions

1—Powers of Legislative Council in relation to Bills

The new deadlock provisions will only apply in relation to Bills introduced into the Parliament after the commencement of this measure.

Debate adjourned on motion of Mr Gardner.

REFERENDUM (APPROPRIATION AND SUPPLY) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:41): Obtained leave and introduced a bill for an act to provide for the submission of the Constitution (Appropriation and Supply) Amendment Bill 2015 to a referendum. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:41): I move:

That this bill be now read a second time.

This bill provides for the manner in which a referendum will be held on the Constitution (Appropriation and Supply) Amendment Bill 2015. The Constitution Act 1934 provides that certain bills cannot be presented to the Governor for assent until they have been approved at a referendum. This includes any bill which proposes to alter the powers of the Legislative Council as the Constitution (Appropriation and Supply) Amendment Bill 2015 does. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

As such, and pursuant to section 10A of the Constitution Act, the *Constitution (Appropriation and Supply) Amendment Bill 2015* must, on a day which shall be appointed by proclamation, being a day not sooner than two months after it has passed through both Houses of Parliament, be submitted to electors as provided by and in accordance with an Act which must be passed by Parliament.

This Bill, if enacted, will be an Act referred to in section 10A of the Constitution Act. The Bill sets out the manner in which the *Constitution (Appropriation and Supply) Amendment Bill 2015* will be submitted to electors.

The Bill provides that a referendum on the *Constitution (Appropriation and Supply) Amendment Bill 2015* will take place at the next House of Assembly general election. The Bill also provides that another referendum can be held on the same day under another Act. This is a reference to the proposal before this Parliament in the *Constitution (Deadlocks) Amendment Bill 2015*, which would also require approval at a referendum.

The *Constitution (Appropriation and Supply) Amendment Bill 2015* will be passed if approved at the referendum by the majority of electors voting at the referendum.

The referendum will be conducted by the Electoral Commissioner. The Bill provides that the *Electoral Act 1985* applies to the referendum with such modification, adaptations and exclusions as are prescribed by regulation as if the referendum were a general election of members of the House of Assembly. Accordingly, detailed regulations will need to be prepared to support the Bill and modify the *Electoral Act 1985* for the purposes of the referendum.

If this Bill is passed, then South Australians would go to their first referendum since 1991. This would be a momentous occasion, and the Government encourages all South Australians who will be eligible to vote at the next general election to engage in the debate and discussion on the *Constitution (Appropriation and Supply) Amendment Bill 2015* in the lead up to the referendum.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause is formal.

2—The referendum

This clause provides for the *Constitution (Appropriation and Supply) Amendment Bill 2015* to be submitted to a referendum. The provision specifies that the referendum must be held on the day of a general election (taking into account the requirement in section 10A of the *Constitution Act 1934* that the referendum be held not less than 2 months after the Bill has passed through the Parliament). If a majority of electors approve the *Constitution (Appropriation and Supply) Amendment Bill 2015* at the referendum, then the Bill is to be presented to the Governor for assent.

3—Conduct of referendum

This clause provides that the Electoral Commissioner is responsible for the conduct of the referendum and provides for the appointment of scrutineers for the purposes of the referendum, the application of the *Electoral Act 1985* to the referendum and the declaration of the result of the referendum.

4—Regulations

This clause provides for the making of regulations for the purposes of the measure.

Debate adjourned on motion of Mr Gardner.

REFERENDUM (DEADLOCKS) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:42): Obtained leave and introduced a bill for an act to provide for the submission of the Constitution (Deadlocks) Amendment Bill 2015 to a referendum. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (15:43): I move:

That this bill be now read a second time.

This bill provides for the manner in which a referendum will be held on the Constitution (Deadlocks) Amendment Bill 2015. The Constitution Act 1934 provides that certain bills cannot be presented to the Governor for assent until they have been approved at a referendum. This includes bills which amend section 41 of the Constitution Act and bills which alter the powers of the Legislative Council. The Constitution (Deadlocks) Amendment Bill 2015 does both of those things. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

As such, and pursuant to section 10A of the Constitution Act, the *Constitution (Deadlocks) Amendment Bill 2015* must, on a day which shall be appointed by proclamation, being a day not sooner than two months after it has passed through both Houses of Parliament, be submitted to electors as provided by and in accordance with an Act which must be passed by Parliament.

This Bill, if enacted, will be an Act referred to in section 10A of the Constitution Act. The Bill sets out the manner in which the *Constitution (Deadlocks) Amendment Bill 2015* will be submitted to electors.

The Bill provides that a referendum on the *Constitution (Deadlocks) Amendment Bill 2015* will take place at the next House of Assembly general election. The Bill also provides that another referendum can be held on the same day under another Act. This is a reference to the proposal before the House of Assembly in the *Constitution (Appropriation and Supply) Bill 2015*, which would also need to be approved at a referendum.

The *Constitution (Deadlocks) Amendment Bill 2015* will be passed if approved at the referendum by the majority of electors voting at the referendum.

The referendum will be conducted by the Electoral Commissioner. The Bill provides that the *Electoral Act 1985* applies to the referendum with such modification, adaptations and exclusions as are prescribed by regulation as if the referendum were a general election of members of the House of Assembly. Accordingly, detailed regulations will need to be prepared to support the Bill and modify the *Electoral Act 1985* for the purposes of the referendum.

If this Bill is passed, then South Australians would go to their first referendum since 1991. This would be a momentous occasion, and the Government encourages all South Australians who will be eligible to vote at the next general election to engage in the debate and discussion on the *Constitution (Deadlocks) Amendment Bill 2015* in the lead up to the referendum.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

This clause is formal.

2—The referendum

This clause provides for the *Constitution (Deadlocks) Amendment Bill 2015* to be submitted to a referendum. The provision specifies that the referendum must be held on the day of a general election (taking into account the requirement in section 10A of the *Constitution Act 1934* that the referendum be held not less than 2 months after the Bill has passed through the Parliament). If a majority of electors approve the *Constitution (Deadlocks) Amendment Bill 2015* at the referendum, then the Bill is to be presented to the Governor for assent.

3—Conduct of referendum

This clause provides that the Electoral Commissioner is responsible for the conduct of the referendum and provides for the appointment of scrutineers for the purposes of the referendum, the application of the *Electoral Act 1985* to the referendum and the declaration of the result of the referendum.

4—Regulations

This clause provides for the making of regulations for the purposes of the measure.

Debate adjourned on motion of Mr Gardner.

TATTOOING INDUSTRY CONTROL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2015.)

Mr TARZIA (Hartley) (15:44): Obviously, this bill has attracted extraordinary criticism from many stakeholders, including the owners and operators of tattoo parlours, as well as the Law Society of SA, the peak body that represents the legal fraternity in this state. They say that it will force innocent business operators to close. I would encourage the Attorney to ensure that he satisfies the house in explaining what is fear and what is fact, and exactly how this bill will operate and result in the solution that he is after.

The Tattooing Industry Control Bill was introduced to the house on 10 September and it proposes to regulate but also stop the criminal infiltration of the tattooing industry. I want to pause for one second and make the point that for some reason the Attorney seems to be highlighting the tattoo industry for one reason or another. I want to make the point that there are criminals in many types of organisations, not just the tattoo industry.

For one reason or another, he is focusing on the tattoo industry. We are kidding ourselves if we think that by targeting solely the tattoo industry that the work is done on organised crime because we know that organised criminals are always ahead of legislation. They are called organised crime gangs because they are organised. You can bet your bottom dollar that by targeting one industry it does not mean that we have eradicated the problem.

Another thing I wish to highlight is that I hope that this sort of legislation will not punish what are legitimate businesses in this area because there are, like any sector, legitimate businesses and illegitimate businesses. By all means, if illegitimate businesses are operating illegally or in a manner that calls for such measures, then obviously they need action to be taken against them. But there are a number of legitimate business owners and legitimate businesses in this space, and so the Attorney has a duty to ensure that legitimate business owners will not be affected in the transition period that is focused on in this bill.

It is concerning to the Attorney, and obviously to others, that the tattoo parlour industry is somewhat unregulated in South Australia; however, other industries, such as, for example, pawn shops, are regulated in the Second-hand Dealers and Pawnbrokers Act. This bill provides a negative licensing scheme for the industry that is the tattooing industry and makes other amendments to the Second-hand Dealers and Pawnbrokers Act.

Under this bill, a person will be automatically and permanently disqualified from providing tattooing services if he or she is, firstly, a member of a prescribed organisation that is defined in the legislation; secondly, a close associate of a person who is a member of a prescribed organisation; or, thirdly, subject to a control order under the Serious and Organised Crime (Control) Act 2008.

That legislation was introduced in 2008, and it is very interesting to look at how many people have been subject to a control order under the Serious and Organised Crime (Control) Act 2008. I put it to the Attorney that it has not been many, and the reason it has not been many, if any, is that it highlights a flaw not just in this law but in much of the law—that is, that the police have ample powers much of the time to do their work and prosecutors have ample powers most of the time to do their work, and so the answer is not always to inflict more laws and more regulation on the people of South Australia all the time.

To continue the list, fourthly, if they are disqualified from providing tattooing services under a law of the commonwealth by any state or territory or, fifthly, if they are a person of a class prescribed by the regulations. I also note that the Commissioner for Consumer Affairs also has the power to disqualify a person under circumstances including if they have at any time in the previous five years been a member of a prescribed organisation, and there are significant offences if the legislation is not abided by.

There is a negative licensing scheme, and what that means is that a person must not provide tattooing services if the person is disqualified from providing tattooing services. For example, a licence is not required. The offence for doing so will be a maximum penalty of four years for a natural person, or $0.25 million for a body corporate.

The bill also allows for people to enter tattooing premises without a warrant and carry out general drug detection using a drug detection dog or an electronic drug detection system. The concern that has been brought to our attention is that people's liberties will be infringed without an acceptable reason or rationale behind it, and that is a legitimate concern with the legislation. I would encourage the Attorney to elaborate on what safeguards there are to ensure that people whose premises are entered into will not have their civil liberties infringed upon without due course.

It is estimated that there are somewhere between 80 to 90 tattoo parlours currently operating in South Australia, and most of these would be in metropolitan Adelaide. Obviously, the act that we are talking about, which relates to the Queensland Tattoo Parlours Act 2013, highlights that the Attorney, when it suits him and his government, is willing to look to interstate laws for ideas.

I would once again encourage him to look at what they recently did with drug trafficking in Queensland, where there is a bill before the house in regard to a Queensland improvement on drug trafficking. I notice that he has looked at the Queensland Tattoo Parlours Act, along with other legislation aimed at organised crime, and that this bill is similar in that regard. Obviously, this follows on from a long-term election promise by this government to remedy this issue.

We have a licensing or registration scheme for a number of businesses and, in any one of these registration schemes and licensing schemes, there obviously needs to be a balance regarding regulation, because regulation can provide a number of solutions that are beneficial to the business and also to the taxpayer and the public. However, we want to make sure that the requirements of the legislation are not onerous and do not overburden businesses that are already doing it tough paying the highest taxes in Australia and at a time when unemployment is the highest in Australia as well.

We are certainly willing to give it a go but, as I said in my earlier remarks, be under absolutely no illusion—organised criminals are not silly. They will be looking for the next kind of business to be involved in. I am not sure what that is, but they have many options. What I would suggest is that this only addresses one piece of the jigsaw puzzle and there is much more to be done.

The Hon. T.R. Kenyon interjecting:

Mr TARZIA: And you can vote on my drug trafficking bill as well. With those few remarks, I ask the Attorney to speak to some of those concerns that we have raised with the legislation. I look forward to that debate, and I commend the bill to the house.

Ms REDMOND (Heysen) (15:53): I rise to make a brief contribution on the Tattooing Industry Control Bill. I will keep it brief because I really do not see the point, given that I believe that this parliament is failing significantly in its duties to the people of this state. I have already spoken before about the manner in which this parliament has given up the rule of law and the separation of powers. Once again, this bill, I believe, offends deeply the idea of the rule of law, and I want to place on the record my utter contempt for the Attorney for bringing in such a bill as the Attorney of this state, as the first law officer of this state, and to also place on the record my opposition.

I come from a position of actually having an extremely high regard for the police in this state, and I have no interest whatsoever in tattoos. In fact, when I think about tattoos, I think about that wonderful ad on the TV with the elderly lady doing the ironing who has got a faded tattoo on her tuckshop lady arm. I think a lot of people are going to live to regret the actions that they may have taken as young people in getting tattoos, and I certainly do not like them at all.

That said, however, this bill offends everything that I think we should be standing for as a parliament. It criminalises people who have done nothing wrong. It gives them no opportunity to defend themselves. I will just take a couple of minutes to go through some of the definitions and the terms of the legislation.

Basically, 'domestic partner' is defined as anyone who is a domestic partner within the Family Relationships Act, whether declared as such under that act or not—so, people who are potentially domestic partners are caught by the act. People are 'close associates' of a person if they are a spouse, a domestic partner—and that means a domestic partner not necessarily declared under the Family Relationships Act—a parent, brother, sister or child, or if they are members of the same household or if they are in partnership or so on.

Then, the offences come about under the definition of 'providing tattooing services' in clause 4, which says that a person provides tattooing services, first of all, if they tattoo another person whether or not for fee or reward. They are providing services even if they are doing it free of charge, and even if they simply sell or supply, or offer to sell or supply, prescribed equipment for tattooing.

Theoretically, technically, if you are the sibling or a former partner or you even briefly shared a house with someone who, whether you knew it or not, was or is a member of a prescribed organisation and you offered to give away to that person or to some other person your tattooing equipment to use on another person, you are potentially going to be in breach of this legislation.

Once again, as in the anti-bikies legislation, we have in this legislation provisions about criminal intelligence. It is defined in clause 4 of the bill as being information that is classified by the Commissioner of Police—so the person who holds that office gets to do the classifying—as criminal intelligence, and it may not be disclosed to any person other than the Commissioner for Consumer Affairs, the minister, a court or a person to whom the Commissioner of Police authorises disclosure.

If the Commissioner for Consumer Affairs disqualifies a person from providing tattooing services and the decision to do so is made because of information that is classified by the Commissioner of Police as criminal intelligence, the Commission for Consumer Affairs is not required to provide any grounds for that decision other than that it would be contrary to the public interest.

All they have to do is issue a notice that the police commissioner has said, 'I've got criminal intelligence. I've decided that it's criminal intelligence, and I'm not required to tell anybody else about this criminal intelligence. I can, if I wish tell, the minister. I could tell a court, but I don't have to tell anyone and, if I tell the Commissioner for Consumer Affairs that he should declare particular premises to be prescribed because of this criminal intelligence, then whoever has the premises declared in that way is not entitled to any further explanation than that the consumer affairs commissioner says it's based on criminal intelligence that it's not in the public interest that your tattoo parlour be allowed to continue to exist.'

The previous speaker represented that there are some 80 to 90 tattoo parlours in this state and I understand that the police acknowledge that, indeed, the vast majority of them are not, even in their opinion, connected with criminal activity, and yet we have these onerous provisions. Then, the proposed legislation goes on to say that, in any proceedings, the court determining the proceedings must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to

receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives and may take evidence by way of affidavit.

In other words, the people who are being penalised by this are not entitled to know the case that is being mounted against them, they are not entitled to hear any of the evidence upon which that is based, and they are not going to be given an opportunity to make any controverting evidence. What is more, it can all be done by affidavit so that even the court may not have the ability to cross-examine the person whose evidence is being taken.

In my view, this legislation is simply an outrage, and I despair that this parliament, on both sides, is going to pass this bill. Either people do not know what they are doing or they do not realise the effect of what they are doing. Either way, to me, it is just unacceptable and I simply say, once again, as I did on a previous occasion with the anti-bikie legislation, we will rue the day that we have ignored these fundamental principles which have served our country, our parliaments and our courts for so long.

We are just casually throwing them away by passing legislation like this, all in the name of political expediency by an Attorney-General who does not care about the rule of law but simply wants to look tough on law and order. With those few words, I will conclude my remarks because I simply see no point in continuing them.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:01): I thank everybody who has contributed and I gather there are a few questions in committee, so I will leave it at that.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: I just ask the Attorney whether he will agree to provide the material which had been requested during the briefing from the Queensland police commissioner, or equivalent, in respect of either a submission they have put to the Queensland task force or advice confirming their review of the position in Queensland over the last two years. It was discussed during the course of the second briefing provided by the government via the two senior police officers. I appreciate that was only, I think, Monday. I just mention this as something we would like to have and ask that that could be made available or an indication given that it will be pursued and provided between the houses.

The Hon. J.R. RAU: Whatever it was that the police undertook to provide, I will do my best to make sure that they do.

Clause passed.

Remaining clauses (2 to 30), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:03): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SURVEILLANCE DEVICES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 September 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:04): The Surveillance Devices Bill 2015 is mark 3 of an attempt at surveillance device reform by the government and I am pleased to say that, whilst I do not think it is perfect, I think they have finally moved to the space of having sufficient amendment to the model that they were pursuing to attract the support of the opposition.

I have to say at the outset that the opposition's approach to how we should be managing the unfair, intrusive and inappropriate invasion of one's personal, private life by the recording now by other video surveillance rather than simply tape recordings is an issue of the modern age which we have to address. At the federal level, the Australian government has undertaken a very comprehensive review of privacy laws; at the state level we are still waiting for some publication of whatever they are doing, which seems to have been going on for a very long time. It is not an easy area to deal with but it is one which does need to be addressed.

Consistently through the passage of the debates under the Surveillance Devices Bill 2012 and the Surveillance Devices Bill 2014, there had been strong opposition and subsequently these bills failed as a result of it being exposed that the government's approach was simply not the appropriate way to remedy this situation and, as we expected, there was a comprehensive outcry, from members of the media particularly, who were faced with having to obtain court orders almost every day to reasonably publish information in their broadcasts.

The model presented by us on this side of the house was one consistent with current law relating to audio surveillance and the use of tape recordings, including the protections for legitimate purposes and having public interest tests. We took the view that that was the way to go. The government, however, in mark 3—that is the Surveillance Devices Bill 2015—has pursued its model but essentially made specific exemptions to apply for certain parties. It is not, as I say, the preferred model but it is one which at least achieves a reduction in the areas of concern.

I will come back to the representations that we have received on this matter to date and I will return to the primary focus of the bill which is to deal with the advancement of new technology and the need for legislation to keep up with those changes. The original Listening and Surveillance Devices Act 1972 could not and does not contemplate the raft of recording technologies available today and, as such, it cannot fulfil its original intent. The commentary in that regard was contributed to by other members of the opposition and I think we all agree to that extent the importance of it.

Various forms of the bill in use in other states—Victoria, New South Wales and Western Australia—have passed in recent years. The current bill provides for a number of other matters which are and have always been supported by the opposition. I will just summarise these as follows because, if there is any complaint about the delay in the utilisation and application of these new laws, it rests squarely with the government because at all material times we have indicated that we are prepared to advance the bill to cover these matters.

The first is cross-border recognition of surveillance device warrants. The second is to allow urgent warrant applications—for example, where there is an imminent risk of violence to a person or substantial damage to a property—to be made by a senior police officer instead of a judge. The third is to provide for remote applications to allow for instances where physical remoteness makes it impractical to make a warrant application. The fourth is the provision of 'specified person warrants', which allows for warrants for surveillance on specific people instead of warrants on a particular place.

The area of controversy and conflict is in the following—namely, the prohibition of a person from knowingly using, communicating or publishing information or material derived from the use of a surveillance device in circumstances where the device was used in the public interest, except in accordance with an order of a judge. Exceptions to this were provided where the device was used in the public interest, if:

(a) the use, communication or publication…is made to a media organisation; or

(b) the use, communication or publication…is made by a media organisation and the…material is in the public interest; or

(c) the information or material relates to issues of animal welfare and the use, communication or publication of the information or material is made to the RSPCA; or

(d) the use, communication or publication of such information or material is made by the RSPCA and…is in the public interest.

These two main categories which are exceptions to obtaining court orders largely are the media and the Royal Society for the Prevention of Cruelty to Animals. I will not traverse all the concerns that were raised and their genesis, in the environment particularly where the RSPCA had cited examples of gross cruelty to animals which they felt needed to be exposed and where they felt they needed some protection against being charged with an offence when they were acting in the interests of preventing cruelty towards animals.

The obligations of the RSPCA in respect of their contracted obligation to investigate, and in some cases prosecute, offences of cruelty towards animals are clearly important. Where it became a much greater issue was the expansion into the area of the individual who was concerned about the welfare of an animal which may be the subject of abuse or neglect and which was suffering, and the extent to which he or she would be prohibited from filming such circumstances and then knowingly using, communicating or publishing the same. Certainly, in recent times we have had complaints about that.

Then we have the area of people whom I would consider to be activists, and this is in the realm of those who, for example, oppose the husbandry of animals in an intensive agriculture environment, whether they are hens in sheds, pigs in extended undercover areas, locked in crates and the like. I will not go into the merits or otherwise of the view of the activists in this regard but, suffice to say, they were passionate about their cause and felt that it was their right and obligation to record where they could circumstances that would pursue their objective, namely, to shut down these industries.

I think it is fair to say that any right-minded person in the community accepts that the RSPCA, especially as they are the contracted party to investigate and prosecute cruelty towards animals or, as I say, neglect or abuse, should have that right and they should not be restricted in their recording of instances for the purposes of the successful investigations and prosecutions that they are vested with the responsibility of pursuing. As to the other two areas, that is, the ordinary person in the street who has a view about what they should be doing in this area, and particular activist groups, they do not have an area of protection under this new bill, and I think it is entirely appropriate that they do not.

Free TV is an organisation that could be fairly described as a peak body of national media operators. They presented a number of submissions during the many debates in this area of law reform and expressed their concern in the previous debates that the government had got it wrong, and clearly they wanted us to strongly oppose the bill in general terms for the reasons I have outlined. When we had a briefing from the government on this bill, there was an indication that there had been no response from the national media groups but, as was pointed out—namely, that there had been an exemption to deal with media organisations—it was anticipated that their objections will have been dealt with.

We are yet to receive the final submission from Free TV, which still represents their industry. My understanding, on the information provided to date, is that the media organisation representative group is still not happy with the terms of this bill. I have not received it in writing yet (it is not expected until at least tomorrow), but I think that they will still maintain that it is better that we progress in the orderly manner the opposition has recommended. However, they may well identify some small areas of reform that could enhance this corrupted model, and we will certainly have a look at those. They may not be helpful, they may not enhance the bill but, if they do, we will have a look at them once we receive them.

I indicate today that we will be supporting the bill in the House of Assembly. I have not heard from the RSPCA at all. My recollection from the government's briefing is that at least they had been spoken to. I have not seen any representation from them at this stage, but I expect, given that they have also been accommodated in the new amended bill, that if it is an objection it will only be minor. I am happy to go into committee on this or, alternatively, hear from the Attorney in his summing up

in respect of the two matters that were raised. Some discussion was undertaken in the briefing on the other states that had passed the legislation.

As to an update in that regard, Victoria, we know, has legislation that can publish without consent. It has a public interest test. Also, there was some discussion about what was happening in New South Wales and Western Australia. So, we had sought a brief comparison of the other jurisdictions where there has now been the application of laws dealing with surveillance devices and also some comparison in respect of what is a private activity.

The detail that we got into during the discussion on the briefing included things such as: is it a private activity to undertake—for example, a display of nudity or intimate contact between people in the front yard of their house? In other words, could they expect to be excluded from or protected by this legislation? The answer to that was, 'Probably not.' If they conducted the same behaviour in the backyard of their house—this is a personal or private dwelling—could they be expected to have the protection of this legislation? The answer to that would be yes.

We always appreciate with legislation such as this that there is always going to be a fine line as to what is private activity and what is not; and, again, we would be looking to see that the government is going to ensure that there will be a responsible application of this. The answer to our concerns about whether it goes too far was responded to on the basis that there still has to be an element of knowingly publishing, communicating, etc., and that that element obviously has to be established, too, for the purposes of having any successful prosecution.

The situation that is going to be a grey area, if I can put it, is where there is a person who reasonably wants to protect their safety in their home—establishes lights or cameras around the perimeter of their home designed and targeted to keep surveillance within the property but does take in slightly across the border, or across the fence, into the neighbour's property, and inadvertently capturing the images of other activity, which those people involved would be reasonably entitled to keep private, particularly if there is some central point where there is some surveillance of the perimeters of the property and someone else views that.

It has been communicated, it has been published, it has been used, and to some degree would have to be accepted as knowingly going into that part of the person's property because of the sheer logistics of being able to ensure that the whole of the property is protected. So there are lots of instances where we are not entirely certain how it is going to work, but it is—

Ms Redmond interjecting:

Ms CHAPMAN: The member for Heysen says, 'Let's pass it, anyway.'

Ms Redmond: No. I said, 'We're going to pass it, anyway.' I am not saying, 'Let's pass it, anyway.'

Ms CHAPMAN: The member for Heysen said, 'We're going to pass it, anyway.' I make the point that, in the end, the opposition took the view that we needed to balance what is in the best interests of protecting the privacy of the population who expect and who are entitled to have some protection, and, in the absence of the government dealing with the introduction of privacy laws, we clearly do need to deal with it.

The other area is one which I think we should have some response from the government on, and that relates to how we are going to manage aerial photography which is currently undertaken by quite legitimate operators. Obviously, we have the people who take aerial photographs for the purposes of selling real estate, and that is commonly recorded and repeated in their advertising.

We have a number of companies who operate cameras in the sky, one of which is in the local Adelaide Hills area and I notice it had some publicity just recently. They provide for recreational drones to be used for the purposes of undertaking airborne photography. It seems to be a booming industry. Obviously we have a number of the unmanned aerial vehicles, or UAVs as they are called, sometimes called drones, which are used in industry, agriculture of course commonly, where they are sent out to check everything from water troughs and dams to dingo traps, to make life easier for those who deal with distance on a regular basis.

All of these are great innovations and the use of technology is important and we have to protect against those who might have some inadvertent, innocent, recording made and then inadvertently published. So we will look to see how that is going to go. I mention it particularly because it is not just the private sector that are involved in this. I note that even our own Department of Environment, Water and Natural Resources operates with the use of aerial photography. They frequently do that, of course, for their own investigations in respect of land clearance, for example, of native vegetation, for them as a regulatory body to ensure that there is compliance with our laws in the protection of the environment.

That is just one department that uses this modern technology to assist in the investigation, inspection and sometimes prosecution and provision of evidence for that purpose in their legitimate activities. So let's get it right. We hope with these amendments, given the pressing nature of having some protection, that this will help to resolve the situation. We will see. Obviously it is a matter about which we on this side of the house will remain alert. We would hope the government will act to ensure that their enforcement agencies will act responsibly. If they do not, clearly on notice we will be back here, but the government should be on notice that, if there is any significant error in this legislation which we have not been able to pick up, given the amount of work that has been done to monitor this, we may need to propose some amendment between the houses.

Mr KNOLL (Schubert) (16:28): I rise to support this bill, and in doing so I put on the record how important I think this piece of legislation is for South Australia. Putting aside what we consider to be the uncontroversial part of this bill—that is, the cross-border recognition of warrants which is something I understand the police have been asking for since 2002 and I understand that it was part of a COAG process potentially way back then—the fundamental primary focus of this bill centres on dealing with advances in technology and helping to redress the balance that currently exists between technological advances and people's right to privacy.

In 1972, when the Listening Devices Act was put in place, some of the myriad devices that we are talking about now simply did not exist. I am somebody who, whilst reasonably an open book and probably too honest at times, I also appreciate privacy, especially the privacy of my own backyard, especially after a couple of weekends ago when we put down some new lawn replacing some synthetic lawn, and my right to replace that synthetic lawn in privacy. I am extremely supportive of this bill on that basis.

It is not just physical technology. With the internet, we have seen vast amounts and permanent records of information about people. This will not be the last time that we deal with something of this magnitude or something of this nature because new technology is going to continually test us in where we find that balance between privacy and welcoming the new technologies that bring so much more joy and interconnectedness to our lives.

This bill is not something that is unique to South Australia. Surveillance devices legislation has been passed in New South Wales, Western Australia and Victoria. In the case of Victoria it was passed in 1999 by the then Kennett government. That piece of legislation is now out of date owing to the fact that they did not contemplate airborne devices or optical surveillance devices, and that piece of legislation was actually quite simple compared to what we are dealing with here. The Surveillance Devices Bill that is currently before us is a more complex piece of legislation.

Before I go through it, there are a number of examples in the media that I would like to highlight where this type of bill is important. I am going to take an example from Victoria first and the headline reads 'Topless neighbour's drone picture prompts call for privacy law overhaul'. It is a story from the Mornington Peninsula where a commercial drone was used by a real estate agent to film the top down view of the property and inadvertently it ended up, as I understand it, that on the sign was a picture of a lady in her backyard sunbathing topless. She obviously took great offence at having her nude image published. I will quote from a media article that says:

> The Victorian Surveillance Devices Act dates back to 1999, meaning drones are not governed by any clear privacy protections.

I think that any normal, clear-thinking person would consider that a person should be able to conduct that kind of activity in their own backyard and, in fact, I think we should make no judgement on what somebody does in their own backyard and inside their own home unless it is illegal. On that basis, I

think that enacting privacy provisions in the way we are looking to today gives people a sense of privacy that they probably already thought they had, but one that they should definitely have going forward.

The second example I have that is not necessarily, given that there was a court case involved, going to be considered illegal by this bill before us, is the saga of SA Pathology using covert surveillance camera equipment to essentially spy on their staff. I am looking here at a response from SA Health Chief Executive David Swan, who in a newspaper article said:

> The cameras did not have the capability to record audio and therefore did not breach the Listening and Surveillance Devices Act 1972.

That statement suggests to me that, unless SA Pathology was seeking to do something in somebody's lawful interest, what they were doing should have reasonably been illegal. We have also had raised in this house questions about whether or not Correctional Services staff were tape-recorded without their knowledge during meetings.

However, I have something that I think would be captured by this legislation and that is an article that relates to a man who, whilst at his home in Millswood, was surprised to find that there was quite a large, obviously commercial, drone hovering over his property. It turns out that the drone was being used by Channel 7 as part of a home renovations reality TV program that they were filming and in the process of that was capturing footage of what otherwise was a private activity. Again, I think that the public's reaction to this was, 'Well, hang on. I would have thought that this would be illegal.' What we are attempting to do here today would hopefully, subject to court proceedings, make this kind of activity illegal.

I want to go through some of the bill and do so in the spirit of the new way that we are to ask questions of a little more general nature, in order for the Attorney-General, in his finite wisdom, potentially with the added wisdom of people who may have other knowledge of this legislation—

The DEPUTY SPEAKER: You are giving him notice of questions.

Mr KNOLL: —exactly right—to hopefully bring us back an answer, because I think there are a couple of scenarios we need to consider. The shadow attorney brought this question up before, but I think the application of this legislation is going to come down to what is defined as a private activity and, essentially, what is a public place, and they are two definitions that are provided for in the bill. Under 'private activity', it states:

> (a) an activity carried on by only 1 person in circumstances that may reasonably be taken to indicate that the person does not desire it to be observed by any other person…or
>
> (b) an activity carried on by more than 1 person in circumstances that may reasonably be taken to indicate that at least 1 party to the activity desires it to be observed only by the other parties to the activity…

It goes on to say a few other things but, essentially, I think that is a fairly reasonable definition of where we are at. The assumption should be that, unless you are doing something overt or explicitly out in the open, if it could be reasonably assumed that you were trying to do something that was private, then it is indeed private. I think that is a very worthwhile sentiment.

The bill goes on to explain what a public place is, and includes a place to which free access is permitted to the public, a place to which the public are admitted on payment of money, or a road, street, footway, court and a whole heap of other different, I suppose, road infrastructure and those types of things that would otherwise be considered public. What we are not attempting to do here is inadvertently make every 15 year old with a cell phone a criminal. That is something that I think we need to be mindful of in this bill, and it will very much come down to what constitutes a private activity and what constitutes a public place or, in the absence of it being a public place, what is a private place.

Certainly, the way that this bill is written in terms of place gives a definition of public place, and one would reasonably assume that, unless it is defined as a public place, everything else is considered private. Personally, I like that definition because that broadens as much as possible what is a private place and defines, as clearly as it can, what constitutes a public place.

Going to the most operative clauses of the bill, clause 5 provides that a person must not knowingly install, use or maintain an optical surveillance device or a listening surveillance device or a data surveillance device. At the moment, we are dealing with classes of devices, but I think they are broad enough because they deal in senses, obviously one being sight and one being hearing.

Hopefully, unless we are going to create a sixth sense, we will not necessarily need to update this legislation unless of course there is some sort of new technology, whether it be some sort of device that can read your mind or the like, so that we will have to come back and revisit this legislation. So, in the absence of new senses or some sort of third or fourth dimension being created, hopefully, what we are dealing with today will be comprehensive enough, but indeed it is very much incumbent on legislators to keep up to date with the latest technology.

This bill goes on to provide a series of exemptions. The first exemption is if the use of the device is reasonably necessary for the protection of the lawful interests of that person. I think that is extremely important, especially in some scenarios. I can envisage, for instance, domestic violence within the home, where the opportunity for somebody who is being abused to be able to record that abuse could hopefully then, through that, secure a conviction. I think that is extremely necessary.

I do not want to create too many examples in my head, but I can a see a number of times where that 'lawful interest' exemption is extremely important. Again, it gives rise to what could otherwise be confusion—and that is something we have to be very mindful of here—between what is lawful and unlawful. I suppose the point is that you take the material at the time that you believe it to be lawful, but one of the first questions is: what happens if you believe it to be lawful but, indeed, a court finds that it was not necessarily in the protection of your lawful interest? How is it that people who are trying to abide by the law do not necessarily achieve that outcome?

The second exemption relates to the public interest exemption—and this is the one that is, potentially, the most contentious—and the bill talks about 'if the use of a listening device', or optical surveillance device, whatever the case maybe, 'is in the public interest'. It is important in a free and open society that everyone has the opportunity to expose what they believe is in the public interest.

As somebody who has had cause over recent weeks to debate in my head what I believe is or is not in the public interest, and whether or not other people may consider activities to be in the public interest, this is something that is quite dear to my heart. Nevertheless, a public interest exemption exists, and I think it is important, but I do hope it is not used as an excuse because what may be interesting to the public should not always be considered in the public interest.

The bill goes on to talk about communication or publication of material in the public interest, and there is a provision there that it is only with the order of a judge that information in the public interest can be exposed. I do not necessarily see this clause as a bad thing. Why? Because for an individual who is not able to ascertain reasonably what is or is not in the public interest, instead of publishing it, and potentially being sued, they can go to a judge and get a judgement to know whether or not they potentially could be sued in the future.

That could lead to a better or a more considered process, when it comes to chucking things out in this sphere because, in the absence of judicial preapproval, we will see that damage will be done regardless of whether or not it turns out to be in the public interest, that you cannot unpublish something;, indeed, we have seen many instances where, even though people are eventually exonerated, damage has been done to their reputation.

Ms Redmond: Trashed.

Mr KNOLL: Yes, they have had their reputations trashed. I think this is very important. There is an exemption given to the media, and one of the main questions I have around this is if somebody collects material, and the act of collecting that material is illegal, and they hand it on to a media organisation who have an exemption from judicial preapproval and it is then published, and that media outlet is then challenged in court about whether or not it is in the public interest, at what point does the original act of collecting the material become illegal?

Indeed, if a media outlet is punished and we say, 'No, this wasn't in the public interest,' and judgement is found against them, does it mean that the person who supplied the material to them was committing an offence? If so, is there anything incumbent upon the media to identify who gave

them that material, if they did not collect it themselves, in order to be able to prosecute that person? I would like to understand how that works.

There is also an exemption for the RSPCA, and this is new to this bill rather than the last bill. I am supportive of this because the debate last year became very centred upon animal activists trespassing and taking footage inside abattoirs and intensive farming operations. All those who sought to protect the privacy of farmers who were just going about their daily lives came together with the fact that it should not necessarily be up to the individual to decide whether or not there were instances of animal cruelty and that, even if footage was published more widely, the most appropriate authority to decide that is the RSPCA.

In giving this exemption, hopefully what will happen is that animal activists will be forced to hand over their material to a body that is already responsible for investigating claims of animal cruelty and, although this bill does not state it, I hope that the RSPCA would investigate those claims before they were to publish the material.

I do think it is a reasonable step, one where we can find that balance so that those who are committing acts of animal cruelty are investigated and brought to justice but legitimate farming enterprises do not have footage cut and sliced and overlaid with sounds that are quite clearly not part of the original footage and do not have doctored material out there in the public sphere again trashing their reputation unfairly, when it is very difficult to get that reputation back.

I am wholeheartedly in support of this bill. I do agree that it is not necessarily perfection, but in this space, given that we are dealing with new technology and new ways of doing things, there is going to be a level of uncertainty.

Like the shadow attorney, I too will suggest that, if there are any deficiencies on either side of the argument in this bill, we will be back to seek to change those things. I do believe it is a great step forward and something I have personally been supportive of for a long time. It is a positive step in grappling with instances in our ever-changing society that could not been contemplated in 1972 or even in the late eighties and early nineties.

With the advent of the internet and UAVs, drones, or whatever the member for Bragg called them earlier, out there in the public space, we need to find a balance so that citizens can go about their lives in peace and adhere to the fundamental libertarian ideal that everybody should be free to go about their daily lives unencumbered, except to the extent that they impact on other people's lives. I think this legislation is getting at the fact that, if you are conducting private activity in a private place, you can have a greater assurance that, where trespass laws find themselves to be inadequate, this law gives you further protection in order that you can be assured that you can live your life in relative peace.

Parliamentary Procedure

SITTINGS AND BUSINESS

The DEPUTY SPEAKER: Before I call the member for Heysen, we just need to do something procedurally.

Ms Redmond: Last time this Attorney moved something procedurally, he kept me waiting for 15 minutes.

The DEPUTY SPEAKER: Just wait two seconds, member for Heysen.

The Hon. J.R. RAU: I beg your pardon? I don't have to do this.

The DEPUTY SPEAKER: No, minister, just move the motion and she will understand that she has made a mistake.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:48): So that we can hear from the member for Heysen, I move:

That the time for moving the adjournment of the house be extended beyond 5pm.

The DEPUTY SPEAKER: Would you like to second that, member for Heysen? Yes, you would.

Motion carried.

Bills

SURVEILLANCE DEVICES BILL

Second Reading

Debate resumed.

Ms REDMOND (Heysen) (16:48): Thank you, Madam Deputy Speaker. It is just that the last time the Attorney said before I spoke that he would only be a matter of a couple of minutes, he took a good 15 quite deliberately. I do want to make some brief comments on the Surveillance Devices Bill and, whilst I agreed with a lot of the comments made by the member for Schubert, I disagree with his conclusion and indicate that I will be opposing the bill.

I oppose it not because of its fundamental tenet. I agree that we need to update the definitions and I agree that we need to have a regime whereby surveillance devices are managed. My problem with this bill is that, in the absence of privacy legislation in this state, the exemptions granted are too broad, and they lead to a situation where really no-one's privacy is guaranteed. The member for Schubert has already pointed out that clause 4 which relates to listening devices states that basically it is an offence to install, use or cause to be used a listening device to listen to a private conversation, and in clause 5 the same provision applies to optical surveillance devices.

The problem with the bill, in my view, is that clause 6—and both clauses 4 and 5 are subject to clause 6—goes on to provide certain exemptions. In particular, it says that neither clause 4 nor clause 5 of the bill when it becomes an act will apply if the listening device is used in the public interest. The member for Schubert also pointed out, quite correctly, that there is often significant confusion between what is in the public interest and what the public might be interested in, if you will pardon me ending that sentence with a preposition.

The problem is that many of our media outlets in particular continually put things to air which may be of interest to the public but are in no way in the public interest. Where is the poor person whose life has been trashed by the media in this way able to get redress? I would suggest that, even if it is ultimately found that they have been wronged by an inappropriate use of the exemption by a media organisation, (a) it is all too late and (b) it is costly, time consuming and difficult to get any sort of redress.

Therein lies my significant difficulty with this legislation. The exemptions talked about in this legislation, particularly in clause 9, talk about giving exemption particularly—and I will just read the beginning of clause 9:

> A person must not knowingly use, communicate or publish information or material derived from the use of a listening device or an optical surveillance device in circumstances where the device was used to protect the lawful interests of that person except—

and there is a whole series of things about which I make no objection—court proceedings and so on for relevant police investigations. I have no problem with those, but one of the exceptions is that they can give it to a media organisation. On what basis is it possibly acceptable to say as a general rule that, even when you are using your surveillance device to protect the lawful interests of a person, there is an exception if the information is given to a media organisation, probably the worst organisation you could give it to?

My problems also go to giving exemptions to organisations like the RSPCA. I have a view that the RSPCA is a political organisation in many ways and that it should not be allowed to do the prosecutions that it does, that in fact a government should undertake prosecutions for animal cruelty. It should not be left to some non-government organisation that is subject to no ministerial control (whatever that might mean for this government). That is really an argument for another day; I do not want to go there particularly.

However, I will say that I object to the idea that there is to be an exemption so that a farmer going about his lawful business on his own property, completely within the bounds of what is allowed under the law, can be subject to an exemption because someone decides that it is in the public interest for them to come onto the property and take footage. As the member for Schubert also pointed out, they often end up doctoring that footage before it goes to air in any way.

I do not have a problem with the fundamental other parts of the legislation. I am not concerned that we need to update the legislation to include all sorts of modern surveillance devices. I am not concerned that our police and our courts and certain people who are authorised as licensed people under the law should be allowed to do things. Why you would exempt media organisations and allow them to access things which are otherwise unlawful, is just beyond me. It is notable to me that neither public interest nor lawful interest seem to have found definitions in this legislation.

The only other comment I want to make about this is that under clause 10, which is 'Communication or publication of information or material—public interest', there is a provision that says:

> A person must not knowingly use, communicate or publish information or material derived…in circumstances where the device was used in the public interest except in accordance with an order of a judge under this Division.

The problem with that particular provision, it seems to me, is that there does not seem to be any scope within the legislation, as proposed, for a person who will be affected by the publication of the information and who could effectively have their reputation or, indeed, their life trashed by its disclosure is not necessarily notified before a judge makes a decision and is not necessarily given any opportunity to make submissions before the judge. It simply would amount to the media organisation going to the judge, putting their case and, uncontested by anybody else, getting the judge's approval. Of course, a very one-sided case can always be put. I know, because I have seen enough of them over the years.

I fundamentally object to all of those sections which allow exemptions. In particular, I will lastly refer to clause 12(3), which says:

> A person who obtains knowledge of information or material in a manner that does not involve a contravention of this Part is not prevented from communicating or publishing the knowledge so obtained even if the same knowledge was also obtained in a manner that contravened this Part.

That is an extraordinary provision. All you have to do is get your bona fide person, without express knowledge beforehand, to be the recipient of the information and they are at liberty to then publish it, without consequence, regardless of whether it was obtained illegally and unlawfully in the first place.

Once again, I must indicate that I do not agree with any of those people who are supporting this legislation. We need privacy legislation in this state, in my view. Technology is going rampant. I do not know whether anyone else has observed recently the dirigible that is flying over Adelaide quite regularly. It is just advertising things but, for all we know, it could have a camera attached to it and it can, at the moment, go anywhere it wants. It is motorised.

The member for Schubert rightly pointed out the sorts of accidental occurrences that have embarrassed a number of people because of the use of drones, and so on. I will have more to say about that later on a private member's issue but, at the moment, I simply indicate, once again, my disagreement with the legislation, particularly insofar as the exemptions that it is going to provide.

Mr PEDERICK (Hammond) (16:58): I rise to speak to the Surveillance Devices Bill 2015. I concur with a lot of the remarks that have been expressed already by the members for Schubert and Heysen. This bill will repeal the Listening and Surveillance Devices Act 1972 and make other amendments. From 2012 there has been a progression to try to get this bill through.

This has been related to work in line with COAG about cross-border recognition of surveillance device warrants. It also allows urgent warrant applications, for example, where there is an imminent risk of violence to a person or substantial damage to property to be made by a senior police officer instead of a judge. There are remote applications to allow for instances where physical remoteness makes it impractical to make a warrant application. It allows for specified person

warrants which allow for warrants for surveillance on specific people instead of warrants on a particular place.

It prohibits a person from knowingly using, communicating or publishing information or material derived from the use of a surveillance device in circumstances where the device was used in the public interest, except in accordance with an order of a judge. There are exceptions in this:

(a) the use, communication or publication of the information or material is made to a media organisation; or

(b) the use, communication or publication...is made by a media organisation and the...material is in the public interest; or

(c) the information or material relates to issues of animal welfare and the use, communication or publication of the information or material is made to the RSPCA; or

(d) the use, communication or publication of such information or material is made to the RSPCA and...[it] is in the public interest.

This bill makes other changes, including expanding the definition of premises to include land, buildings and vehicles, including aircraft and boats, and an expanded definition of private activity to remove ambiguity.

As I indicated, these amendments come in 16 years after the act was reformed in 1998, and much has changed, which we are aware of. The latest electronic surveillance equipment people can have that can intrude into privacy includes drones. It was back in 2002 that the Council of Australian Governments (COAG) met, and their idea was:

> To legislate through model laws for all jurisdictions and mutual recognition for a national set of powers for cross-border investigations covering controlled operations and assumed identities legislation; electronic surveillance devices; and witness anonymity. Legislation to be settled within 12 months.

They were pretty hopeful, weren't they? It is to be noted that, interstate, New South Wales, Victoria, Queensland and Western Australia have all passed respective versions of electronic surveillance legislation. The police have certainly taken the view in the last five years that our legislation in this state is long overdue for overhaul.

Obviously listening devices are caught up in this legislation, but I just want to talk about the issue of the installation, use or maintenance of an optical surveillance device being subject to similar restrictions and exemptions. The bill prohibits the installation, use or maintenance of an optical surveillance device on or in premises to record visually or observe the carrying on of a private activity without the express or implied consent of each party to the activity. The bill prohibits trespass onto premises or interference with premises to install, use or maintain an optical surveillance device to capture private activity.

It is also noted—it has been spoken of quite widely here today already—that if the installation, use or maintenance of an optical surveillance device is in the public interest, there is an exemption for that. The bill prohibits the use, communication or publication of information or material derived from the use of a listening or optical surveillance device. In the bill, there is a similar offence provision created for the use, communication or publication of information or material derived from the use of a listening device or optical surveillance device in circumstances where the device was used in the public interest, except in accordance with an order of a judge.

The bill has moved on from the 2014 legislation to provide an exemption to the general rule that there must be a court order for a media organisation; information or material that is used, communicated or published to such a media organisation; the Royal Society for the Protection of Animals SA (RSPCA) where issues of animal welfare are concerned; and, obviously, information or material that relates to issues of animal welfare that is used, communicated or published to the RSPCA.

I certainly have some concerns, as the member for Heysen and the member for Schubert have, as to whether this legislation does go far enough. On our side of the house, we like to acknowledge freedom of speech and the freedom of media to operate, but sometimes I think things go well beyond the pale.

I also have major problems with the RSPCA being the sign-off officers on animal welfare issues. It would certainly be my wish in the parliament—and we nearly got there except for one member in the other place who changed his vote—to put the policing powers in the hands of the government because you have one organisation who is judge, jury and executioner. Quite frankly, I do not support that.

In fact, and this may sound harsh, I think the government gives them $1 million now and they get some funding from donations but I think this organisation should either go crowdfunding or raise its own money because I just do not have the faith that some people may have in the RSPCA, especially with regard to production facilities and production animals. It might be a fine organisation with regard to dealing with cats, dogs and pets but they certainly have proved their incompetence in relation to some big cases.

One big case I have talked about here many times is that of Tom Brinkworth where an officer in the RSPCA stuffed up the paperwork, essentially. Why would you do that? Because they thought they were the judge, jury and executioner. To think that they had to do that to get something legally done, I hope that officer got what they deserved because it is outrageous.

I do not condone animal cruelty, not at all. Coming off the land, and having run cattle and sheep, I know there is no such thing as making money out of skinny stock or dead stock—there is no money in that. There is no money in that at all: you are there to run a commercial property and you are there to make a profit. Anyone who runs their stock that hard needs action taken.

I have had instances in my electorate where there was alleged animal cruelty to some cows. It did not look good from the information I received post the case but it was also alleged that it took six shots from an RSPCA officer to put a cow down. Since then I have written to the RSPCA and its lawyer to seek advice on whether that is true. I do not think I have had an answer yet but I can check with my office.

If you have to put an animal down—I had to put a horse down in the last couple of years—you get a high calibre rifle. It was a .30/.31 shot and the poor old horse went down but it was done cleanly. A lot of people believe in the green dream but I live on the land and we do things practically. The horse was 28, it had a cancerous eye and his future was going nowhere.

I have severe concerns about the RSPCA and its exemptions in this. If people want to know why it is because it is an active animal welfare organisation and a lobbyist against live trade. It is a lobbying group against live trade. I wonder if they even have one thought about how many station owners and others have taken their lives since the federal minister at the time stopped the live trade to Indonesia and put a big nail into cattle livestock operations in Australia. That had impacts all the way down, not just with cattle suppliers but to the feed suppliers—Johnson's at Kapunda who supply a lot of the pellets for the feedlots in Darwin—and the ships that take these cattle to Indonesia and other ports like Vietnam, etc.

I have heard some crazy arguments from federal politicians on the other side who believe that there are plenty of chilling facilities for people on the other end and that is why we do not need live cattle. I am sorry, but have they ever visited the people of Indonesia and seen what facilities they have? It is 'kill just in time' and use it fairly quickly.

I admit that there have been some issues. There is no doubt that there have been some issues. Meat and Livestock Australia have moved to get people accredited under ESCAS—the licensing scheme for abattoirs overseas killing our livestock. Things have moved a long way, but it is still not good enough for some people, because some people would rather rely on lentils and lettuces. I have lettuce farms in my electorate; you cannot hear a lettuce scream when it is pulled out of the ground.

People may think that is a bit flippant, but it annoys me that you have someone who is the judge, jury and executioner, and also a lobbyist against live export. I am happy to meet with them at any time and have a discussion, but it caused major issues when the then federal minister Joe Ludwig cut that trade. I was the state shadow minister for agriculture at the time, and it caused major issues. Families lost husbands, brothers and partners. It was a terrible situation, but some of these people do not care about those things that happened; they do not care about those costs.

I suppose, in expanding on that, we talk about the access by media organisations. What we have seen, along with this anti-live animal export program that some people are on, is that there are a whole range of activists that get involved. There was quite a case in New South Wales where a piggery had cameras installed and illegal filming was being made. One day, someone caught up with the people filming and basically chased them out of the sheds. You have biosecurity issues happening there. For some reason, their car would not work because it had been made immovable, with smashed windows, etc., because people were venting their anger. I do not condone that, but you can understand why, when their business is being infiltrated by these people who think they are doing something for the greater good.

We had an issue where there was an abattoir in Murray Bridge that was invaded by some of these radicals. The member for Schubert and I met with the people afterwards to talk about what had happened. They had put in quite technological gear; there were cameras right down to the chamber where the pigs are gassed (humanely, I must say). These people could have been at real risk of triggering something and actually killing themselves.

They were also breaking and entering, but they have got away with that. That seems to be fine; people seem to condone that. They set up a series of cameras and could remotely access the footage with a wireless network they set up from that gear. I saw a photograph of the cables that were found by some of the men operating the plant.

These people have got off scot-free. Not only that but they sit on the evidence, like they did with the live animal export film. The evidence gets sat on. If they were really worried about animal welfare, you would have this footage in the media the next day, or on that day. But no, 'We'll wait for a prime spot where we can make some political points,' so it is done six, nine, or three months later, or whenever it is.

It is not about the so-called protection of these animals that are involved, it is about making a political statement. That it is what it is about. If they were really concerned about animal welfare, that material would be out in the media straightaway. I note that the Attorney is making some notes; I hope he gives me something to feel good about this legislation when we go into committee, or even beforehand when he speaks, because I still have some problems with it.

I think we are well on the way to something we need to have, but when you think about it, here we are: we are essentially giving the media a free run because they said we would be in court every time, otherwise, getting a story. We have managed to basically put in legislation against listed bikie gangs just for being bikies. Why can't we do it here? I do have a real problem with these activists who break into farming properties.

As I said before, there is no joy or profit in skinny stock or dead stock. There is no profit in that. There is no point farming like that—no point at all—and many of us do enjoy eating meat. For example, goats are being live exported by the thousands and they are quite a profitable outcome, especially for station country where there a lot of goats. Goats are animals that are basically wild and they are rounded up, and there is a bit of anecdotal evidence that that pays the school fees for the station kids to come into town to school. Good on them, if that is what it does, so the rest of the property's work, whether it is with cattle or sheep, pays for the operation and running of the property.

I hope I am convinced, in going through this legislation, that there are protections for people on their properties and that it will not be carte blanche for the media or the RSPCA, because I do have a real fear, as does the member for Heysen, about what could happen. What would these people think if we just decided to walk inside their home or their business, set up some cameras and film what they were doing? I am sure they would not like it.

On a farm, whether it is in your house, your shed, your workshop or your intensive animal shed, that is home. The whole place is home and people are invading people's homes, and they need to be stopped. They need to be given a big whack, because I am over it from the cases I have seen printed in rural media and from cases I have heard about. As I indicated before, in the case of Tom Brinkworth in the South-East where there were allegations of animal cruelty, Tom did not get to have his say in court because someone from the RSPCA stuffed up big time, and that is the best way you can describe it.

I want some peace for people in the operation of their daily lives. It is very sad that Holden's is closing down in 2017, but could you imagine if they were being filmed for whatever reason, whether it was about work health and safety issues, and surveillance devices were put in there? Perhaps there might be some action because that is a bit more Labor-held country. We have to be careful about protecting people's rights and we have to make sure that people can operate their practices, whether it be a farming practice or other businesses, with the freedom of knowing that they will not have some idiots breaking in and disturbing their cattle, their sheep or their pigs just to make a political statement, because that is what I am sick of.

I am sick of organisations—I do not care who they are—that hold this footage for months and, just when it is politically opportune, they put it up there and they go whack, whack. As I said before, that is not about animal cruelty, that is about making a political point. I hope the Attorney gives me some joy when he responds to this legislation.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:18): I would like to thank everybody for their contributions in relation to this matter. I do note that it has been indicated that the opposition, with the possible exception of the member for Heysen, is going to be supporting the bill, and I am grateful for that.

To the member for Hammond in particular I would like to say a couple of things, and I am not directing these comments specifically at you because you speak from the heart and with passion about matters that are of deep concern to you and to people who are your constituents. However, I have to say, when I listen to what has been said in this debate in this house today on this bill, I am reminded of something I had to read many years ago, which was called *Through the Looking-Glass* by that great author Lewis Carroll. I invite anybody who is trying to understand what is going on here to look at a few of the quotes from the Mad Hatter, because they are getting pretty close to where we are at the moment. I cannot let this one go, but the comments from the member—

Mr Pederick: Let's not trivialise it.

The Hon. J.R. RAU: No, I am not at all, but the comments from the member for Bragg about this, this sort of cheap little slap about, 'It's all the government's fault because of the delay in this matter.' She never fails to miss the opportunity to explore the outer boundaries of churlishness and absurdity, and yet again she has done it.

Let us be very clear about this, and I am quite happy to say this on the record because it is not a matter that is in any way a revelation for anybody in this place: I agree with every single word the member for Heysen said about this, every single word. If you look at the bill that I brought into this place in 2012, every single matter the matter for Heysen raised as being an inadequacy in the current bill was not there. It was the present bill minus all of the inadequacies about which she complains and, member for Hammond, all of the things that you are complaining about were fixed in that bill of 2012.

Can I remind the member for Hammond of what happened to that bill in 2012. It came in here and the opposition decided to knock it off, in conjunction with a few crossbenchers in the other place. Then we went for round 2. In round 2, member for Hammond, and history is important here, what happened was that, not content with buckling at the knees to pressure from media outlets, which is what happened to the opposition and certain crossbenchers when it came to the first time, unlike the member for Heysen who has a bit of principle about this, what happened was that we saw an unnatural alliance between the Liberal Party and the very people about whom you are complaining to see the bill defeated a second time, this time because the issue about animal rights had been introduced for the first time. Can I remind members here that, had the bill passed in 2012 as it was in the first place, that was not even on the agenda at that point in time.

So, all of the dilutions of this bill, all of the imperfections in this bill about which the members for Heysen and Hammond have complained are imperfections and dilutions introduced in this bill as a direct result of it being blocked in previous iterations by, amongst other people, members of your political party, especially in the other place. So, please do not ask me to explain myself as to why

this bill is less than it might be, please do not ask me to do that. You need to, all of you, have a good look in the mirror to understand the answer to that question.

That said, at least this bill gives you, member for Hammond, and your constituents some protection because at the moment you have none, zero, no protection at all from these people about whom you complain. At least with this bill getting up you will have some protection from those people, not as much as I wanted you to have, and obviously not as much as you want, but you will have better than nothing, which is what you have now. So, I am pleased that this bill, albeit a Clayton's version of the original thing, is at least going to go through and give us something better than the zip we have presently, and I think that is good.

I am a glass half full sort of chap, so I am saying, 'Well, the glass is half full, you know, it's not brilliant, it's not 12-year-old single malt, it's not even lemonade, but it's half full, so that's something.' Member for Hammond, please understand that I am not your problem. With respect to everything you have raised and with respect to everything the member for Heysen has raised, I am not your problem. If you doubt my words, please go back and look at the 2012 bill. If you want to know what stopped the bill last time it was what I would describe as an unholy or an unnatural alliance between the very people you are complaining about and your colleagues.

As I said, I am back on the glass half full side now. Private activity is defined in the bill. What I can say to people is that what we intend is this: if you want to go out and do a bit of commando-style gardening on the front lawn then you can expect that if somebody takes your photo you are going to have a big degree of difficulty in stopping them publishing it. Can I say it might depend on your fence a bit. If you have an eight-foot brush fence around the front of your house and you are out there picking up the newspaper in the morning and you forgot to put the tweeds on before you left the front door, which can happen, then—

The DEPUTY SPEAKER: There will be a lot of people outside your house tomorrow.

The Hon. J.R. RAU: No, I don't think so. There is nothing to see there. Or you only have on the Reg Grundys, nothing else, and out you go. So, if you have the big fence around the house, a very large fence, then it may well be that we do capture people who are filming you in your front yard, but the reason would be that they cannot from the pavement or the road see you other than using some sort of device to get around what is the natural barrier of your property.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: I have a particular problem, Madam Deputy Speaker—

Mr Gardner interjecting:

The Hon. J.R. RAU: Yes, although there is not much to see, I have the difficulty of having one of those fences with wooden palings and there is a series of lateral things and you would have to be positioned very carefully to make sure you were not exposed, and you certainly could not keep moving. So, that is a problem. Of course, other people have very low fences or in some parts of the city no fence at all, so I think that is the answer to that one. As far as the back yard is concerned, I think a person's back yard should be a place where they can have a bit of serenity.

The Hon. P. Caica: Yes, and privacy.

The Hon. J.R. RAU: And privacy, but serenity. I think it should be like every person's own little Bonnie Doon where they can go for a bit of serenity and, if that serenity involves you being there in a state of relative, or even total, undress for that matter, then why shouldn't a person be able to enjoy that serenity? The notion that that should be invaded, captured on film and then publicised to the world, I find quite repugnant. Whilst the member for Bragg was berating me for the delay in this bill occasioned by the activities of the Liberal Party, I looked up JB Hi-Fi on my machine and I discovered—and this is the sort of research I try to do right up to the last minute—

Mr Gardner: You worked out how to use the interweb.

The Hon. J.R. RAU: And I would ask members who have the interweb available to go onto JB Hi-Fi and look up drones and you will see that there are these machines for $140—

Ms Chapman interjecting:

The Hon. J.R. RAU: Pardon? No, this is just a basic model of two mega-somethings of picture-thing and—

Mr Pederick: What size camera? Two? That is not very good.

The Hon. J.R. RAU: Look, I don't understand this stuff. If you want the super dooper one, it is about $1,400 and it gives you the same sort of quality that David Lean had when he made *Lawrence of Arabia*, and you can get that from an altitude of God knows how many hundred metres. These things are purchasable by going down to the local electronics store. The point we have been trying to make here is that in 1970 the only things that flew were planes and birds. You did not have people with these toys with fancy cameras on them. In those days a camera was something that weighed two or three pounds and it had plastic film in it that you had to take to the chemist to get developed. You did not have a tiny little glass thing in your phone which could store hundreds of pictures. None of this occurred; it just did not happen.

I really do say that it is good that we are making some progress on this. I think the question of private activity, as I tried to explain about fences, is a matter of fact and degree. One has to apply common sense to that. You could not say all front yards are okay to be filming people, and I guess if you lived in an agricultural area and there was no fence at all to your backyard but there was a road running—

Mr Pederick interjecting:

The Hon. J.R. RAU: Yes, and there is a road running down it and you decide you are going to go out for a bit of a run in the altogether and people start photographing you from the road, well—

Mr Pederick: It doesn't happen often, John.

The Hon. J.R. RAU: No, but when it does, maybe you just have to take that one. The other point the member for Heysen made was about privacy laws, and I agree with her that sooner or later we will have to tackle this issue because of the intrusion into the privacy of citizens by all forms of technology. I am not trying to be some sort of hysterical big brother, but when you look at what the commonwealth is now collecting in terms of metadata, at the fact that we have these drones floating around the place, at the fact that apparently people can work out where you have been by having access to your phone or not even having your phone, having some bug on your phone, and they can find out wherever you have been. The intrusion that exists presently is significant.

I am very pleased that the bill, albeit in a weakened form, will receive the support of the opposition. I congratulate them on that. I do understand (and I cannot emphasise this enough) the concerns of the members for Heysen and Hammond, and I am very sympathetic to the points they make—very sympathetic. All I would say is: look at the earlier iterations of this bill and you will see that that was where I started too, but I have been placed in a position where either bits of this that I thought were important were watered down or there was no prospect of this thing passing through the parliament. From my viewpoint it is not the optimum position.

Mr Pederick: We are where we are.

The Hon. J.R. RAU: We are where we are. I would say to the member for Hammond that if it were within my power I would be very happy to accommodate many of the matters raised by him and the member for Heysen. Given that this is my third roll of the dice on this one, there is not much point my coming back and doing exactly the same thing and getting exactly the same outcome.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

Mr PEDERICK: I have a general question around clauses 6 or 8 about the installation of these devices. I mentioned in my contribution that, if film or recordings are put out to the public, will

there be a restriction that they need to be put out as soon as they are taken, given that the media and the RSPCA will have an exemption? Is there some way we can address the issue I mentioned in my speech about people sitting on information for six months?

The Hon. J.R. RAU: It is a good question. The answer basically is no, there is no time limit on these things. As I have already said to the member for Hammond, I regret that we do not have more things confining some of this, but as it is there is no time limit. It talks about 'the knowing installation of', of it imports the sense of—

The CHAIR: That is in clause 8: 'must not knowingly install'.

The Hon. J.R. RAU: Must not knowingly install or maintain and so forth. You will see in clause 7, 'must not knowingly install, use or maintain'. It is looking at the notion of deliberate behaviour, and I do think that is a fair distinction.

To pick an example I think the member for Bragg might have brought up, if you are worried about intruders or something and you set up a camera on your property which is capturing, say, the sweep of your yard so that you can see whether anybody is approaching, or whatever the case might be, and it coincidentally picks up something which is easily visible from your neighbour's yard and you were not intending to do that, that is completely different from setting up a camera on the side of your house aimed down into your neighbour's backyard. One of them is an accidental or incidental capture of something, and the other one is a knowing, deliberate attempt to capture something.

The CHAIR: Any further questions, member for Hammond?

Mr PEDERICK: I think that is probably as far as we can go. I observe, as commentary more than anything, the limitations that perhaps we may have in the legislation. I will follow with interest its enactment.

Clause passed.

Remaining clauses (3 to 41), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EVIDENCE (RECORDS AND DOCUMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:37): The opposition has considered the contribution by the government in support of this bill, and we support the same.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (POPPY CULTIVATION) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

WHYALLA STEEL WORKS (ENVIRONMENTAL AUTHORISATION) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

CONSTITUTION (GOVERNOR'S SALARY) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:39 the house adjourned until Tuesday 27 October 2015 at 11:00.