HOUSE OF ASSEMBLY

Tuesday, 15 November 2016

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Ministerial Statement

LINCOLN MARINE SCIENCE CENTRE

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) (11:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L.W.K. BIGNELL: At the Auditor-General's examinations on 3 November 2016, the member for Hammond asked me a question regarding the Lincoln Marine Science Centre. In my response, I advised that the government had paid $1 for it. In fact, the Lincoln Marine Science Centre was transferred from Flinders University to Primary Industries and Regions South Australia on 22 October 2015 for no financial consideration. As part of the transfer, a licence agreement was established between PIRSA and Flinders University of South Australia providing accommodation space for five years, with an option for a further five years, for an annual licence fee of $1 to be paid by the university if requested by PIRSA.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (11:03): I move without notice:

That standing orders be so far suspended as to enable me to introduce a bill forthwith.

The DEPUTY SPEAKER: There not being an absolute majority, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL

Introduction and First Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (11:05): Obtained leave and introduced a bill for an act to amend various acts to simplify administrative and other processes or to remove obsolete or out of date matter or practices; to repeal various obsolete acts; and for other purposes. Read a first time.

Second Reading

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (11:05): I move:

That this bill be now read a second time.

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

Leave granted.

The *Statutes Amendment and Repeal (Simplify) Bill 2016* is the centrepiece in today's Simplify Day announcement – part of the Government's program to reduce red tape and simplify regulation for businesses and consumers.

The South Australian Government is committed to making South Australia the best place to do business. We are committed to creating an environment in which our business can operate competitively in the global economy.

Over the course of this term and in our most recent Budget, the Government has delivered significant reforms in the areas of State taxation, the Return to Work Scheme, employment arrangements, planning, the delivery of public services and simplifying regulation. Today's focus is on reducing the regulatory red tape burden imposed on business.

For business and non-government organisations, time and resources are critical. The time and resources devoted to unnecessary compliance and government processes are time and money lost that could otherwise have been focused on growing the business, investing and expanding the skills in their workforce.

The Government's red tape reduction strategy is based on making our regulatory environment stable and predictable, facilitating investment and growth whilst upholding community safety and environmental standards. Just as importantly, we want to make clear what is expected of business and individuals to comply with regulation, providing certainty for everyday transactions as well as business ventures.

The Government is also committed to regulation being customer focused and to minimising costs to individuals, businesses and non-government organisations. Reducing paperwork and moving more Government services online are key elements of the announcements today, as is the relationship between business and government in the supply of public goods and services.

The reforms introduced today are a significant step in our ongoing simplification work – building upon work already underway in areas including our planning system, liquor licensing, Return to Work legislation and transport regulations.

This is part of the transformation of government to a modern, innovative sector able to respond quickly to the demands of the community and to promote commerce and innovation in the business sector.

In our first tranche of Simplify Day changes, we have four elements – legislative, regulatory, policy and future reforms that have been announced.

The *Statutes Amendment and Repeal (Simplify) Bill 2016* makes a number of changes, including to the *Electronic Transactions Act 2000*, the *Motor Vehicles Act 1959*, the *Survey Act 1992*, the *Authorised Betting Operations Act 2000* and the *Second-hand Vehicles Dealer Act 1995*.

The Bill contains some important reforms which I will now detail.

The *Electronic Transactions Act 2000* and *Motor Vehicles Act 1959* will be amended to allow the Government to issue documents by means of electronic communication. These amendments also enable the introduction, at a future time, of secure access to the provision of digital licences, permits, exemptions or other authorisations or documents such as land agents' licences. This follows a successful pilot that commenced in July 2016 which trialled a limited number of digital licences with selected customers. Further consultation is underway with businesses, associations and the public.

The requirement to affix a registration label to a heavy vehicle will be abolished. This initiative has been called for by the industry and will reduce an administrative task on business in registering heavy vehicles. It will also reduce cost to Government to print labels and the simplifying of regulation as offences associated with affixing labels to heavy vehicles will be repealed.

Body corporate conveyancers will no longer need to obtain Consumer and Business Services (CBS) approval to carry on a business in partnership, this is unnecessary red tape as partnership details are required to be listed on the public register under separate regulations of the *Conveyancers Act 1994*.

The need for a bookmaker to have a separate permit approved by the Liquor and Gambling Commissioner under the *Authorised Betting Operations Act 2000* will be removed, this addresses the current duplicated process as proprietors also authorise the operation of bookmakers at specific venues. This is another example of removing outdated and unnecessary regulation.

Sections of the *Second-Hand Vehicle Dealers Act 1995* will be amended and repealed to remove outdated laws that require a dealer to register and seek approval for their permanent business premises or temporary premises at events such as car shows. Further amendments to this Act will be made to save time and cost for individuals and the court by allowing the Commissioner for Consumer Affairs to determine applications for compensation from the Second-Hand Vehicles Compensation Fund rather than the Magistrates Court.

We will remove the need for approximately 4,000 non-active business partners to require a contractor's licence for building works and associated trades, for instances such as where the active partner is licensed to be a builder or electrician and the non-active partner does not perform the regulated work or actively manage the business. This will provide a considerable annual cost saving for those businesses.

Existing penalties for late lodgement of occupational licensing renewals will be removed and replaced with the issuance of a final notice.

The *Survey Act 1992* will be amended to abolish the Survey Advisory Committee and transfer its functions under the Act to the Institution of Surveyors, South Australia Division providing for more efficient administration and

removing duplication between the two bodies. This measure is a welcomed change by the Institution of Surveyors and fulfils the recommendation made in the 2014 *Final Report: Boards and Committees* by the Government of South Australia to abolish the Committee.

Various amendments to the *Crown Land Management Act* 2009 will also be made to enable efficiencies and avoid duplication in Crown land management arrangements, and to clarify the operation of certain parts of that Act.

In addition, on this day the Governor has made regulations to further support Simplify Day and this Bill. The measures of note I will briefly describe to the House.

Regulation 13(a) of the *Motor Vehicles Regulations 2010* will be repealed, eliminating the requirement for inspections and reporting on brand new vehicles by a police officer or other authorised person. This change removes the duplicate collection and recording of key data and simplifies the registration process for new vehicle dealers.

The *Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013* will be amended to allow the collection of mussel spat by a holder of an aquaculture licence. The amendment will reduce red tape by removing need for a permit to farm mussel spat naturally occurring on aquaculture licenced sites. This will positively affect up to 36 Aquaculture Licensees authorised to farm mussels. The *Fisheries Management (Prawn Fisheries) Regulations 2006* will be amended to increase clarification around the fishing season period and management arrangements for the Spencer Gulf and West Coast Prawn fisheries.

This *Statutes Amendment and Repeal (Simplify) Bill 2016* proposes the repeal of eleven spent and redundant Acts, some of which have remained on the State's statute books despite fulfilling their purpose or being superseded, decades ago.

The redundant *Financial Institution Duties Act 1983* and the *Debits Tax Act 1994* will be repealed along with select redundant stamp duty provisions, to reflect the abolition of certain stamp duties including measures announced by the Treasurer in the 2015-2016 Budget.

Repealing the *Industries Development Act 1941* will abolish the Industry Development Committee that has not met since 2005 as the role has been managed by the Parliamentary Economic Finance Committee.

The *Wilpena Station Tourist Facility Act 1990* was enacted to support a developer to establish a tourist facility in the Flinders Ranges National Park. No provisions of this Act have been implemented and there is no intention to do so in the future. This national park is now subject to an Indigenous Land Use agreement which provides the necessary tourist facilities within the park.

Further, the *South Australian Meat Corporation (Sale of Assets) Act 1996* and the *South Australian Meat Corporation Act 1936* will both be repealed as the sale of the assets has been finalised and the Government is not likely to involve itself in the line of business of abattoirs for the foreseeable future.

The amendments, repeals and announcements of today's Simplify Day are the result of concerted and extensive engagement and collaboration with the business sector and community at large to deliver real, tangible reforms that provide an ongoing and meaningful benefit to the competitiveness of the state.

This engagement was done through the Government's YourSAy platform, through face-to-face meetings with peak industry groups and as well as encouraging written submissions from small business owners and individuals.

Over 60 responses from the public and business helped shape the reforms tabled or announced today.

Today is the first step on delivering on that process. Many other ideas and reforms will be the subject of ongoing work and partnership between business and government to continue to reach a resolution on the unnecessary regulations and burdens on business in South Australia. Today is not the end of the process, work will continue in earnest and we continue to seek more ideas for change in our discussions with business and the community.

Further, I can announce that Simplify Day will become an annual event to ensure we listen, pursue and deliver the desired regulatory and public sector reforms of the community to ensure growth in jobs and investment in South Australia.

To that end I can advise the house that the Government has already identified many issues to continue to work on and is committed to making a real difference in 2017 by the following reforms.

Changes to the work health and safety regulations will simplify and clarify the operation of existing arrangements. These changes include removing the duplication in approving a demolition where explosives are used (as this is already approved under other legislation), clarifying the circumstances in which certain air monitoring licences are required for asbestos removal and training requirements for health and safety representatives. In addition record keeping requirements in the regulations will be reviewed to make the regulations clearer and remove duplication or over burdensome requirements.

The Surveyors Board of South Australia Code of Practice for Lodgement of Boundary Identification Surveys will be adopted, recognising the industry accepted requirements of surveyors, and enhancing the community's confidence in the land title system. Adopting the Code in regulation formally recognises industry standards and supports evidentiary practice so future surveyors are aware of the outcomes of earlier surveys not registered with the Registrar-General when carrying out boundary surveys. This approach is also expected to reduce boundary disputes.

The dangerous substance and explosive laws are being reviewed to ensure that it delivers the greatest level of safety standards as well as efficiencies through reduced red tape and regulatory and administrative burden on business.

The Incorporated Association Laws will be reviewed with a view to removing unnecessary, burdensome and onerous administrative practices that do not add value in the running and control of an association. There are around 20,000 registered incorporated associations covered by the Act that include religious and educational institutions, community services and sporting groups. This review is expected to balance the removal of red tape whilst retaining appropriate protections.

It is proposed to consider removing the requirement for certain commercial property owners from needing a real estate licence. Large commercial property owners tend to rely on their experience and access to legal and other advisory services in conducting their property transactions. The removal of the requirement for such property owners to be registered as land agents would reduce costs and regulatory burden for these businesses.

Under current laws only public transport buses are able to drive or stop in a bus lane or stop at a bus stop. It is proposed to allow other buses (such as certain types of private or charter buses) to be able to use bus lanes and bus stops. This will support tourism and city vibrancy through increased and better transport network access, making it easier for people to get closer to places of interest, particularly in the metropolitan area and the CBD.

In consultation with industry it is proposed to simplify building work contractors licensing arrangements to have only two types of licence: trade or general. Under current arrangements building contractors are granted a licence having regard to their trade qualification and/or their qualifications or experience in business and management applicable to the building industry. The proposal is expected to simplify regulations for up to 27,000 builders and building trades people.

The need for building indemnity insurance in some circumstances will also be considered, in particular for non-habitable structures such as garages (not attached to a house), tennis courts, gazebos and pontoons. This would reduce costs for consumers having these structures built. To further support the building industry a draft code for the adaptive reuse of existing buildings will be available for public and industry consultation, the release of this code will enable certainty for developers and investors.

The distraint laws will also be looked into to modernise their application, clear up existing uncertainties and harmonise with other jurisdictions in light of the regulations in place relating to personal properties securities. Under certain circumstances these laws enable a landlord to remove a tenant's belongings if they are behind in rent.

A review of the Training and Development Act 2008 is underway, initial consultation has been completed with a focus on employment of apprentices and trainees and simplifying commensurate regulations and procedures. The review will aim to ensuring consistency across jurisdictions by greater national harmonisation.

We will conduct a review across relevant state legislation and regulations to streamline and update state and local government notification and gazettal requirements, including exploring the benefits of using digital sources and modern media.

Various changes are being developed as part of a package of broader transport reforms supporting service efficiencies and modernising licensing and transport network access. The types of issues being proposed include:

- Allowing access to segways and other innovative mobility devices
- Allowing towing of field bins used in primary production by light vehicles
- Simplifying the conditional registration scheme for historic, left-hand drive and street rod vehicles
- Simplify the process for allowing access to public roads for low risk events
- Introducing an optional direct postal delivery for number plates and 6 monthly registration for light trailers and caravans
- Improve the current process for driver instructors to become authorised to conduct heavy vehicle licence assessments
- Removing duplication in the medical fitness to drive assessment processes for a drivers licence and passenger transport driver accreditation
- Removing the need for inspection of a new light vehicle before registration as a passenger transport operator.

I am pleased to advise the house that the Government has committed ongoing resources to simplifying regulation and reducing red tape and the Simpler Regulation Unit within the Department of Treasury and Finance will continue to working closely with business and industry to get results. This unit will be further consulting with business and the community about further good ideas for reform.

The *Statutes Amendment and Repeal (Simplify) Bill 2016* is a first significant step in removing unnecessary red tape. It is removing the regulatory and administrative burden on business and the community and improving the State's competitiveness.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clause are formal.

Part 2—Amendment of *Aquaculture Act 2001*

4—Amendment of section 3—Interpretation

This clause amends the definition of *variation of licence condition* to include a regulation making power enabling the regulations to clarify that certain matters do not constitute variations of licence conditions. In particular, it is intended to gazette regulations declaring that divisions or amalgamations of licence areas do not constitute variations of licence conditions. This will create certainty for persons administering the Act.

5—Amendment of section 12—Procedure for making policies

This clause enables the Minister to publish the advertisement relating to a draft policy and related report (in addition to publication in the Gazette) in media that the Minister considers appropriate in the circumstances, namely in a newspaper or on the Minister's website or both. This will allow for greater flexibility and a more tailored approach to the publication of such advertisements.

6—Amendment of section 25A—Variation of lease or lease conditions by or with consent of lessee

This amendment is consequential.

7—Amendment of section 52—Variation of lease or lease conditions by or with consent of lessee

This amendment is consequential.

8—Amendment of section 59—Reference of matters to EPA

This clause removes from the ambit of the category of matters that need to be referred to the EPA, licence conditions or variations of conditions of a licence that the Minister is satisfied are administrative in nature or are of a class approved by the EPA. This is intended to create efficiencies in the approval process for licences.

9—Transitional provision

This clause provides that the Act as in force before the commencement of the clause will apply to applications for licences that are part-way through the approval process on that commencement.

Part 3—Amendment of *Authorised Betting Operations Act 2000*

10—Substitution of sections 54 to 59

This clause deletes the current provisions relating to bookmakers' permits and replaces them with a new provision allowing bookmakers to take bets at racecourses on race days, at licensed betting shops and at places of a class declared by the Commissioner by notice in the Gazette.

11—Amendment of section 61—Prohibition of certain information as to racing or betting

12—Amendment of section 77—Review of Commissioner's decision

13—Amendment of section 89—Evidence

These clauses make consequential amendments to delete references to permits.

Part 4—Amendment of *Building Work Contractors Act 1995*

14—Amendment of section 6—Obligation of building work contractors to be licensed

This clause amends section 6 to provide that the Commissioner may, on application, exempt a person from compliance with the section subject to such conditions as the Commissioner thinks fit and that the Commissioner may vary or revoke such an exemption as the Commissioner thinks fit.

15—Amendment of section 11—Duration of licence and periodic fee and return etc

This clause amends section 11 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

16—Amendment of section 18—Duration of registration and periodic fee and return etc

This clause amends section 18 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

17—Amendment of section 45—Exemptions

This clause amends section 45 to give the Minister the power to grant exemptions in cases where the Commissioner has a power of exemption specifically conferred by the Act. Currently the Minister may not grant exemptions in such cases.

Part 5—Amendment of *Conveyancers Act 1994*

18—Amendment of section 8—Duration of registration and annual fee and return

This clause amends section 8 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

19—Repeal of section 12

This clause repeals section 12 which prevents a company that is a registered conveyancer from carrying on business as a conveyancer in partnership with another person without the prior approval of the Commissioner.

20—Amendment of section 24—Audit of trust accounts

This clause amends section 24 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default and also consequentially repeals subsection (7).

Part 6—Amendment of *Crown Land Management Act 2009*

21—Amendment of section 14—Minister's power to dispose of surplus lands of a Crown agency

This clause amends section 14 to clarify that land declared surplus by an agency does not need to be also declared surplus by the Minister under the *Crown Land Management Act 2009*.

22—Amendment of section 18—Dedicated land

This clause amends section 18 to make it clear that the purposes for which land may be dedicated include the management of land in accordance with a specified management plan.

23—Amendment of section 19—Revocation of dedication

This clause provides that if a Minister who is the custodian of dedicated land grants a lease in relation to the land, the Crown Lands Minister must not revoke the dedication during the term of the lease without obtaining the consent, in writing, of the Minster who is the custodian.

24—Substitution of section 21

Proposed new section 21 provides that instruments under the Division take effect on the day specified in the instrument.

25—Amendment of section 22—Lease of dedicated land

This clause makes provision in relation to the steps required for the grant of a lease of dedicated land.

26—Insertion of section 22A

This clause inserts a new section relating to the grant of a licence in respect of dedicated land.

27—Amendment of section 24—Minister may dispose of Crown land to which Division applies

Where land is being disposed of in fulfilment of a condition on surrender of a perpetual lease of the land, this clause will allow the land to be disposed of without being declared surplus.

28—Amendment of section 25—Disposal by transfer or grant of fee simple

This clause allows for certain categories of land to be disposed of without an open competitive process and for land to be disposed of for less than market value where it is disposed of in fulfilment of a condition on surrender of a perpetual lease of the land.

29—Insertion of section 37A

Proposed new section 37A sets out a process for Ministerial consent in relation to conversion of a perpetual lease to freehold.

30—Amendment of section 51—Cancellation of licences

This clause makes provision in relation to cancellation of a licence at the request of the licensee.

31—Amendment of section 52—Renewal of licence without application or on late application

This clause allows for renewal of a licence without application by the licensee.

32—Amendment of heading to Part 4 Division 2

This clause is consequential.

33—Insertion of section 56A

Proposed new section 56A makes it clear that the Minister has the power to consent to activities occurring on Crown land (not being activities that should be the subject of a lease or licence).

34—Amendment of section 59—Waterfront land cannot be leased or disposed of without public consultation

This clause replaces a requirement to publish a notice under section 59(1) in a newspaper with a requirement to publish the notice on a website and also disapplies section 59 where waterfront land is divided and the lease or disposal is only of a portion of the land that does not itself constitute waterfront land.

35—Amendment of Schedule 1—Related amendments, repeals and transitional provisions

This clause deals with the situation where land is, under the transitional arrangements, taken to be subject to a Crown condition agreement and to be dedicated land.

Part 7—Repeal of *Debits Tax Act 1994*

36—Repeal of Debits Tax Act 1994

This clause repeals the *Debits Tax Act 1994*.

Part 8—Amendment of *Electronic Transactions Act 2000*

37—Amendment of long title

38—Amendment of section 1—Short title

39—Amendment of section 3—Object

These clauses reflect the proposed broadening of the Act to deal not just with transactions but other forms of communications as well.

40—Amendment of section 4—Simplified outline

This clause makes amendments to ensure that the simplified outline reflects the proposed new content of the Act.

41—Amendment of section 5—Interpretation

This clause defines terms used in the proposed provisions.

42—Amendment of section 6A—Exemptions

This clause amends the exemption power to extend it to government documents specified, or of classes specified, in the regulations.

43—Amendment of heading to Part 2 Division 1

This clause reflects the proposed broadening of the Act to deal not just with transactions but other forms of communications as well.

44—Amendment of section 7—Validity of electronic transactions and government documents

This clause sets out the general rule that a government document is not invalid because it was issued by means of 1 or more electronic communications.

45—Amendment of section 8—Writing

A person who is required to be given a government document under an Act or law is taken to have consented to the document being given in electronic form if the person has provided an email address to the relevant government agency for that purpose. The general provisions in the section do not affect more specific provisions (in usage rules under Part 3 or in another law) applying to particular technologies.

46—Amendment of section 9—Signatures

A person who is required to be given a signed government document under any Act or law will be taken to have consented to the signature requirement being met by way of the use of the method mentioned in subsection

(1)(a) of the section. The general provisions in the section do not affect more specific provisions (in usage rules under Part 3 or in another law) applying to particular technologies.

47—Amendment of section 10—Production of document

A person to whom a government document is required to be produced for inspection will be taken to have consented to the document being produced by means of an electronic communication. The general provisions in the section do not affect more specific provisions (in usage rules under Part 3 or in another law) applying to particular technologies.

48—Substitution of Part 3

This clause substitutes new Parts 3 and 4 into the Act as follows:

Part 3—Issue of government documents by approved information system. This Part allows for the use of approved information systems to issue government documents. Any government document may be issued via an approved information system, however, if an Act or law only allows for the issue of a government document in a physical form (either expressly or by implication) then the only way in which the document may be issued electronically is via such a system. The Minister responsible for the administration of the Electronic Transactions Act 2000 approves the approved information system and the usage rules applying to such system. A government document may be issued via an approved information system if—(a)the Minister responsible for the administration of the Act under which the government document is issued approves of its issue in such a way and(b)the person to whom the document is issued has requested or consented to the document being issued by such means. A government document that is issued by means of an approved information system may be displayed, carried, produced, surrendered, updated and otherwise dealt with in accordance with the usage rules applying to that approved information system at the time the document is displayed, carried, produced, surrendered, updated and otherwise dealt with. Regulations under the Electronic Transactions Act 2000 may provide, in relation to a government document issued under an Act, that the provisions of that Act apply with prescribed modifications in a case where the document is or is to be, issued by means of an approved information system.

Part 4—Miscellaneous. This Part allows the Minister to delegate powers or functions under the Act and provides a power to make regulations for the purposes of the Act.

Part 9—Amendment of *Environment Protection Act 1993*

49—Amendment of section 3—Interpretation

This clause inserts a definition of *waste transport business* and is consequential.

50—Amendment of section 39—Notice and submissions in respect of applications for environmental authorisations

This clause makes minor tidy-ups to section 39.

51—Amendment of section 46—Notice and submissions in respect of proposed variations of conditions

This clause makes a minor tidy-up to section 46.

52—Amendment of section 57—Criteria for decisions of Authority in relation to development authorisations

This clause removes paragraph (a) which is no longer needed and makes a minor change to paragraph (c) reflecting a more streamlined process in relation to development applications referred to the EPA.

Part 10—Amendment of *Evidence Act 1929*

53—Insertion of section 25A

It is proposed to insert a new section 25A into Part 2 of the principal Act that will abolish the ancient common law rule known as the oath belief rule that allows a witness in a trial to be questioned and express an opinion about whether the evidence given on oath by another witness in court is credible.

Part 11—Repeal of *Financial Institutions Duty Act 1983*

54—Repeal of Financial Institutions Duty Act 1983

This clause repeals the *Financial Institutions Duty Act 1983*.

Part 12—Amendment of *Fisheries Management Act 2007*

55—Amendment of section 21—Continuation of Fund

This clause amends section 21 so that the Fisheries Research and Development Fund can include voluntary payments made by the fishing industry and money in the Fund can be applied for projects relating to the management of aquatic resources and research and development relating to the fishing industry.

56—Amendment of section 44—Procedure for preparing management plans

This clause amends section 44 so that the Minister can give the public notice of a proposed management plan and invite submissions on it in a manner determined by the Minister.

57—Amendment of section 56—Duration of authority and periodic fee and return etc

This clause amends section 56 to empower the Minister to cancel a licence, permit or registration if it has been suspended for more than 6 months for non-payment of an annual licence, permit or registration fee.

58—Amendment of section 72—Sale, purchase or possession of aquatic resources without authority prohibited

This clause amends section 72 so that the Minister may issue a permit authorising the possession of an aquatic resource of a protected species if the Minister is of the opinion that it is in the public interest to do so.

59—Amendment of section 74—Unauthorised trafficking in fish of priority species prohibited

This clause amends section 74 by inserting an evidentiary presumption for the purposes of proceedings for an offence against that section.

60—Amendment of section 78—Unauthorised activities relating to exotic organisms or noxious species prohibited

This clause amends section 78 to empower the Minister to issue a permit authorising the taking of an aquatic resource of a noxious species.

61—Insertion of Part 7 Division 4

Division 4—Miscellaneous

79A—Permits

Proposed section 79A provides that a permit issued by the Minister for the purposes of Part 7 of the Act is not transferable and is subject to such conditions as the Minister thinks fit. It also provides that the Minister may revoke or vary conditions or impose further conditions and makes it an offence for the holder of a permit to contravene a condition. The maximum penalty for the offence is $250,000 in the case of a body corporate and $120,000 in the case of a natural person.

62—Amendment of section 124—Confidentiality

This clause amends section 124 to permit a person currently or formerly engaged in the administration of the Act (or the repealed Act) to disclose information obtained in the course of official duties to a law enforcement, prosecution or administrative authority of any Australian jurisdiction (Commonwealth, State or Territory) where the information is required for the proper administration or enforcement of an Act or law of such a jurisdiction.

Part 13—Repeal of *Gift Duty Act 1968*

63—Repeal of Gift Duty Act 1968

This clause repeals the *Gift Duty Act 1968*.

Part 14—Amendment of *Heritage Places Act 1993*

64—Amendment of section 7—Proceedings of Council

This clause provides for procedural matters relating to meetings of the Council. New subsection (5a) allows for resolutions relating to prescribed urgent matters (defined as the provisional entry of a place in the Register under section 17(2)(b) or the making of an order under section 30(1)) to be valid decisions of the Council if (amongst other things), instead of being voted on at a meeting, they are agreed to in writing.

Part 15—Repeal of *Industries Development Act 1941*

65—Repeal of Industries Development Act 1941

This clause repeals the *Industries Development Act 1941*.

Part 16—Amendment of *Land Agents Act 1994*

66—Amendment of section 9—Duration of registration and annual fee and return

This clause amends section 9 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

67—Amendment of section 22—Audit of trust accounts

This clause amends section 22 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default and also consequentially repeals subsection (7).

Part 17—Amendment of *Local Nuisance and Litter Control Act 2016*

68—Amendment of section 50—Evidentiary provisions

This clause will enable authorised officers to determine the presence of local nuisance based on their senses, in relation to all of the matters specified in section 17 rather than just those under section 17(1)(a).

69—Amendment of section 51—Regulations

This clause relocates a couple of paragraphs in section 51 and adds a minor regulation making power to enable the regulations to provide for evidentiary matters for breaches of the Act or the regulations.

Part 18—Amendment of *Major Events Act 2013*

70—Amendment of section 4—Interpretation

Currently, a major event must be declared by regulation under the principal Act. The proposed amendments will provide for an option to have a major event declared by a Ministerial notice published in the Gazette. The proposed amendments to the various definitions in section 4 reflect this proposed change. In particular, a *declaration* of a major event is defined to mean a declaration under Part 2 of the principal Act that is made by the Minister by notice in the Gazette under proposed section 6B or made by the Governor by regulation under section 7.

71—Substitution of section 5

The proposed new section 5 is consequential on the proposal to enable the declaration of a major event to be by regulation or by Ministerial notice.

72—Substitution of heading to Part 2

This amendment is consequential.

73—Insertion of sections 6A and 6B

It is proposed to insert 2 new sections at the beginning of Part 2 of the principal Act.

6A—Declaration of major events

New section 6A makes it clear that a declaration of a major event for the purposes of the principal Act may be made—

- by the Minister by notice in the Gazette under section 6B; or
- by the Governor by regulation under section 7.

6B—Declaration of major event by Minister

New section 6B provides that the Minister may, by notice in the Gazette—

- declare an event to be a major event for the purposes of the principal Act; and
- specify the major event period for the event; and
- declare a major event venue for the purposes of the event; and
- designate a person as the event organiser for the event; and
- declare that specified roads will be closed to traffic for a specified period—
  - (i) for the purposes of the event; and
  - (ii) for the purposes of maintaining good order, or preventing interference with events or activities conducted, at the major event venue; and
- declare that Part 3, or a provision of Part 3, of the principal Act applies to any (or all) of the following:
  - (i) the event;
  - (ii) the major event venue for the event;
  - (iii) a specified controlled area for the event; and
- declare an area described, or shown on a map, in the notice to be a *controlled area* for the event; and
- declare an article of a prescribed class to be a *prescribed article* in relation to the event; and
- declare a prescribed period to be a *sales control period* in relation to the event; and
- declare airspace that is within unaided sight of a major event venue for the event to be *advertising controlled airspace* for the period specified in the notice for the purposes of this paragraph; and
- make any other declaration in relation to the event as is contemplated by, or necessary or expedient for the purposes of, the principal Act.

The section also sets out other matters pertaining to such a declaration.

74—Amendment of section 7—Declaration of major event by regulation

The majority of the proposed amendments to section 7 are consequential on or relate to the proposal relating to declaration of major events by Ministerial notice. In addition, it is proposed to enable the *controlled area* for a major event to be declared either by describing the area or by showing the area on a map to be included in the relevant regulations.

75—Insertion of section 28

As a result of the changes proposed by this Part of the measure, a general regulation making power is now needed to be included in the principal Act. New section 28 will make such provision.

Part 19—Amendment of *Motor Vehicles Act 1959*

76—Amendment of section 5—Interpretation

This clause amends section 5 to remove the definition of *voluntary alcohol interlock scheme conditions* which is redundant. It also amends the section to enable a licence, permit, exemption or other authorisation or document issued under the Act to be issued either in physical or electronic form or in both forms, and applies the provisions of Part 3 of the *Electronic Transactions Act 2000* to the issue of such authorisations and documents in electronic form.

77—Amendment of section 9—Duty to register

Section 9 makes it an offence to drive an unregistered motor vehicle on a road or cause an unregistered motor vehicle to stand on a road. Where the registration of a heavy vehicle was suspended and the defendant was not the registered owner or operator of the vehicle, it is a defence for the defendant to prove that a registration label was affixed to the vehicle indicating that the vehicle was registered and the defendant did not know, and could not reasonably be expected to have known, that the registration of the vehicle was suspended. This clause removes this defence. This amendment is consequential on the repeal of Part 2 Division 9 of the Act.

78—Amendment of section 16—Permits to drive vehicles without registration

This clause amends section 16 to remove references to registration labels.

79—Repeal of Part 2 Division 9

This clause repeals Division 9 of Part 2 which deals with registration labels and includes the provisions which require the Registrar to issue registration labels for heavy vehicles.

80—Amendment of heading

This clause amends the heading to Division 12 of Part 2 to remove a reference to registration labels.

81—Amendment of section 71A—Property in plates and documents

This clause amends section 71A to remove a reference to registration labels.

82—Amendment of section 71B—Replacement of plates and documents

This clause amends section 71B to remove references to registration labels.

83—Amendment of section 75AA—Only 1 licence to be held at any time

This clause amends section 75AA so that the requirement to surrender a licence or learner's permit applies only if the licence or permit is held in a physical form. It also ensures that the Registrar can issue a licence or learner's permit in electronic form to a person who holds a licence or permit in a physical form and vice versa and that a person can hold a licence or permit in both forms.

84—Amendment of section 102—Duty to insure against third party risks

Section 102 makes it an offence to drive an uninsured motor vehicle on a road or cause an uninsured motor vehicle to stand on a road. The amendments made by this clause are consequential on the repeal of Part 2 Division 9 of the Act. They ensure that the defences that currently apply only in relation to light motor vehicles will apply also in the case where heavy vehicles are involved.

85—Amendment of section 138B—Effect of dishonoured cheques etc on transactions under the Act

This clause amends section 138B to remove references to registration labels.

86—Amendment of section 141—Evidence by certificate etc

This clause amends section 141 to remove references to registration labels.

87—Amendment of section 142—Facilitation of proof

This clause amends section 142 to remove references to registration labels.

88—Amendment of section 145—Regulations

This clause amends section 145 to remove a reference to registration labels

89—Repeal of Schedule 6

This clause repeals Schedule 6. The voluntary alcohol interlock scheme is no longer in operation.

90—Transitional provisions

This clause provides that a registration label issued under the Act in relation to a heavy vehicle is not, after the repeal of Part 2 Division 9 of the Act, taken to be a registration label for the purposes of the Act.

Part 20—Repeal of *Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009*

91—Repeal of Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009

This clause repeals the *Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009*.

Part 21—Repeal of *Naracoorte Town Square Act 2005*

92—Repeal of Naracoorte Town Square Act 2005

This clause repeals the *Naracoorte Town Square Act 2005*.

Part 22—Amendment of *National Parks and Wildlife Act 1972*

93—Amendment of section 34A—Constitution of regional reserves by proclamation

This clause deletes the requirement for a report on each regional reserve to be prepared under section 34A(5).

Part 23—Amendment of *Natural Gas Authority Act 1967*

94—Repeal of section 22

This is consequential to the repeal of the *Industries Development Act 1941*.

Part 24—Amendment of *Plant Health Act 2009*

95—Amendment of section 21—Periodic fees and returns

96—Amendment of section 29—Periodic fees and returns

The proposed amendments to sections 21 and 29 of the principal Act will mean that, instead of relying on the regulations to prescribe the date before which a relevant person must pay a fee and lodge a return under the Act, the relevant date for paying a fee and lodging a return in each year will be on or before the first day of the month following the anniversary of the date on which the person was granted accreditation or registration.

Part 25—Amendment of *Plumbers, Gas Fitters and Electricians Act 1995*

97—Amendment of section 6—Obligation of contractors to be licensed

This clause amends section 6 to provide that the Commissioner may, on application, exempt a person from compliance with the section subject to such conditions as the Commissioner thinks fit and that the Commissioner may vary or revoke such an exemption as the Commissioner thinks fit.

98—Amendment of section 11—Duration of licence and periodic fee and return etc

This clause amends section 11 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

99—Amendment of section 18—Duration of registration and periodic fee and return etc

This clause amends section 18 to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

Part 26—Amendment of *Public Corporations Act 1993*

100—Amendment of section 38B—Exclusion of operation of Commonwealth industrial relations legislation in specified cases

This proposed amendment updates an obsolete reference.

Part 27—Amendment of *Rail Commissioner Act 2009*

101—Insertion of section 16A

It is proposed to insert new section 16A in the Miscellaneous provisions of the principal Act.

16A—Standing approvals etc

New section 16A provides that if a provision of the principal Act confers a power on the Commissioner the exercise of which requires the approval or consent of the Minister, the Minister may, if the Minister thinks fit, give a standing approval or consent, subject to such conditions (if any) as the Minister thinks fit to impose, to cover the exercise of that power from time to time.

Part 28—Amendment of *Road Traffic Act 1961*

102—Repeal of section 83A

This clause repeals the current restriction in the Act on the sale of goods on roads.

Part 29—Amendment of *Rural Advances Guarantee Act 1963*

103—Amendment of section 2—Interpretation

104—Amendment of section 3—Treasurer may guarantee repayment of loan

105—Repeal of section 5

106—Amendment of section 7—Treasurer may agree to deferment of interest or principal

These clauses are consequential to the repeal of the *Industries Development Act 1941*.

Part 30—Amendment of *Second-hand Vehicle Dealers Act 1995*

107—Amendment of section 3—Interpretation

This clause amends section 3 to insert a definition of *notified premises* and remove the definition of *registered premises*.

108—Amendment of section 11—Duration of licence and annual fee and return

This clause amends section 11 so that the Commissioner cannot require a dealer in default in payment of an annual fee to pay an additional amount as a penalty for default.

109—Substitution of Part 2 Division 2

This clause substitutes Division 2 of Part 2 which currently contains provisions requiring the registration of premises used for the business of a second-hand vehicle dealer.

Division 2—Notification of dealer's business premises

14—Notification of business premises

This section requires a licensed dealer to give the Commissioner notice before commencing to carry on business as a dealer at any premises. A dealer must also, within 14 days of ceasing to carry on business as a dealer at premises notified to the Commissioner, give the Commissioner notice of that fact. The maximum penalty for failing to comply with the notification requirements is $5,000 and the expiation fee is $315. However, a dealer is not required to give notice in relation to business carried on at a motor show or other event at which motor vehicles are exhibited for not more than 7 days, provided the dealer carries on business at other premises in relation to which the dealer has given notice to the Commissioner.

110—Amendment of section 17—Form of contract

111—Amendment of section 24—Enforcement of duty to repair

112—Amendment of section 27—Cause for disciplinary action

113—Amendment of section 31—Disciplinary action

114—Amendment of section 39—Register of dealers

115—Amendment of section 50—Evidence

The amendments made to sections 17, 24, 27, 31, 39 and 50 are consequential on the removal of the requirement to register premises used to carry on business as a dealer. These amendments remove references and provisions relating to registered premises.

116—Amendment of Schedule 3—Second-hand Vehicles Compensation Fund

This clause amends Schedule 3 so that claims for compensation from the Second-hand Vehicles Compensation Fund are made to the Commissioner rather than to the Magistrates Court. The amendments delete clauses 2 and 2A of Schedule 3 and substitute a new clause 2 which omits redundant transitional provisions and simplifies the process for the making of claims.

117—Transitional provision

This clause is a transitional provision that ensures that dealers whose premises are registered under the Act immediately before the amendments to the Act made by this measure come into operation are not required to give the Commissioner notice of those premises.

Part 31—Amendment of *Security and Investigation Industry Act 1995*

118—Amendment of section 7C—Annual fee and return

This clause amends section 7C to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

119—Amendment of section 11A—Power of Commissioner to require photograph and information

This clause amends section 11A to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

120—Amendment of section 23AAA—Entitlement to provide security industry training

This clause amends section 23AAA to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

121—Amendment of section 23S—Security agents, security industry trainers or directors may be required to provide fingerprints

This clause amends section 23S to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

122—Amendment of section 23T—Security agent authorised to control crowds may be required to take part in psychological assessment or to undertake training

This clause amends section 23T to remove the additional requirement under the section to pay to the Commissioner the amount fixed by regulation as a penalty for default.

Part 32—Repeal of *Software Centre Inquiry (Powers and Immunities) Act 2001*

123—Repeal of Software Centre Inquiry (Powers and Immunities) Act 2001

This clause repeals the *Software Centre Inquiry (Powers and Immunities) Act 2001*.

Part 33—Repeal of *South Australian Meat Corporation (Sale of Assets) Act 1996*

124—Repeal of South Australian Meat Corporation (Sale of Assets) Act 1996

This clause repeals the *South Australian Meat Corporation (Sale of Assets) Act 1996*.

Part 34—Repeal of *South Australian Meat Corporation Act 1936*

125—Repeal of South Australian Meat Corporation Act 1936

This clause repeals the *South Australian Meat Corporation Act 1936*.

Part 35—Amendment of *Stamp Duties Act 1923*

126—Amendment of section 2—Interpretation

This clause removes an obsolete definition and updates an outdated reference.

127—Repeal of section 3C

Section 3C is no longer required and is removed by this clause.

128—Amendment of section 31—Certain contracts to be chargeable as conveyances on sale

This clause removes redundant references to financial products.

129—Repeal of Part 3 Division 2

Division 2 of Part 3, which deals with duty in relation to rental business, is repealed by this clause as rental business has not been liable to duty since 2009.

130—Amendment of section 67—Computation of duty where instruments are interrelated

This clause removes redundant references to conveyances of certain chattels and conveyances of financial products.

131—Amendment of section 71—Instruments chargeable as conveyances

This clause removes redundant references to financial products.

132—Repeal of section 71C

Section 71C is repealed. The section, which provided for concessional rates of duty in relation to certain conveyances, has not applied for a number of years.

133—Repeal of Part 3 Division 7

Provisions of the Act providing for the payment of gaming machine surcharge are repealed by this clause as the surcharge was abolished in 2015.

134—Repeal of Part 3 Division 10

Division 10 of Part 3, which deals with duty in relation to mortgages, is repealed by this clause as mortgage duty has been abolished.

135—Repeal of Part 3A

Part 3A includes special provisions relating to financial products. The Part is repealed by this clause because duty is no longer payable in relation to financial products.

136—Repeal of Part 4A Divisions 1 and 2

Divisions 1 and 2 of Part 4A abolish duty on rental business and mortgages. These Divisions are no longer required because relevant provisions of the Act imposing duty in relation to rental business and mortgages are to be repealed. These Divisions are therefore also to be repealed.

137—Amendment of section 104B—Application of Division

This clause removes a redundant reference to financial products.

138—Repeal of Part 4A Divisions 4 and 5

Divisions 4 and 5 of Part 4A abolish gaming machine surcharge and duty relating to financial products. These Divisions are no longer required because relevant provisions of the Act imposing the surcharge and providing for duty in relation to financial products are to be repealed. These Divisions are therefore also to be repealed.

139—Amendment of Schedule 2—Stamp duties and exemptions

This clause makes a number of amendments to Schedule 2, which specifies the rates of duty payable in respect of various instruments and sets out a number of exemptions. References to mortgages and conveyances of financial products are removed as these are no longer dutiable items.

140—Transitional provisions

This provision makes it clear that the amendments made to the *Stamp Duties Act 1923* do not affect liability to duty that existed under the Act immediately before the amendments commence.

Part 36—Amendment of *Survey Act 1992*

141—Amendment of section 4—Interpretation

This clause deletes the definition of the Survey Advisory Committee.

142—Repeal of Part 2 Division 2

This clause deletes the provisions relating to the Survey Advisory Committee.

143—Amendment of section 10—Functions of Institution of Surveyors under Act

This clause transfers functions formerly exercised by the Survey Advisory Committee to the Institution of Surveyors.

144—Amendment of section 43—Survey instructions

This clause is consequential.

Part 37—Repeal of *Wilpena Station Tourist Facility Act 1990*

145—Repeal of Wilpena Station Tourist Facility Act 1990

This clause repeals the *Wilpena Station Tourist Facility Act 1990*.

Part 38—Repeal of *Year 2000 Information Disclosure Act 1999*

146—Repeal of Year 2000 Information Disclosure Act 1999

This clause repeals the *Year 2000 Information Disclosure Act 1999*.

Debate adjourned on motion of Ms Chapman.

RELATIONSHIPS REGISTER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2016.)

Ms HILDYARD (Reynell) (11:06): I commenced my closing remarks last time in relation to this bill. As I did on the first occasion, I want to place on record my sincere thanks to everybody who spoke in the debate, particularly on the day Marco was in Australia. I thank those who took the time to speak with him and who have taken the time to speak with other community members who have found themselves in similar difficult circumstances, to offer their condolences and their support. Thank you very much to all my parliamentary colleagues who have spoken on this debate and who have reached out to various community members in different ways. It is very much appreciated, and it very much demonstrates the compassion in this place.

In closing the debate, I make mention of another person in our community who has been subject to inequality in our laws, Mr Andrew Birtwistle-Smith, who emailed me earlier this week following my meeting him at a community forum. His words in that email follow—

Ms CHAPMAN: Point of order: I make the point that the closing address is not proposed to introduce new information.

The DEPUTY SPEAKER: That is true, and we will listen very carefully. It would not be the first time people have taken advantage of it, though.

Ms CHAPMAN: Because the Speaker has actually said since then, I have had—

The DEPUTY SPEAKER: Okay, we are listening now and we take your point.

Ms CHAPMAN: I indicate that I want to go into committee to raise some extra matters—not in a confrontational or dispute way—that, in my view, should be dealt with in committee.

The DEPUTY SPEAKER: As I said, we will listen to her remarks, and we will draw her to that point of order and, as I said, it would not be the first time someone has done that.

Ms HILDYARD: Thank you, Madam Deputy Speaker, and thank you to the member for Bragg. I will be very brief in these comments. I do not intend to introduce any additional information but, rather, provide some more context to support what I spoke about in my opening remarks and in the second reading debate. To quote Andrew Birtwistle-Smith:

> I have a similar story to Marco around death certificates. My husband of 11 years, partner of 14 years—were legally married…back in 2004 passed suddenly and unexpectedly last August. I am still grieving heavily and most of the time cannot talk about my situation without getting upset.
>
> Luckily, I was in a position to organise and endorse everything around my husband's death. I did not invite his family to advise on his funeral and associated business, etc. I took control and ran with it, no-one challenged me on my authority and everyone was very respectful.
>
> However, I was forced to have on his death certificate either never married or marriage unknown. I had to make this decision at the funeral home a few days after being told my husband was dead. Do you really understand the pain and grief that causes? You feel like you are a nothing, you are torn apart, you feel humiliated, you feel powerless.
>
> The choice I made was to say marriage unknown. To me, it was the less hurtful of the two. I also had to explain that to our three children, that whilst they could be recognised, I am a nobody when it comes to the current government and our formal commitment of love and loyalty through a marriage certificate is just ink on a paper.

The bill we pass today will ensure that Andrew and Marco and so many other couples will not experience the humiliation of being told that their relationship did not exist. This bill is for David and Christopher, and for all the other spouses who have not been recognised in the past but who we will ensure are recognised in the future.

Thank you very much again to the supporters of this bill. Thank you to my staff Rhiannon Newman and Jonathon Louth, to all my colleagues, to Lachlan Cibich and others from the DPC for their tireless work and, most importantly, to the community and advocates who have worked so hard to get us to this point. This is one step further on our journey to full equality.

Bill read a second time.

Ms HILDYARD (Reynell) (11:12): I move:

That it be an instruction to the committee of the whole house on the bill that it have power to divide the bill into two bills, one bill to be referred to as the Statutes Amendment (Surrogacy Eligibility) Bill comprising schedule 1, part 2, clause 2; schedule 1, part 5, clause 5(4); and schedule 1, part 6, clauses 21 to 27 inclusive, and that the second bill to be referred to as the Relationships Register (No. 1) Bill comprising the balance of the bill, and that it be an instruction to the committee of the whole house on the Statutes Amendment (Surrogacy Eligibility) Bill that it have power to insert the words of enactment.

Motion carried.

Ms CHAPMAN: For clarification, I seek a copy of the two bills in their new form to be tabled.

The DEPUTY SPEAKER: I am advised it is impossible to give you that at the moment. I can give you a copy of the motion; we will get copies for members straightaway.

Ms CHAPMAN: Before we go into committee, we are going to be going into committee now for the third reading on the basis of the two split bills. Can we have an indication of which one is going to be dealt with first?

The DEPUTY SPEAKER: We will deal with the bills separately, and I will go through that with you as we are going. Then we will come out of committee and go back into committee. We have very good instructions and we will go through that with you. I know you will rise at any time you are not sure about what is going on, and we will look at that.

Committee Stage

In committee.

Ms HILDYARD: I move:

That it be an instruction to the committee of the whole house on the bill that it have power to divide the bill into two bills, one bill to be referred to as the Statutes Amendment (Surrogacy Eligibility) Bill comprising schedule 1, part 2, clause 2; schedule 1, part 5, clause 5(4); and schedule 1, part 6, clauses 21 to 27 inclusive, and the second bill to be referred to as the Relationships Register (No. 1) Bill comprising the balance of the bill, and that it be an instruction to the committee of the whole house on the Statutes Amendment (Surrogacy Eligibility) Bill that it have power to insert the words of enactment.

Motion carried.

Clause 1.

The CHAIR: It is my intention, therefore, to deal first with the Relationships Register (No. 1) Bill and look at clause 1, which was part of the original bill, the Relationships Register Bill.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

Ms CHAPMAN: On eligibility for registration, I will clarify, for the purposes of the record, now that we have split the bills: essentially the part we have excised and are putting into the surrogacy eligibility bill is part 2, which amends the assisted reproductive treatment division; part 5, which amends the Equal Opportunity Act—

Ms Hildyard: No.

The CHAIR: Schedule 1, part 2, clause 2; schedule 1, part 5, clause 5(4); and schedule 1, part 6, clauses 21 to 27.

Ms CHAPMAN: Can I just clarify this: I have schedule 1, part 5, clause 5(4)?

The CHAIR: Yes, but that is after part 2, clause 2.

Ms CHAPMAN: I cannot find that in my bill.

The CHAIR: Page 13, I am advised. Part 2, clause 2 is at the top of page 13 of the original bill.

Ms CHAPMAN: On page 13, we have part 4, Domestic Partners Property Act.

The CHAIR: That is clause 5. Let's go to the top of page 13, part 2, clause 2.

Ms CHAPMAN: Yes. I have that, part 2, clause 2.

The CHAIR: Let me turn the page and look for part 5, clause 5(4), which starts at about line 22 on page 14. Is that is out?

Ms CHAPMAN: Yes.

The CHAIR: Then we are moving to part 6 on page 17 and removing clauses 21 to 27, from about line 25 on page 17 to halfway up page 22, just before part 7. Is that helpful?

Ms CHAPMAN: Yes.

The CHAIR: That is it then. Those parts are removed and now become the Relationships Register (No. 1) Bill for later on. Before we continue, is everybody aware of what we are talking about? Deputy leader, you have a question on clause 5.

Ms CHAPMAN: On clause 5, could the mover of the bill identify whether there is any penalty for registering a relationship, other than for signing a false declaration, which is later referred to in clause 22, giving a $10,000 fine or imprisonment for two years?

Ms HILDYARD: I am sorry, can you please repeat the question?

Ms CHAPMAN: Clause 5 sets out the eligibility for registration. Subclause (3) provides that a relationship cannot be registered in, obviously, the disqualifying circumstances. My question is: what is the penalty for registering of a relationship, by either the applicant or the receiver for that matter, other than the provisions of signing a false certificate in clause 22, which provides for a $10,000 fine or imprisonment for two years?

Ms HILDYARD: If I have heard your question correctly, there are provisions, as you know, for penalties in relation to false or misleading statements. But, no, there is not another penalty, other than that the registrar cannot actually register that relationship.

Ms CHAPMAN: The question then is: is there any penalty to the registrar for doing that? Is he caught by knowingly signing a false declaration? On the face of it, he would not. He or she is not required to actually sign a declaration that they have witnessed evidence of a divorce certificate being produced for someone who had formerly married, etc. Yet, when people marry, there are certain obligations on the marriage celebrant to do certain things, sight certain documents, send in their form of notice of intent to marry, etc., and there are penalties if the marriage celebrant does not do that.

In this case, we are bypassing a ceremony to the extent of a commitment of a relationship, and we are really putting the onus on the registrar or his or her staff. Whilst I completely understand the importance of having false declaration penalties for applicants who purport to try to get around the excluding circumstances, there does not appear to be any provision here for an obligation on the registrar or his or her staff to comply with this provision.

Ms HILDYARD: First of all, at part 5 there is a requirement for anybody who is registering a relationship to sign a statutory declaration about their particulars. In relation to the registrar and any penalties for them, there are no specific penalties, but clause 16 sets out that the registrar has a power of inquiry should they have any issues with a particular declaration. It is of course incumbent upon them to inquire should there be any doubt about any aspect of the declaration or the application from those seeking to register the relationship but, no, there is not a penalty.

Ms CHAPMAN: One of the reasons I ask this is that clause 8 requires:

> The Registrar must register a relationship as soon as practicable after the end of the cooling-off period…

Whilst they have a discretionary power to conduct an inquiry in clause 16 that you have referred to, they do not have to do that. At this stage, there are no regulations or guidelines that we know on how that is going to operate. I do not think that it is sufficiently concerning to make the bill fail, and I have

indicated that I will support it, but I make the point that it seems to me there must be some process of how this is to operate. Even with the Coroner, we give them very clear guidelines in the act and then in their regulations on how they conduct their inquiry and what options they have.

Whilst there is some discretion there, we do not want to make this overly complicated. I make the point that clause 8 says to the registrar that he or she must do this and, unless they thought there was something a bit dodgy with an application and had determined that they would conduct an inquiry, and then they have the power to do that, they do not have any choice: they have to register it. There needs to be some clear guidelines in the regulatory arrangement to make sure that that is potentially not abused or, as one can look at it from the other side, ensure that it is sufficiently robust to ensure that there is no negligence or failure to adequately inquire.

Ms HILDYARD: I do take your point. Obviously, there is that requirement to make a statutory declaration, which would of course hold some weight with the registrar. However, I take your point about perhaps exploring regulations to that effect.

Clause passed.

Clause 6.

Mr KNOLL: Member for Reynell, do you have any understanding of the application cost that can be associated with making an application under the register?

Ms HILDYARD: We have inquired about that question because I know you raised it in a briefing. Our understanding is that it would be the registrar's intention to make it consistent with the application fee for a marriage.

Mr KNOLL: I think I know the answer to this question, but I want to flesh it out. Is there any understanding of a minimum time period that people need to be together before they can register a relationship?

Ms HILDYARD: No.

Mr KNOLL: Given that there are cooling-off periods on both sides—going in and going out—is there a restriction on how many times people can make an application to be on the register?

Ms HILDYARD: Just as in the case of a marriage, there is no time period you have to wait, nor is there any limit on the number of marriages you can have. The only limitations are in terms of that notice period, which is consistent with the notice period required for a marriage.

Clause passed.

Clauses 7 to 9 passed.

Clause 10.

Mr KNOLL: Referring to the same line—and I think it could be the same answer—I assume that when it comes to the fee prescribed by the regulations we are again looking at the same fee.

Ms HILDYARD: Yes. We have inquired about that and there is an intention for the registrar to make it consistent with other procedures.

Mr KNOLL: Following on from that, does the current fee structure cover the cost of processing an application?

Ms HILDYARD: I will seek advice to clarify that. My understanding is that, in relation to any of the fees incurred for any business with the births, deaths and marriages registrar, processing fees are contemplated in setting that fee, but we will check for you.

Ms CHAPMAN: The registration fee for a marriage or, indeed, a dissolution of marriage is quite a simple process. Under other laws, the document essentially speaks for itself and is ultimately the valid evidence in court, unless evidence is produced to the contrary. It is quite a simple process for someone at the births, deaths and marriages office to receive a marriage certificate, record it, file it and, obviously, comply with all the records act obligations—as simple as it is with the dissolution of marriage document. The difference is going to be where any inquiry is conducted under the powers of clause 16.

There may be a more extensive inquiry to assess whether the cooling-off period notices have been given and all the matters that go with that, which is quite different. It may be that the Registrar of Births, Deaths and Marriages can have a simple registration process where there is no inquiry. Where there is an inquiry, there is no provision under clause 16. Again, there may need to be a staggered and structured costs allocation or the capacity to charge fees to deal with any mischief or, indeed, negligence on the part of an applicant, as distinct from bureaucracy on the other part. I think it can be cured by the regulations, but it needs to be looked at.

Ms HILDYARD: Yes, and again that is a very valid point and something we can convey to the registrar, so thank you.

Clause passed.

Clauses 11 to 14 passed.

Clause 15.

Mr KNOLL: We create a relationships register, someone makes an application and the application is approved. I assume that they get a bit of paper saying that X is in a relationship with Y, and they get a bit of paper. I understand from other clauses that you will also be able to get a bit of paper that, on a death certificate, somebody is recognised as that. Are there any rights conferred, as part of this bill, by that piece of paper?

Ms HILDYARD: I think we might have touched on that in the briefing that you came along to. Having registered relationship status would give you the same rights as domestic partner status. If you need me to summarise them, I can, but it would give those same rights.

Mr KNOLL: To follow on from that, is there a need to review the statutes in order to understand more specifically what rights are conferred, or is there somewhere else that more neatly summarises what domestic partner status confers upon people?

Ms HILDYARD: Across a number of pieces of legislation the status of domestic partner, and the legal rights that that confers, is articulated. The statutes amendment committee is currently reviewing all those pieces of legislation where domestic partner status is referred to. Certainly, that is something that I anticipate would occur in the way that you have described over coming months, next year, etc.

Mr KNOLL: Are same-sex couples afforded domestic partnership status currently?

Ms HILDYARD: To answer that question I will go back to one of your previous questions. It is only if they satisfy the requirements under the Family Relationships Act, and there are particular requirements in there around cohabitation for three years, etc. I want to go back to my answer to your previous question to make it clear that we are drafting statutes amendment legislation to review all those places where domestic partner is referred to. I think I mentioned a committee, but we are actually drafting that legislation, not a committee.

Ms CHAPMAN: Can I clarify this. Whilst there might be some tidy-up legislation, this new bill in its relationships section already makes provision, on page 13, for changes to the Domestic Partners Property Act 1996, which I am sure the assisting minister would already appreciate. Once we have a registration process, domestic partners who have cohabitated for less than three years will automatically qualify for the opportunity to pursue claims under that act once their relationship has been registered. They do not even have to live together, once we have passed the relationship act; they can live in separate houses. They can commit to a relationship, having known each other for a fairly short time, obviously—

Ms Hildyard: Just like a marriage.

Ms CHAPMAN: Just like that, exactly—although, of course, you have to have compulsory counselling when you want to get out of a marriage. In any event, we are doing that, and in this bill we are also making amendments to the Wills Act—which I want to come to shortly—to cover that scenario because that will introduce a lot of issues. If the Attorney-General, and your government, ever gets his act together and introduces the Inheritance (Family Provision) Act reforms and the Wills Act (I think they sit around and do nothing in that office some of the time), clearly we will need to deal with a lot of that. This will add some extra provision in the bill in recognition of the status.

Again, I do not take issue with that, but there will be substantial reform in those two provisions: the right to be able to access under a will, and in fact make wills, in contemplation of recognising a relationship and, of course, the right to seek a share in a domestic partner's property, when they are living together for less than three years or have not had a child together, which is currently required to get access to that. If there are a whole lot of other smaller tidy-up acts that need to be amended in contemplation of the recognition—and we have done those tidy-up pieces in the past—then we should have a list of those provided to the parliament before this is debated in the other place.

Ms HILDYARD: To clarify, the statutes amendment that is being drafted is absolutely just to give effect and to make consequential amendments relating to the introduction of this relationships registration bill. There are certainly no policy changes that are contemplated in the statutes amendment legislation that I refer to. I presume that we will come back to the question about wills later in this discussion.

Mr KNOLL: I want to seek some clarification. Currently, federally, people can become de facto couples based on a certain number of criteria being met. I assume it is living together for two years or having a child?

Ms Chapman: Three years.

Mr KNOLL: Certainly, but under federal de facto relationships it is two years? There is no such thing?

Ms Hildyard: State law under the Family Relationships Act.

Mr KNOLL: What I am trying to get at is that nothing we are doing here in any way affects federal law when it comes to de facto relationships and how property—

Ms HILDYARD: We understand, via the Attorney-General's office, that the commonwealth Acts Interpretation Act already contemplates relationship registers that are set up in other jurisdictions. Of course, should this bill be passed, we will talk again to the Attorney-General's office about contemplating our South Australian relationships register in that Acts Interpretation Act.

Clause passed.

Clause 16.

Mr KNOLL: In relation to powers of inquiry, obviously we are seeking here to register overseas relationships and asking the registrar to be the one who investigates whether or not the relationship should be registered under this bill. What resource, what power, practically, will the registrar have to properly investigate overseas relationships?

Ms HILDYARD: Thank you, member for Schubert, for that question. This bill will give the ability to the registrar to recognise overseas marriages, not to register them, but to recognise overseas marriages. They do have the power to request the marriage certificate either via the couple themselves or via similar authorities in the corresponding jurisdictions.

Mr KNOLL: I understand we will get to clause 27 and have a discussion about what relationships we are seeking to register, but if we go back to clause 5 where it talks about reasons why people cannot have their relationship registered, including being related and being a descendant and those types of things, there is no other power of inquiry for the registrar to be able to look into those matters overseas. Are there instances where countries have a much more loose definition of marriage, for instance, where potentially it could be legal over there, they come over here and we do not have the power to inquire?

Ms HILDYARD: What clause 5 also sets up is that the Registrar of Births, Deaths and Marriages will have, via regulation, much more detail about what is appropriate or not and which other jurisdictions are appropriate or not. That will be dealt with via regulation.

Ms CHAPMAN: To clarify, the deficiency of that is that, whilst an applicant might be required to give extra information or comply with the directions of the registrar as anticipated, he or she will face the consequence that they may not have their relationship registered. There is a direct penalty for not complying with that. Again, this introduces a power of inquiry where the registrar can give a

notice to anybody they think has information that would help in that regard, and if that person, under subclause (3), does not comply, it is a $1,250 fine.

I make the point that I am not anticipating that this would be abused by the registrar, but it seems to me that the regulations need to be clear about what is going to happen. The other issue is that, as you would expect, this is not going to have any capacity to be enforced overseas where the information may be stored in some way, namely, the register on another country's records. Whilst countries with whom we have good working and trading relations, in an enforcement of law capacity, may be quite happy to cooperate, that may be difficult to enforce.

The drafting of this does lead to the obligation of the applicant, in the preceding clauses, to have to provide certain information to get over the line. He or she is going to have to obtain the certificate from the British register, or whatever, to enable this to move forward. Again, I see that as a bit draconian. When I come to questions on clause 22, I will be asking you for a comparison of why the fines should be so high, including a two-year imprisonment.

Ms HILDYARD: I take your points, and I think they are very valid points. As a matter of interest, the power of inquiry that this particular piece of legislation sets up is absolutely consistent with the power of inquiry set out in relation to marriages, and the registration of other events, with the Registrar of Births, Deaths and Marriages.

Clause passed.

Clauses 17 to 21 passed.

Clause 22.

Ms CHAPMAN: Here is the penalty: $10,000 or imprisonment for two years as a maximum. Can there be some indication as to whether that is currently consistent with the laws in respect of signing false declarations generally?

Ms HILDYARD: Yes, absolutely. All the penalties that are set out in this particular bill are absolutely consistent with the penalties in other parts of the Births, Deaths and Marriages Act.

Clause passed.

Clauses 23 to 26 passed.

Clause 27.

Mr KNOLL: Member for Reynell, clause 27(1) essentially provides if it is not a marriage under the Marriage Act, then something can be registered under this part. Obviously, there are types of marriages which culturally we would accept and some which I think we would not. For instance, gay marriage is legal overseas in various places, but also a polygamous marriage is something that is allowed overseas in various places. I am not 100 per cent up on where the age of consent for marriage is, but certainly there could be some marriages registered overseas that we would consider not necessarily legal here. What mechanism is there by which we are going to ensure that we allow the marriages we want to allow but not allow the marriages we do not want to allow?

Ms HILDYARD: I think I might have already answered that question. It is determined through regulation, as I spoke about in relation to clause 5, but also anything that we deem to be a corresponding law is what we contemplate in the meaning of the Marriage Act. We are not going to go beyond anything that is not contemplated in our Marriage Act, if that makes sense.

Mr KNOLL: Sorry, that does not make sense. I am probably speaking on behalf of a number of members who have concerns, but in enacting this piece of legislation how can this parliament be assured that we are not going to be creating a path by which polygamous relationships can be registered?

Ms HILDYARD: Two points there, and I do not think my previous answer quite answered your question. First of all, in relation to those marriages that we would see as inappropriate, provisions are also set out in the Criminal Law Consolidation Act. Also, clause 26 that we have just dealt with contemplates the type of marriages that we would recognise, but also we will deal with corresponding law in regulation as per clause 26. Does that answer your question?

Ms CHAPMAN: Can I clarify this? Let's use an example. Obviously, if you are able to marry your cousin in an overseas country but you cannot here, it is a prohibited relationship; there is an exclusion. Our marriage laws require it to be two consenting adults, so there are under-age issues also. You have prohibited relationships usually by lineage or relationship by blood, and then you have the accepted marriages in other places in the world, including polygamous marriages.

The way I read your bill, and you can clarify this if it is not right, is that the disqualifying features of the first part of the bill, namely, if you are already married, mean that you can come to Australia with six wives, legally married to them in another country. The first marriage is recognised as a valid marriage, and you cannot register marriages 2, 3, 4, 5 or 6 as a relationship under this because the applicant husband is already married to another party who we legally recognise. Isn't that the case?

Ms HILDYARD: Yes.

Mr PEDERICK: For further clarification on the question the deputy leader asked, what you are saying is that if someone overseas—and I have met someone on a parliamentary exchange—is in a polygamous arrangement they can legally register one partner but not the others, whether it is one other wife or partner or multiple wives or partners? Is that a fact, because these are commonwealth countries that we relate closely to?

Ms HILDYARD: Yes. If, in another jurisdiction, you are married to one person and you do not have any of those issues that the deputy leader described in terms of somebody being underage or related to that person, then yes, you would recognise that marriage to one person and you would not be able to register another relationship here, just as you would not be able to have another marriage here.

Mr PEDERICK: I think I know the answer, but I just want to get it absolutely straight: someone in a polygamous relationship will have the ability to register one partner but not the multiple other partners they may have?

Ms HILDYARD: I refer you to clause 26(2)(e) in relation to the particular issue you are raising.

The Hon. A. PICCOLO: Referring to clause 26 because that is the definitional part of clause 27, I want to clarify what we would actually recognise if this bill is passed. Would we recognise that relationship—whether it is a civil union or a marriage or whatever relationship it is overseas—as it exists in that nation or as it exists here?

Ms HILDYARD: If I understand your question correctly, if, for instance, in the Marco and David Bulmer-Rizzi case, where their same-sex marriage was entered into in a jurisdiction where same-sex marriage were legal, then yes, we would recognise that relationship here, should circumstances arise where we would need to. Lots of people would come and visit and never have to rely on that recognition.

The Hon. A. PICCOLO: If I could just clarify—and I will try to do this in a sensitive way—using that example, would the certificate then say that this person is married in that country or would it say that this person is married here?

Ms HILDYARD: What I am trying to distinguish here is the difference between recognition and actually providing a certificate of registration. For instance, what that case was about—and what we are trying to fix here—was actually recognising that marriage. That does not mean they had a certificate: it is recognising that marriage. Sadly, in that circumstance, it was for the purpose of the production of a death certificate, etc., and who appeared on that death certificate.

However, you can also have an acknowledgement certificate of your relationship or marriage in another jurisdiction if you wish to do so for the purposes of dealing with South Australian law. Mostly, in the case of overseas relationships or marriages, it will be about the recognition, but you can apply for an acknowledgement certificate under South Australian law should you need to do so.

The Hon. A. PICCOLO: That raises another question. Would the certificate say that the person is married or would it say that this person was married in England, Canada, the US or whatever the case may be? What is on the certificate? What would the historical document say?

Ms HILDYARD: It basically acknowledges a marriage that happened overseas. I think that is the point you are trying to get to.

The Hon. A. PICCOLO: Yes.

Ms HILDYARD: It is not going to say that they were married here or anything like that. It acknowledges that a valid marriage occurred in relation to that jurisdiction where it is valid.

The Hon. A. PICCOLO: Given that this bill is seeking to remove some discrimination and for us to acknowledge relationships in other jurisdictions, and given that there seems to be an inconsistency between an adult for the purpose of this act (which is 18 as I read it) and the age of consent here and also overseas, how do we deal with that inconsistency? People might already be married overseas because the age of consent is lower and, for cultural reasons, they get married, but we do not recognise that relationship. How do we deal with that in this bill?

Ms HILDYARD: For the purposes of this act to have that relationship recognised between two adults, 'adults' for the purposes of this act is two people 18 years or over. I take your point that there are some inconsistencies in different pieces of legislation, but for the purposes of this act it is two adults who are 18 years and over. However, the regulations do have the ability to deal with those cultural circumstances that I think you are raising as well.

The Hon. A. PICCOLO: How would the regulations deal with a situation where it appears, from my reading of clause 26(2), to basically say that 18 is the cut-off point? How would you then recognise it in some other way? Do the regulations go beyond this?

Ms HILDYARD: What we are proposing to do here is modelled on what has occurred and is already set up in the Victorian relationships register. In terms of the regulation, we intend to either identify criteria as to what should be recognised or identify jurisdictions, so one of those two things will happen in the regulations.

Ms CHAPMAN: During the second reading contribution I raised whether the government would consider listing a prescriptive list of countries—I read out those that apply in another jurisdiction in Australia. Rather than leaving it all to prescription, has the government considered that and approved that course and, if not, why not?

Ms HILDYARD: Yes, we will list jurisdictions.

Clause passed.

Clause 28.

Ms CHAPMAN: This is the commencement of four clauses to deal with amendments to the Wills Act 1936. The advisers to the assistant minister or the Premier's office provided some information to me on some questions that I have raised. I am going to read some of that, only because I want it on the record. One of the issues I have raised is to cover the intention of the amendments to this act, which is largely to allow wills to be made by a party (a person) in contemplation of a registered relationship. Currently, of course, one can make a will in anticipation of a marriage. Indeed, there are often other contract—

Ms HILDYARD: Member for Bragg, are you at clause 28 in the act or clause 28 in the schedule? I want everyone to proceed through those next clauses 28, 29, etc., in the act and then go to that part, just to keep things ordered.

Ms CHAPMAN: I thought Madam Chair had dealt with everything up to clause 27.

The CHAIR: We are looking at clause 28, which is on page 12.

Ms CHAPMAN: No, we are at cross-purposes.

Ms Hildyard interjecting:

The CHAIR: Hang on, let's just wait.

Ms CHAPMAN: I think the assistant minister is correct. I am referring to clause 28 on page 22, so I think you do need to deal with the ones before it.

The CHAIR: That is right. Do we have any further questions on clauses 28, 29, 30 or 31 of the original bill, which is page 12? Does anyone have any questions on those clauses? Is everyone listening?

The Hon. P. Caica: Yes.

Clause passed.

Clauses 29 to 31 passed.

Schedule 1.

The CHAIR: We are now going to look at schedule 1, dealing only with the parts we have not removed. We are taking out the bit on page 13, the bit on page 14 and pages 17 to the top part of page 22. The deputy leader has a question on the schedule. Which part?

Ms CHAPMAN: You will be pleased to know that I am moving straight to clause 28.

The CHAIR: Could the people on my right lower their voices.

Mr KNOLL: I have a question on schedule 1, clause 4, Domestic Partners Property Act, page 13. Subclause (2)(a) provides:

> a person in a registered relationship, and includes—
>
> (i) a person who is about to enter into a registered relationship; or
>
> (ii) a person who has been in a registered relationship—

What is the need to have somebody who is recognised under this clause before they were in a registered relationship, and where is it contemplated that that is going to be used?

Ms HILDYARD: If I understood your question correctly, what we actually need to deal with is a particular point in time in relation to property. Hence, that is why this needs to be in this bill and why we need to amend the act.

Mr KNOLL: Why can the point of time not be once the relationship is registered?

Ms HILDYARD: I do not know if I should describe it as a prenup for domestic partners but, in relation to a marriage, you contemplate a marriage at a particular point in time. I guess it is a similar principle that we are introducing here—that you are contemplating entering into a registered relationship, given that you need to give that notice, etc.

Mr KNOLL: In terms of a marriage, you are in the relationship before you are in the marriage. My question is: are you still a domestic partner if you register for your relationship to be registered? If your relationship then is not approved, are you still in a domestic partnership arrangement?

Ms HILDYARD: If I have understood your question correctly, you would only be deemed to have domestic partner status if you met those requirements in the Family Relationships Act that I very briefly touched upon earlier. So, there is the cohabitation provision, the children provision, etc., listed in the way that you have described, yes.

Mr KNOLL: Potentially, my last question is: you can be a domestic partnership and not in a registered relationship but you cannot be in a registered relationship unless you are in a domestic partnership? Maybe I will ask this question then: are we changing the definition to include the ability of a registered relationship to be included as a domestic partnership, not to the exclusion of anything else?

Ms HILDYARD: Yes.

Mr PEDERICK: As I understand it, under a current domestic relationship there would not be any claim on property until three years. Under a domestic partnership, if it were registered, there could be a claim on a partner's property after essentially a day; is that correct?

Ms HILDYARD: I guess it is the same as a marriage. You can know somebody for a day before you give notice of the intention to marry.

Mr PEDERICK: I understand that, but I believe there will be a difference here because, whether you are currently in a marriage or a non-marriage partnership, my understanding is that you do not have property rights until three years. So, if you go into a registered relation and you are together for two years, you can have a property right over your partner's property. I am just trying to clarify whether someone would have a legal property claim below that three-year limit, which I believe is the time limit now.

Ms HILDYARD: Yes.

The CHAIR: Do we have any questions on the schedule minus the bits we have already taken out?

Ms CHAPMAN: I return, if I may, to clause 28 of the schedule, which relates to the Wills Act. It is on page 22 of the original bill. This is the beginning of the amendments to the Wills Act 1936. As I indicated, government officers have provided some data in relation to how this is going to be effective. Essentially, these amendments anticipate the opportunity for people in registered relationships being able to prepare wills in contemplation of a registered relationship, just as they do on a marriage.

At present, if, having prepared a will, you marry someone, that is an act which has the capacity to then deem that will invalid, and you of course have to start again in recognition that you have made that commitment. Often, people want to sign a whole lot of documents before they get married these days, including wills, often mutually recognising the other fiancé's anticipated status to be their husband or wife. Similarly, these amendments are to recognise in the Wills Act that those wills also have to have status and survive the registration, if I can put it in that sense, as wills between those engaged to be married can currently survive the marriage.

The indication from the officers on this aspect states, 'Further advice will be sought to ascertain the practical requirements people would be required to undertake should they seek to reference both possible circumstances in a will that seeks to contemplate either of these events.' My question is: has that advice been sought and, if so, what is the wording that needs to be included in wills, for example, to recognise this new status? If that advice has not been sought, will it be provided?

Ms HILDYARD: We are awaiting that advice, and I can certainly undertake to check on the progress and advise the house when it is likely to be received.

Ms CHAPMAN: Clause 29 also amends the Wills Act, and that relates to knowing it to be false or misleading. The issue here is the provision for a will to be revoked by certain events. What if the person legitimately thinks they are divorced when they apply for a relationship registration, when in fact they are not, and subsequently states this as fact on their application?

We have situations where people can be charged with an act of bigamy if they marry when they know they are already married. Sometimes, what can occur is someone marries, they have a divorce certificate that they think has, in compliance with the law, divorced them or dissolved their marriage, and they go to the altar the second time around in the full and genuine belief that they are free to marry.

Similarly, in this new arrangement, the person believing they are divorced signs up. Under the way I read the proposed bill, once it was found that there was still an existing, lawful marriage that disqualified that person, the registered relationship would be deemed to be void and would no longer have any status. Its status would be ab initio—that is, from the beginning—not just from that date. Is that the position?

Ms HILDYARD: Yes, and yes to all those points you made. I think the relative principle you articulated in what you spoke about is, obviously, the question of knowledge. In the circumstance that you described, there was not knowledge of that lack of dissolution of the prior marriage, etc., so of course there are different ways to deal with that situation rather than those that attract penalties. So, yes, in relation to the various points that you made, it is the same.

Ms CHAPMAN: It is just that knowing it to be false and misleading is the clause that attracts a penalty as distinct from the validity of the relationship registration.

Ms HILDYARD: Yes.

Ms CHAPMAN: Clause 31 identifies cases where wills may be revoked. 'Termination of marriage' is to be deleted and substituted by 'the ending of a marriage', and also inserted is 'by commencing or ending a registered relationship'. When I asked: what is the process for the application to deregister or make void a registration on the basis that it is a prohibited relationship, underage or whatever is there, the answer was:

A party, including an advocate or representative of a person—

who presumably may be a guardian, for example, of a child who has been caught up in such an event—

would submit a written statement outlining the reason the relationship should be deregistered or void, together with documentary evidence to support their claim. The registrar would then hold an inquiry under clause 16 to determine if there are sufficient grounds to deregister or make void the relationship. If the registrar is unable to determine the case, the matter can be referred to the court.

This is where I think it is going to be more tricky. I remember our looking at the question: what if the federal commonwealth parliament decided that we would become a republic? What would South Australia do in appointing its Governor? It is never the appointment that is the difficult part: it is getting rid of them when they fail. That is the legal complication, and it is similar here. This is where a lot of time can be spent and, indeed, money. I do not personally think that the taxpayer should be responsible for that, so it seems to me that we need to have some very clear instructions in the regulations on how this is going to work.

The marriage dissolution law has been simplified in the Family Relationships Act. You file an application or an affidavit sometimes—at least, it is signed under declaration that it is true that the parties have been separated for a period of 12 months or essentially that the marriage has broken down irretrievably, evidenced by a period of 12 months. However, as a consequence of the relationship being prohibited (that is, the child is actually the sister of the male applicant, or perhaps the two are sisters and it is prohibited), it has to be annulled or declared void.

If it is to be deregistered because there is a separation, especially where there is a dispute about it (namely, one of the two sisters says, 'No, I'm actually not her blood sister. She was adopted,' or there was some other reason), this could be an evidence-taking hearing or inquiry. These can get complicated and expensive, so I would urge the assistant minister to ensure that the regulations are clear about this and who is going to pay for the undoing of these relationships because they can get very messy.

Ms HILDYARD: Yes, I take your point. Thank you, deputy leader.

Schedule as amended passed.

Title.

Ms HILDYARD: I move:

That the title be amended by deleting the following from the title 'the Assisted Reproductive Treatment Act 1988' and 'the Family Relationships Act 1975.'

Amendment carried; title as amended passed.

Relationships Register (No. 1) Bill reported with amendment.

Progress reported on the Statutes Amendment (Surrogacy Eligibility) Bill; committee to sit again.

Third Reading

Ms HILDYARD (Reynell) (12:25): I move:

That the Relationships Register (No. 1) Bill be read a third time.

Bill read a third time and passed.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: While we have a moment, I would like to acknowledge the presence in the gallery today of members of the LGBTIQ community, who are my guests, and acknowledge their work.

The Hon. T.R. KENYON: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

ADOPTION (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (12:29): I started my second reading explanation at the end of the previous session, when I sought leave to continue my remarks; I now continue them. I was thanking the people who had contributed to the discussion previously and saying that I had got an enormous amount out of hearing people's very considered thoughts about adoption. This is a government bill that seeks to make some reasonably significant amendments to the current practice of adoption.

There are really two halves of this bill. One is seeking to amend the way in which adoption is done in this state, and that is as a result of the very considered and thoughtful review done by Professor Lorna Hallahan. The other, which arises equally from Professor Hallahan's recommendations, sits within the realm of conscience votes and has therefore received the most interest, I believe, in the second reading speeches. They are, on the one hand, to define a qualifying relationship as being irrespective of the sex or gender identity of the people in that relationship, and the other is to allow greater access to adoption by people who are single, noting that there is already some access in the current act.

I would like to run through some of the points that have been made in order to assist, I hope, with the way in which we will conduct the committee stage. I note that a few members have raised concerns about the impact of the proposal to remove information vetoes so far as they are held by adopted persons. The member for Adelaide has filed an amendment—I am not sure if she will proceed with that, but she may well do so—and I have also filed an amendment in order to tighten up the way in which we are able to ensure that there are no perverse outcomes for people in that situation.

It is absolutely the government's intention—and I believe this has been acknowledged by the member for Adelaide and others who have spoken on this—that veto holders will be supported to prepare for the transitional period of removing the veto arrangements from the legislation. I am confident that most veto holders will benefit sufficiently from that support; however, I do acknowledge the concern of some adopted persons, who are worried about the release of identifying information to other parties to their adoption. I have therefore filed a government amendment to provide additional discretion to the chief executive to refuse access to the adoption information of an adopted person where the chief executive determines that it is not in the best interests of that adopted person, taking into account the adopted person's rights and welfare, for the information to be disclosed.

A further alteration to the bill, which will be moved by the government during the committee stage, is that we support the notion that an adopted person should be notified of the death of their birth parent, and provision for such notification is set out in clause 30 of the bill. I will also be moving an amendment to ensure that the CE is not prevented from doing this during the five-year expiry period of an existing veto. I think the bill may have covered that sufficiently, but we want to remove any ambiguity.

There is also now the question of the discharge of an adoption, which is one of the innovations in this bill. The member for Light sought clarification on the legal outcome of the discharge of an adoption and raised the potential that a person could be left parentless. Firstly, I note that the bill expands on the grounds upon which an order to discharge an adoption can be made to include the ground that it was in the best interests of the adopted person, taking into account the rights and welfare of the adopted person. The court should not make such an order if to do so would be prejudicial to the rights, welfare and interests of the person.

The member for Light, in his contribution, pointed out that discharge of an adoption order may contribute to the healing of an adopted person who has suffered abuse at the hands of an adoptive parent. I note that in some such cases a discharge may be sought by a person whose birth parents are deceased or whose birth parents' names were not recorded at the time of adoption. It is not uncommon, in respect of intercountry adoptions, that the birth parents' names have not been recorded. In such cases, the discharge of the adoption may still be in the person's best interests, as it will aid their healing despite the fact that they will be left without a parent in the eyes of the law.

Where an adopted person has suffered abuse at the hands of their adoptive parent, it might be the case that no parent is better than a legal parent who has inflicted great harm on them. It is worth remembering that most adopted persons do not have a say in their adoption. The government supports the notion that, where a person has suffered as a result of their adoption and discharge could contribute to their healing, it is important that the state support them if they wish to explore the option of discharge. The central point in such cases is that the court will only make an order to discharge where it is in the adopted person's best interests.

I note that the member for Adelaide and the member for Davenport have raised genuine concerns about the role of the department in investigating the circumstances relating to an application for discharge, and in particular concerns that an adopted person may be pathologised or subjected to a psychological assessment. I assure members that the purpose of such investigations will be used to provide the necessary support to the adopted person in considering this significant decision, to investigate the implications, including legal implications, of the discharge on the adopted person's welfare, interests and rights and to ensure they are fully aware of those implications and have appropriate support where necessary.

This process will be used to provide the court with the necessary background information to the application so that the court can weigh the issue of the best interests of the adoptive person. There will be no mandatory requirement for psychological assessments, but adequate support services would be provided as required. A decision to discharge an order for adoption is a significant one that has a range of legal consequences which affect the relationship, rights and responsibilities and legal entitlements of an adopted person. Some effects may be positive, others negative: for example, the adopted person may lose an entitlement to claim their adoptive parents' estate.

It is important to note that discharge also undoes or otherwise modifies the identity, family structure and legal relationships of not only the adopted person but others as well including, where relevant, the adopted person's children. Therefore, a decision to discharge an adoption order is not one that should be able to be made lightly without significant knowledge of the circumstances of the particular case and an understanding of the likely impacts that might flow from the adoptive person and other affected parties.

I now turn to the prescribed period, or five years, to be eligible to adopt. A number of members raised concerns about the prescribed period of time that a couple must have been in a qualifying relationship or, in the case of a single person, not have been in a qualifying relationship before an adoption order can be made in their favour. This is five years, or another period prescribed by the regulations referred to in the bill as 'the prescribed period'.

The main aim of the prescribed period is to ensure that adoptive children are entering into a home and family life where relationships are stable. Children need stability in their care. The prescribed period is just one of the ways used to determine relationship stability. More often than not under the current scheme, couples seeking to register as prospective adoptive parents have generally already been living together in a marriage-like relationship for five years or more. In

addition, part of the prescribed period may be served while the applicants are being assessed and/or once registered while a prospective parent is on the register.

In respect of single persons, it is just as important that the department ensures that the person is stable in their relationship status. Leaving serious relationships can be traumatic and destabilising for any individual. It is important that we ensure that individuals seeking to adopt are in the best overall position to provide stable care for an adopted child. The bill continues current arrangements that allow an adoption order to be made in favour of a couple or a single person who have not met the prescribed period requirement where special circumstances exist.

Special circumstances could involve a range of different situations, including, for example, where the prospective adoptive parent is likely to provide the most culturally appropriate placement for a particular child, or where the child has a disability and the prospective parent is best placed to provide the care the child needs. I note that the prescribed period is just one of the mechanisms used to ensure stable family relationships. As outlined by the member for Schubert, the regulations set out an extensive list of factors against which prospective adoptive parents are assessed.

I now turn to adoption by same sex couples and single persons. A number of members have raised concerns about the proposal to provide same-sex couples the right to adopt on par with different sex couples, and there are some matters I wish to clarify in respect of those concerns. It was suggested during earlier debate that the wishes of a birth parent who had specifically indicated that they would like their child adopted by a heterosexual couple may not be respected. Regulation 19(2)(b)(i) of the Adoption Regulations provides:

> (2) A person is excluded from selection as an applicant for an order of adoption of a particular child…if the Chief Executive is satisfied that—
>
> (b) the adoption of the child would be contrary to—
>
> (i) the wishes of the child's birth parents or guardian.

There is no intention to change this regulation. I also stress that the bill provides that the paramount consideration in adoption law and practice will be the best interests, rights and welfare of the child, and this includes in the placement of any child for adoption. Some members have suggested that one type of family unit provides the ideal environment for the care of a child.

An important finding of the adoption review was the need to change the law and practice of adoption in this state to focus on the best interests, rights and needs of the child. This is not about creating a single template of ideal parentage and fitting a child's adoption to that template. This is about considering what is in the best interests of each particular child and who is best placed to provide their care.

In addressing the relevant terms of reference, the adoption review set out to weigh the evidence for the impact of children being raised in same-sex couple and single person households. The review found that on the best available evidence:

> Given certain other conditions that apply across all households, roughly that they display a set of protective behaviours that favour child development, such as an enduring positive parent bond, a persistent child focus, informal social support networks, stability of housing and adult relationships, nonviolence, a level of material comfort, a capacity to settle differences equably, and that certain other factors are not present, such as instability, substance abuse, violence and poverty, abuse and neglect of children, children can be expected to thrive in households headed by a same-sex couple or a single person.

As prescribed in the Adoption Regulations, every prospective adoptive family is subject to rigorous assessment against an extensive list of factors. These factors will include consideration of the broader relationships and supports that will be available to an adopted child or a prospective parent who is single that would include the broader family and support network of that prospective parent.

I now turn to the question of adoption and care. A number of members in their contributions to this debate outlined their views with respect to the adoption of children from out-of-home care. Some suggested that the state should be increasing the number of children in South Australia adopted from out-of-home care. It was further suggested that a child under the guardianship of the minister cannot be adopted from care.

It should be noted that the findings of both the independent review of the Adoption Act and the Nyland royal commission were that adoption should not be seen as a panacea for the current shortage of suitable care placements in the child protection system. Adoption should only occur where it is in the best interests of the child. Additionally, it is not the case that children in care cannot be adopted. As noted by the review and the royal commission, there is no legal impediment to the adoption of a child who is in care, even in the absence of parental consent.

The royal commission recommended that the government consider the question of adoption of a child in care where it is in the best interests of the child and an Other Person Guardianship order is not appropriate. The royal commission found that greater use should be made of other person Guardianship, and that is something to which the government has committed and has seen an increase in recent months.

Clause 9 of the bill implements the recommendations of the royal commission. Further work will be done at a practice level to ensure that adoption is considered as an option for ensuring the long-term care and stability of children in out-of-home care where it is in the best interests of the child and Other Person Guardianship is not appropriate.

I now turn to intercountry adoption. Some members opposite commented on the process involved with intercountry adoptions and the time that it takes to finalise such agreements. The government is attempting to make clear in this bill that the starting point for consideration of any adoption in this state is the best interests of the child, both in childhood and in later life, and therefore adoption should be a service for the child. The focus of adoption should not be on solving the family formation issues of adults, but on the need of the child for a safe and stable home.

The review of the Adoption Act considered the issue of the lengthy time it takes to facilitate intercountry adoption and recognises the need to support prospective adoptive parents through this difficult period. It needs to be noted that South Australia is efficient in processing applications to adopt an overseas child. The long waiting times often referred to are dictated by the various overseas authorities whose role it is to match a child to an applicant's file. This waiting time varies widely from country to country and is something over which Australian authorities have no control.

The review also noted the risks from poor adoption practices that may arise in some overseas countries. It found that the care the state brings to the process is vital in defending the rights of children in other countries. The review therefore recommended that the state continue its role in intercountry adoption, especially in the assessment of prospective adoptive parents. Further, it recommended that resources may be made available to support prospective adoptive parents and to provide improved post-adoption support to intercountry adoptees and their families.

The state remains committed to its role in ensuring the optimal conditions for intercountry adoption in South Australia focused on the best interest of the child. This is reflected in the objects of the act set out in clause 4 of the bill to ensure that equivalent safeguards and standards to those that apply to children adopted in this state apply to children adopted from overseas. The state and commonwealth, through their respective service providers, make available pre and post intercountry adoption support services to prospective adoptive parents and adoptive children and their families. The South Australian government remains committed to funding the post-adoption support services of Relationships Australia, which has a role in supporting intercountry adoptees and their families.

I have filed two sets of amendments to the bill. The first set makes three amendments to the bill. Amendment No. 1 is a technical amendment to support the new provisions of the discharge of adoption set out in clause 13 of the bill. It amends clause 13 to make it clear that the court can make orders in respect of necessary changes to the entry in the register of births in relation to the person granted the discharge. The regulations will provide for the court to notify the registrar of any such orders. Amendment No. 2 is also a technical amendment to clause 13 to clarify that the making of an order to discharge an adoption does not affect the right of the person granted the discharge to access information held by the chief executive about their past adoption.

Amendment No. 3 amends clause 19, as I mentioned earlier, to provide the chief executive with additional discretion to withhold information about an adopted person from another party to the adoption where it is in the best interest of the adopted person, taking into account their rights and welfare or any other prescribed matter. It is noted that the chief executive is required by section 27(6)

of the act to establish and maintain written guidelines regarding exercise of this discretion. This amendment was prepared in response to concerns raised by many members, including those opposite and the member for Adelaide, about the impact of the removal of information vetoes on some adoptive people.

I have also lodged an amendment separately in the second set of amendments. It amends clause 30 of the bill to clarify that, if the chief executive informs the birth parent of the death of an adopted person or informs an adopted person of the death of their birth parents under new section 40A, the fact that the deceased adopted person or deceased birth parent held a current veto does not prevent the chief executive from disclosing information in the chief executive's possession relating to the deceased adopted person to the birth parent, or disclosing information in the chief executive's possession relating to the deceased birth parent to the adopted person. This amendment addresses concerns raised by members in respect of the fact that a veto does not end with the death of a veto holder.

With those clarifying and somewhat detailed comments, I wish again to thank everybody for their contributions and for the seriousness with which they have taken this piece of legislation. As a government, there is probably no more sensitive matter that we deal with—there may be some equally as sensitive but none more sensitive—than the allocation of parentage to a child other than to that of their birth parent, and I am grateful for the respect with which this has been treated to date.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr PEDERICK: This clause seeks to amend the objects and guiding principles of the act. Amongst other provisions in proposed new section 3, paragraph (f) concerns encouraging openness in adoption and subsection (2)(b) states that 'adoption is to be regarded as a service to the child concerned'. My biggest concern with this legislation, which I outlined in my previous speech in regard to the adoption bill, is that we have very limited adoption in South Australia.

In fact, from my research, I noted that in 2014-15 there were only 17 adoptions and 14 of those were intercountry adoptions. Looking further back, between 1990 and 1991, 103 adoptions took place, which included all the international adoptions. I acknowledge amending the Adoption Act, but in my mind it does not seem to be working. Will the minister outline, for every year including this year, how many Australian adoptions we have had per year?

Members interjecting:

The CHAIR: Order!

The Hon. S.E. CLOSE: I thank the member for Hammond for the concern that sits behind his question—that we ensure that there is stable placement for children, particularly those in out-of-home care at present. I will have to take the numbers on notice and provide that between the houses for your information. If I talk to the larger question of adoption from the out-of-home care system, as I noted in my closing second reading speech that is in part a question of the culture and practice of the department responsible for child protection.

It is also a cultural question for South Australia about whether adoption is something that is looked to. It has changed over the years. There has been an absolute decline in in-country adoptions over the last 30 years. It has really been associated with an increase in women's capacity to control their pregnancies, resulting in fewer unwanted pregnancies, and also an increase in the technology that allows people who are finding it difficult to become pregnant to conceive their own children. That has had a marked impact on children available for adoption.

What we are seeing at present, certainly in the last year—and it has really proceeded apace in the last five or maybe 10 years—is an escalation in the number of children who are being removed from their biological parents and put into the child protection system. There will be consequences

there, I imagine, by virtue of the number of children coming out of biological family homes. There might well be more who are considered for adoption. That requires no change to legislation: it will simply be partly a function of the increased number. In the time I have been the minister, it has increased by 25 per cent.

At the child protection ministers' ministerial council meeting last week, I saw that it has increased dramatically across the country. It requires no change in legislation. It is likely to occur more frequently simply because there are more children. It will also be part of the way in which children in the child protection system are considered by the authority, including by the court, as we seek to increase stability. I note that both in this review and also in the Nyland royal commission, a heavy emphasis was put on Other Person Guardianship and I think that is appropriate. As I said, we have increased the numbers, and I want to see a greater increase.

One of the things this bill does, which I think will be tremendously useful for children who are currently in Other Person Guardianship or come into that, is that they will be able to choose to be adopted into that family at the age of 18 with no involvement of the birth family because they are adults and they can choose to undertake that as long as the court signs off that they are able to do that. That means that Other Person Guardianship then becomes parenting for life, and I think that is what we all want to see.

Mr PEDERICK: I appreciate what the minister has done in her work with Other Person Guardianship and I certainly acknowledge working with her in regard to the issues around Finn's Law and Other Person Guardianship. We will get to this in clause 12 because it opens it up to more people who may be able to adopt children. You have indicated why numbers are not available, but to me it looks like numbers of local children available for adoption are very much in single figures. There needs to be, in my mind, significant change because I have met people who have tried hard to adopt locally. You talked about the issues with intercountry adoption, and they have gone down that path because it was far easier than local adoption. You may take that as a comment or question, either way.

The Hon. S.E. CLOSE: I will largely take it as a comment. I am sure that the member for Hammond would agree that, above all, adoption must be in the interests of the child. We are not seeking to create opportunities for family-making. We are making sure that a child who is in a position to be adopted has the best possible experience of that and that they have the best available pool of potential parents possible available to them. That is really what is being sought here. I will take the rest of what you said as a comment.

Ms SANDERSON: Can the minister let me know whether all foster carers are notified about how to apply for Other Person Guardianship or adoption and that it is available? Many of the foster carers I have spoken to are not aware that adoption is available to them. In fact, that is one of the reasons that many leave the system—because they are distraught about having children removed from their care.

The Hon. S.E. CLOSE: As the member for Adelaide would be very well aware, as she has taken such a close interest in child protection, we have been working to improve the way in which Other Person Guardianship is managed. One of those ways was that, early this year, we contacted the foster carers for all children below a certain age (I believe it was 10, but I may be corrected to it being eight) who had had the children for two years to invite them to engage in the process of finding out more about Other Person Guardianship. I do not rest on that. That is just an example of the way in which I signed all of the letters personally in order to convey my personal interest and concern that they feel that this was something available to them.

As we form the Department for Child Protection, Other Person Guardianship is one of the key features that the new chief executive is aware needs to be improved. As I say, we have seen an increase in recent times, but I believe there are many more relationships between foster parents and children that would benefit from becoming Other Person Guardianship, and we are not finished with the reform there.

Ms SANDERSON: I have a question relating to that. How many letters were sent out and how many people took up the opportunity to go further?

The Hon. S.E. CLOSE: I will take that on notice. I cannot recall how many I signed. I recall it was a lot.

The Hon. A. PICCOLO: In relation to clause 4(2)(f), I would like to clarify 'the child's given name or names, identity', etc. Does that mean we would record the child's full name—and their surname? Will that be kept or will it disappear from the record?

The Hon. S.E. CLOSE: If I understand the question to be relating to the surname, yes, the surname does go because it becomes the family name of the family into which they are adopted. The question is the maintenance of the given name, unless there is a particularly strong reason not to.

The Hon. A. PICCOLO: Given that these days it is not unusual to have parents and children with different names—a lot of couples keep what used to be traditionally a maiden name or pre-marriage name, whatever you like to call it—why is there a need to change a child's surname?

The Hon. S.E. CLOSE: The logic behind it is that names can be very powerful in denoting which group you belong to. In fact, I often have concerns raised by foster parents and children that they would like the surname to be the same so they do not feel different from their classmates, whose surnames are the same as at least one of their parents—frequently the father, but I am sure occasionally the mother in a heterosexual couple. It is a question that the predominant mode should be one which reinforces the feeling of belonging to the family that you are being adopted into, and names are significant for that.

As a child becomes older—when they become an adult—they could choose to insert a hyphen, if that is something they want to honour in their past. One of the principles behind adoption is that the child not be unduly different to children who are not adopted, recognising that they must know fully what their more complex family history is, and the surname falls on the former side rather than the latter.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:00.

CHILD SAFETY (PROHIBITED PERSONS) BILL

Assent

His Excellency the Governor assented to the bill.

RETIREMENT VILLAGES BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CONTROLLED SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CONSTITUTION (DEMISE OF THE CROWN) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from Glenunga International High School, who are guests of the member for Unley, and students from Rostrevor College, who are guests of the member for Hartley.

Petitions

ROAD SAFETY

The Hon. P. CAICA (Colton): Presented a petition signed by 57 residents of South Australia requesting the house to urge the government to redesign or amend the Grange Road and Seaview Road intersection in order to improve the pedestrian and driver safety by the installation of a chicane/speed hump or a continuation of the existing one way route along Seaview Road.

Ms Chapman interjecting:

The SPEAKER: I call the deputy leader to order for interjecting during petitions—something I have not heard often before.

Parliamentary Procedure

ANSWERS TO QUESTIONS

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Security Management of Information Systems Supplementary Report November 2016 (Paper No. 4S) [Ordered to be published]
Local Government Annual Reports—
Berri Barmera Council Annual Report 2015-16
Campbelltown, City of Annual Report 2015-16
Naracoorte Lucindale Council Annual Report 2015-16
Port Augusta City Council Annual Report 2015-16
West Torrens, City of Annual Report 2015-16
Wudinna District Council Annual Report 2015-16

By the Attorney-General (Hon. J.R. Rau)—

Electoral Commission of South Australia—Annual Report 2015-16
Privacy Committee of South Australia—Annual Report 2015-16
Public Prosecutions, Director of—Annual Report 2015-16
State Records Act 1997, Administration of the—Annual Report 2015-16
Summary Offences Act 1953—
Dangerous Area Declarations Report for Period 1 July 2015 to 30 September 2016
Road Block Returns Report for Period 1 July 2015 to 30 September 2016
Regulations made under the following Acts—
Legislation Revision and Publication—Miscellaneous
Rules made under the following Acts—
District Court—
Criminal—Amendment No. 4
Criminal—Supplementary—Amendment No. 3
Supreme Court—
Criminal—Supplementary—
Amendment No. 3
Amendment No. 4

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Industrial Relations Court and the Industrial Relations Committee—Annual Report 2015-16
Mining and Quarrying Occupational Health and Safety Committee—Annual Report 2015-16
South Australian Employment Tribunal—Annual Report 2015-16
Regulations made under the following Acts—
Dangerous Substances—Dangerous Goods Transport No. 2

By the Minister for the Public Sector (Hon. J.R. Rau)—

Capital City Committee Adelaide—Annual Report 2015-16
Consumer and Business Services—Annual Report 2015-16
Freedom of Information Act 1991—Annual Report 2015-16
State of the Sector—Annual Report 2015-16

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

Practice Guideline for the Management of Clandestine Drug Laboratories—Report
South Australian Public Health (Clandestine Drug Laboratories) Policy 2016

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Mining Act 1971—Notice of Extension of Declaration of Exemption of Land

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Fisheries Management—
Bag and Boat Limits
Demerit Points No. 5

By the Minister for Forests (Hon. L.W.K. Bignell)—

Forestry SA—Annual Report 2015-16

By the Minister for Investment and Trade (Hon M.L.J. Hamilton-Smith)—

Education Adelaide—Annual Report 2015-16

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

Gawler Ranges National Park Advisory Committee—Annual Report 2015-16
Lake Gairdner National Park Co-Management Board—Annual Report 2015-16
Stormwater Management Authority—Annual Report 2015-16
Zero Waste SA/Office of the Green Industries SA—Annual Report 2015-16

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Across Government Asbestos Risk Reduction—Annual Report 2015-16

By the Minister for Housing and Urban Development (Hon. S.C. Mullighan)—

Architectural Practice Board of South Australia—Annual Report 2015-16
HomeStart Finance—Annual Report 2015-16

Ministerial Statement

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: The Nuclear Fuel Cycle Royal Commission was established by the state government on 19 March 2015 to undertake an independent and comprehensive investigation into the potential for increasing South Australia's participation in the nuclear fuel cycle, specifically in four areas of activity:

- expanded exploration, extraction and milling of minerals containing radioactive materials;
- the further processing of minerals and the processing and manufacture of materials containing radioactive and nuclear substances;
- the use of nuclear fuels for electricity generation; and
- the establishment of facilities for the storage and disposal of radioactive and nuclear waste.

In May this year, the royal commission headed by a former governor of South Australia, Rear Admiral Kevin Scarce, delivered its final report to the government, providing 12 recommendations across these four areas of activity.

In order to develop its response to the royal commission report, the government embarked on the biggest consultation program ever undertaken in the state. The program was led by the Nuclear Fuel Cycle Royal Commission Consultation and Response Agency (CARA) and was overseen by the advisory board chaired by the Hon. John Mansfield AM, QC. The process began with a citizens' jury of 50 people held in July 2016. The jury identified the waste disposal facility as the most significant aspect of the commission's report. This set the scene for the statewide engagement program, which focused on the jury's themes of safety, trust, community consent and economics.

The program was ambitious and extremely far reaching, with visits to 120 places across the state, including more than 50 remote towns. In each location, an all-day drop-in centre was established, with team members and technical experts on hand to answer questions and talk to community members. An Aboriginal engagement program was designed with the assistance of Aboriginal leaders and included visits to 31 Aboriginal communities.

The consultation program also included a website, online discussion forums, a community hotline, letterbox drops and a significant social media presence. A number of forums were also convened, including with school students, with the Aboriginal community services sector and with industry.

I would like to extend my thanks to the team at CARA. The reach of the program is a testament to their hard work and dedication and a great example of the passion for community engagement that exists within the South Australian Public Service.

At the past weekend the government released the Community Views Report that brings together the perspectives of more than 50,000 people who participated in this process—about 33,000 online and about 17,000 in person. The report reflects a wide range of views. Significantly, it shows that there are a substantial number of South Australians who would like the government to continue exploring the proposition to establish a high-level waste storage facility.

A representative survey of 4,000 South Australians found that 43 per cent of people supported or strongly supported pursuing a nuclear waste disposal facility compared with 37 per cent opposed or strongly opposed. The consultation program ended with a second citizens' jury, this time consisting of more than 300 people.

The jury deliberated for six days, hearing from more than 100 witnesses and considering the community feedback from the consultation program. Last Sunday, 6 November, I received a final report from the second citizens' jury marking the end of the consultation process. Today the government provides its response to the Nuclear Fuel Cycle Royal Commission.

The government supports the royal commission's finding that expanded uranium exploration and mining would provide economic benefits to the state and it accepts all five recommendations in this area. Most significantly, this means the development of a new statewide mineral exploration drilling initiative to support the discovery of new mineral deposits in South Australia with a particular focus on uranium.

We accept the recommendation that relates to promoting and increasing the use of the cyclotron at the South Australian Health and Medical Research Institute (SAHMRI). In fact, I have already spoken to the Prime Minister about the potential to expand the activities of SAHMRI, and I will continue to work with the commonwealth to pursue these opportunities.

In relation to energy, the government also supports the royal commission's recommendation to further collaborate with the commonwealth on monitoring and reporting on the development of new nuclear reactor designs. We also support the recommendation to promote and collaborate on the development of a comprehensive national energy policy that enables all technologies to contribute to a low-carbon energy system.

This is consistent with the work we are already doing through COAG to pursue a national policy that ensures a low-cost, sustainable and reliable energy supply. The government has decided not to support the commission's recommendation to pursue the removal of the existing federal prohibitions on nuclear power generation. We recognise that, in the short to medium term, nuclear power is not a cost effective source of low carbon electricity for South Australia.

The recommendation that the state pursue a high-level nuclear waste disposal facility was, of course, central to the community discussion about the royal commission report. The second citizens' jury was clear in its message of opposition to the proposal in its current form.

In relation to the concerns raised by the citizens' jury about the economics of the proposal, there was a central theme. The theme was 'trust', and it was a clearly expressed lack of trust in the royal commission's finding and in the modelling underpinning the proposal. There was also a lack of trust in the ability of government to deliver and operate such a facility.

Importantly, the jury also highlighted the lack of trust felt by Aboriginal South Australians whose history with the nuclear industry demonstrates a need for significant healing. The royal commission states that the government must have bipartisan political support and broad social consent in order to successfully deliver such a facility.

The withdrawal of bipartisan support is significant. The government has always been clear that we need bipartisan political support on this issue and we have consistently reached out to the Liberal Party to maintain it. As we know, the Leader of the Opposition withdrew his party's bipartisanship last week before he had even considered the views of the broader South Australian community; and, as I have already highlighted, the community views—

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned.

The Hon. J.W. WEATHERILL: —on this subject are diverse. The responsibility of the government has been to make sense of these competing messages. On the one hand we have a citizens' jury providing a clear message that it does not support the government pursuing a nuclear waste storage facility and on the other we have the Community Views Report that shows more people than not wanting to continue exploring the issue.

I believe we have started an important debate within the South Australian community. I support this debate, and I recognise that a large number of people would like the discussion to continue and I believe it should continue. Our judgement is that the only path to achieve social support is through a referendum, which will provide the broader community with the opportunity to consent or otherwise. The jury process clearly revealed a lack of trust in government to conduct this

process, and a referendum will ensure that the decision-making remains in the hands of the community rather than politicians or the government.

Similarly, for Aboriginal people, there was a great distrust from the non-Aboriginal community and an expectation that their views would simply be overridden by force of numbers. However, one of the most significant and positive outcomes of the jury process was that non-Aboriginal people took on the views of Aboriginal people and factored these views so heavily into their overall decision-making. Were bipartisan support restored and community support indicated through a referendum, the government would ensure a local Aboriginal community was given a final right of veto over any future facility on their lands.

The government has carefully weighed up the diverse feedback received from the community and developed its response to ensure that all of that feedback is respected. We will not pursue policy or legislative change at this time. We will, however, continue to facilitate discussion and remain open to pursuing this opportunity for South Australia.

Members interjecting:

The SPEAKER: The member for Schubert I call to order, and the member for Hartley.

RIVERLAND STORM DAMAGE

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) (14:19): I seek leave to make a ministerial statement.

Mr Whetstone interjecting:

The SPEAKER: Was that the member for Chaffey agreeing? The member for Chaffey gives leave.

The Hon. L.W.K. BIGNELL: I think it will be double thumbs up by the time you hear it.

Leave granted.

The Hon. L.W.K. BIGNELL: On Friday 11 November, areas in the Riverland region were hit by a storm and a band of large hail, with winds in excess of 80 km/h and 35 millimetres of rain. The storm hit Taylorville, in the west of the region, at 4.45pm and arrived in Yamba, in the east of the region, at 6.15pm. The storm left a damage scar from Taylorville (near Waikerie) through Woolpunda, Barmera, Monash, Berri, Lyrup, Pike River and out to Yamba.

Along with the Leader of the Opposition, the member for Chaffey and the assistant federal Minister for Agriculture and Water Resources, Senator Anne Ruston, I visited the region on Sunday. My colleague the Minister for Regional Development also went to the Riverland yesterday. We spent time talking with farmers and saw firsthand the devastating results of the storm, with damaged fruit and vines. I would like to thank, in particular, Michael Trautwein, Steven Liebich, Henry Crawford and Sue Miller for the time they took to show us the damage and talk about their plans to rebuild and recover.

Primary Industries and Regions SA (PIRSA) staff were out in the Riverland on the weekend and will continue meeting with primary producers to assess the damage to crops and equipment caused by Friday night's storm. Primary producers are encouraged to report damage to the assessment teams or via PIRSA's 24-hour Riverland Storm Recovery Hotline on 8207 7847 or 0476 834 530. In addition, the state government has established a Storm Response Centre at the Loxton Research Centre to coordinate services being provided to the community.

The recovery hotline received 36 calls in the first 24 hours of operation, and information provided through both the hotline and response centre will help us put together a more accurate picture of the damage over the coming week. Once the full extent of the storm damage is assessed, we will be able to determine what further assistance the government can consider. According to early assessments, crops impacted include wine grapes, stone fruit, almonds and citrus.

Wine grapes in the damage scar appear to be the most widely affected crop. A number of large wine grape growers have reported losses of many thousands of tonnes in Taylorville, Cadell,

Qualco and Woolpunda. On some properties, whole rows of vines were blown over. Up to 200 rows are believed to have fallen over in the ferocious storm at a property in Qualco. Damage was also severe at the Kingston Estate winery, resulting in badly dented storage tanks. While the damage to wine grapes is extensive, not all wine grapes within the region are within the scar. Crop potential will be reduced, but the region will maintain its ability to supply markets.

Stone fruit properties in Lyrup have also been severely affected, with many reporting 80 to 100 per cent losses. The impact of such a loss is significant, given that much of the fruit was destined for export to new market opportunities in China. Producers are confident they will still be able to meet these orders. We have received reports of grain crops in the Taylorville, Taldra, Lyrup and Pike River areas being badly affected. Likewise, it has been reported that producers at Lyrup and Pike River have also lost citrus crops to hail damage.

While some areas have suffered severe damage, others were missed by the storm altogether and will continue their usual harvest operations to provide quality fresh produce to our markets. PIRSA staff, along with rural financial counsellors, are on hand at the Loxton Research Centre to advise primary producers on services and assistance available to them, including important mental health support for producers and their families. Technical information on recovery for growers with hail damage is also available.

I am working side by side with my parliamentary and cabinet colleagues to ensure that our primary producers get through these tough times. One practical measure we are working on is using prisoners from Cadell Training Centre to help with the clean-up operations. This was a suggestion from farmers we met with on Sunday.

The storm has been devastating for hardworking producers, and the state government and agencies will work tirelessly to assist them to get back on their feet as soon as possible. We will be with them for the long haul. Once again, I would like to put on the record my appreciation of the leadership the member for Chaffey has provided for his region.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. S.W. KEY (Ashford) (14:26): I bring up the 26th report of the committee, entitled Inquiry into Work Related Mental Disorders and Suicide Prevention.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

The Hon. P. CAICA (Colton) (14:27): I bring up the 555th report of the committee, entitled Swallowcliffe School P-7 Learning Areas Upgrade.

Report received and ordered to be published.

The Hon. P. CAICA: I bring up the 556th report of the committee, entitled Playford International College Redevelopment.

Report received and ordered to be published.

Question Time

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Premier. Can the Premier confirm that his government's support for a nuclear waste dump is contingent on support from the state branch of the Labor Party?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:28): Sir—

The Hon. T.R. Kenyon interjecting:

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

The Hon. J.W. WEATHERILL: —the South Australian government's position in relation to this matter is that we are engaged in a community discussion where we are seeking the views of the community about this most crucial issue, which will ultimately be decided as a matter of policy, from our perspective, by the people—not by any one political party, not by your political party, not even by the Leader of the Opposition, but by the people of South Australia as expressed through a referendum. That is the position that we have adopted.

The reason we have adopted that position is that we believe that we should empower the people of South Australia to make this most important choice and not be shut down by the Leader of the Opposition or some of the other voices that have sought to close down debate in this matter. My request to those opposite is simply to remain open-minded about this important question.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, one of the advantages on this side of the house is that we actually had a state conference where we openly discussed this question, and I was given permission to discuss this issue. Can I just contrast that with the process that those opposite engaged in? What we saw in *The Advertiser*—

Members interjecting:

The Hon. J.W. WEATHERILL: They don't want to hear this, Mr Speaker. They don't want to hear this, but this is the contrast with those opposite and their policy-making processes: in *The Advertiser* in the morning, 'All but dead and buried'; at 8am on FIVEaa, 'Well, let's see what happens in the Liberal party room on Monday'; at 10am, 'The project is now dead.' Those opposite must be relieved there was not a fourth media conference because he could very well have gone out and said everybody should vote Labor.

Members interjecting:

The SPEAKER: Before the next question is asked, I call to order the members for Adelaide, Mount Gambier, Davenport, Mitchell, Unley, Kavel, Schubert, Hammond, Chaffey and Morphett. I warn the members for Morialta, Adelaide, Unley and the deputy leader, and I warn for the second and final time the deputy leader and the members for Morialta and Adelaide, and I call to order the Treasurer. Leader.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): Can the Premier provide some clarity to the house that in fact the Labor Party convention could decide that the state party's policy is opposed to the nuclear dump in South Australia but Jay Weatherill and Labor would forge ahead with it against the party's policy in this state?

The SPEAKER: Before the Premier answers that, I call to order the leader for using the Premier's Christian name and surname, which he knows is highly disorderly and is going to lead to a spiral downwards in behaviour. The question is almost entirely rhetorical but, since he has decided to ask it in that way, I presume—and I say this more in sorrow than anger—it will be answered that way.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:32): It is my melancholy duty to answer it in that fashion. Of course, the state convention gave me permission to continue this discussion, but what we have opposite is this extraordinary position, this shape-shifting position, from one moment to the next. Just, please, could you enlighten us on this one thing: what happened between 8am and 10am? This must have been the fastest party room meeting that's ever been convened in the history of the Liberal Party. Who was spoken to? Who got the call? Who is on the inside?

What happened between 8am and 10am which allowed you to ultimately completely shift the Liberal Party position on this matter? This is absurd. Look at the genesis of the Liberal Party position in relation to this matter, Mr Speaker. What we had was a citizens' jury, a citizens' jury which expressed a strong opinion of opposition about continuing a nuclear waste facility in South Australia, and that of course was material in the Leader of the Opposition's conclusions about why the matter

should not go ahead; in fact, he said as much. But what did he say about the citizens' jury process back on 11 May? He said these words:

'Let's be quite serious. The citizens' jury gave us cycling on footpaths here in South Australia. We do not think that this is the right methodology of making a decision as significant as a nuclear waste repository'...

Members interjecting:

The Hon. J.W. WEATHERILL: Did you read that first?

Members interjecting:

The Hon. J.W. WEATHERILL: You relied on it. The Leader of the Opposition relied on a process he described as 'flawed' to take his party into this position. How many of those opposite were let in on the secret before the fateful *The Advertiser* interview? How many opposite were let in on the secret? Don't you worry about them, they're fine.

Members interjecting:

The SPEAKER: I am trying to keep up with the disorderly behaviour but I cannot write that fast.

Mr Gardner: The Treasurer is undermining you, sir.

The SPEAKER: Yes, the Treasurer is warned a first time and a second time. The members for Mitchell, Hammond and Chaffey are warned a first time, and the member for Kavel. Leader.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35): A supplementary, sir: can the Premier outline to the house whether the federal Leader of the Opposition, Bill Shorten, supports the government's push into a nuclear waste dump?

The SPEAKER: I do not think the Premier is responsible to the house for the position of a member of the commonwealth parliament.

Mr MARSHALL: A supplementary, sir: has the Premier asked the Leader of the Opposition?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:36): I am very pleased to say that I have briefed the Prime Minister in person and the foreign affairs minister and the minister for energy.

Members interjecting:

The SPEAKER: The Treasurer is on thin ice.

The Hon. J.W. WEATHERILL: They are the relevant federal authority because they are the federal government, and they are strongly supportive. They are strongly supportive of the approach that we have taken, they are strongly supportive of the discussion that we have initiated. What we are simply asking those opposite is to remain open-minded about this matter. On this side of the house, there is a diversity of views, there is no secret about that.

Members interjecting:

The SPEAKER: The member for Adelaide and the deputy leader are both on two warnings.

The Hon. J.W. WEATHERILL: There are many people who are strongly opposed to it on this side of the chamber, but we as a party have had a discussion and we are prepared to allow this public discussion to continue. That has been a difficult thing for our party. There is no doubt about that. All we are simply asking for is those opposite to keep an open mind about this issue, because at the heart of this issue is that it will require bipartisanship.

Members interjecting:

The SPEAKER: The member for Mitchell is warned for the second and final time. The member for Newland has a question.

EXTREME WEATHER CONDITIONS

The Hon. T.R. KENYON (Newland) (14:37): Thank you, sir. I thought you were warning me again. I thought, 'What did I do this time?' My question is to the Minister for Mineral Resources and Energy. Can the minister give further information to the house on the recent report into the 28 September weather events?

The SPEAKER: The Treasurer may have an answer while he is still here.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:37): Thank you for the presumption of innocence, sir. It is a unique option for you, I think. Yesterday, the Bureau of Meteorology released its report into the extreme weather event that ravaged our state, causing widespread damage and flooding in September.

Mr Knoll interjecting:

The Hon. A. KOUTSANTONIS: The report details—calm down, comrade! The report is coming. Don't worry! The report details that seven tornadoes hit the north of our state, adding to the widespread damaging winds, large hail and tens of thousands of cloud-to-ground lightning strikes. The bureau's report made some significant findings that once and for all put to bed some of the erroneous suggestions from so many, including our Prime Minister and Deputy Prime Minister, that the state's high level of renewable energy was in some way to blame for the system black event.

The report from the independent agency, a commonwealth agency, found that a super cell thunderstorm, including seven tornadoes with wind gusts of up to 260 km/h, tore through major transmission lines in the state's north. Evidence collected has confirmed that an F2 tornado, which means wind speeds of up to 260 km/h, cut a direct path across the Davenport to Mount Lock transmission lines, destroying five transmission towers.

The report also found that another F2-rated tornado was in the vicinity of the Brinkworth-Templars West transmission line at the time two transmission towers were destroyed. Also reported was that the Davenport to Brinkworth transmission line was brought down by sustained severe winds from the supercell thunderstorm. This is the backbone of the state's transmission network. The report states—and this is directly quoting from the Bureau of Meteorology, an independent commonwealth agency:

> Five faults led to the Black System Event, with four of these occurring on three transmission lines (Brinkworth - Templars West, Davenport - Belalie and Davenport - Mt Lock)…

A severing of these lines began a series of events that eventuated in a system black at 3.48pm on 28 September. This report should put to rest the debate over who or what was to blame for the blackout.

Mr Pederick interjecting:

The Hon. A. KOUTSANTONIS: Comrade, it's coming, don't worry. Prime Minister—

Mr Whetstone interjecting:

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

The Hon. A. KOUTSANTONIS: It's a Greens left-wing tactic to continually interject, sir. They are getting very good at it from their training from Bob Brown.

The SPEAKER: I am glad you have adopted that aspect of Trotskyism in your career.

The Hon. A. KOUTSANTONIS: Never, sir, but I recognise it when I see it, and I can see it opposite. Prime Minister Malcolm Turnbull and Deputy Prime Minister Barnaby Joyce have used the blackout to attack renewable energy policies in other states, just as recently, unfortunately, the member for Dunstan claimed that the storms did not cause the blackout. This Bureau of Meteorology report, along with the most recent Australian Energy Market Operator report, clearly and definitely states that the storm was the cause of the blackout.

Mr Bell: The entire state blackout? That storm?

The Hon. A. KOUTSANTONIS: Yes. Again, this is not me saying this; this is two independent inquiries. I know members opposite don't like it when scientists have a say. They don't like the idea of scientists having a say. The report clearly and definitely states that it was, of course, the storm that led to the unsustained voltage shocks that caused the system black event. It is time for members opposite to end their coal crusade, to end their devotion to coal, and start accepting that we are in the 21st century, not the 19th century.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:42): Can the Premier confirm that the Labor caucus will be bound to vote for the Premier's referendum bill?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:42): The question is not on our side of the chamber; it's on the other side of the chamber. There will be no referendum until bipartisanship is restored. At the heart of bipartisanship will be the policy processes that occur inside the Liberal Party. The first thing that they will need to do is resolve the policy confusion, which must be maddening on the other side. At one stage, they are out there saying, 'It's all the way with coal,' and then, on the other side, it's their idea to pursue a nuclear waste future for South Australia. The policy confusion—

Mr VAN HOLST PELLEKAAN: Point of order: the Premier is clearly debating the substance of the question.

The SPEAKER: I will listen carefully. I didn't hear egregious debate.

The Hon. J.W. WEATHERILL: The question is fundamentally based on bipartisanship, and that fundamentally depends on the processes going on inside those opposite. The policy processes are—

Members interjecting:

The SPEAKER: The member for Unley is warned for the second and final time, and I wouldn't want to have to name him.

The Hon. J.W. WEATHERILL: I am offering handy driving hints to correct the policy processes inside the Liberal Party because they are not rational at the moment. They are not rational. Unless, of course, between 8am and 10am they convened the fastest state council meeting in the history of the Liberal Party in South Australia. How did you fit that in there? How did you—

Members interjecting:

Mr VAN HOLST PELLEKAAN: Now that you have had a chance to listen to the Premier's answer, I ask that you enforce standing order 98, sir. He is debating the question.

The SPEAKER: The question is probably quite out of order because the Premier is not responsible to the house for the rules of the Labor Party, an unincorporated association. The Premier is choosing to answer it in his own idiom.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. Let's go back to an important contribution to this debate that was made by the Leader of the Opposition in his opinion piece on 28 July 2016: 'South Australia should have had the debate about the nuclear fuel cycle 15 years ago.'

An honourable member: I don't think Tammy wrote that one for him.

The Hon. J.W. WEATHERILL: No. He continues: 'Now is the time for South Australians to have the discussion and I welcome such a discussion.' Not so much now. Wait for it:

> We need to ensure that South Australians have their voices heard on this issue; the nuclear future or otherwise of our state must be led by the people.

Well, what better way to lead it by the people than to have a referendum. Just be open-minded, just let the people have their say. Don't close down this debate.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:45): Supplementary: can the Premier outline to the house whether his cabinet is bound by this referendum bill that he will bring to the house?

The SPEAKER: Well, again—

Members interjecting:

The SPEAKER: A question about the nature of cabinet government is kind of a question about the bleeding obvious.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:45): I think it does go to a very important question. On this side of the house, we are united. On the other side of the house, they were embarrassed into a corner by an ill-fated telephone call from a lounge somewhere between Finland and Adelaide, which got him into trouble in *The 'Tiser* in the morning. He swallowed his tongue on FIVEaa and then had to come and clean it up at 10am. This is a well-worn path: we saw that at the last state election. They put all their money on 17 black, this fellow at the last election, and they are going to double down again. Well, good luck, because I tell you what—you are taking a massive gamble.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:46): My question is to the Premier. How much taxpayers' money will be spent by the government in pursuing the Premier's proposal for a nuclear waste dump through a referendum?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:47): There will be no referendum until those opposite ensure that they provide a bipartisan position in relation to this matter. I know that those opposite would like a hot and sweaty debate. I know they would like to be standing out there with those people, painted out, in their gas masks, for a photo opportunity. I know that they are great pictures for the TV, and it is a bit of a cut-through message to be out there with the nuclear waste barrels. That's all great fun, and I appreciate that they will be out there with the bongo drums, making sure that lots of noise is made, and that's fine. That's one way of dealing with this debate.

But the truth is that these matters are on a time line, even having regard to the royal commission's report, which is measured in decades, not months or years. What we have done is open an important discussion about South Australia's future. Given the circumstances South Australia faces, we are exploring many options for the future of South Australia. Many of them we have been able to achieve, some of them have been blocked by those opposite, but one consistent factor in all of the things that we have sought to achieve and the things that we have achieved is that the opposition has said no.

They have said no to every significant change or piece of infrastructure that we have built in South Australia. The Leader of the Opposition has clipped himself to his new friends, who will quickly work out that he is no friend at all and that they cannot rely upon his policy position in relation to this matter, nor can they rely upon his policy position in relation to any other matter, because it could change at a whim. There is only one thing we know about the Leader of the Opposition, the big fact that has been found through this whole inquiry: the Leader of the Opposition will withstand anything except pressure.

NUCLEAR WASTE

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:49): My question is to the Premier. Will the Premier now stop wasting everybody's time and money on his plan for a nuclear waste dump in South Australia given that the citizens' jury has rejected it, the financial and economic modelling doesn't stack up and nobody in the Labor Party supports it?

The SPEAKER: The leader will depart for the next hour under the sessional order for a grotesque abuse of question time.

The honourable member for Dunstan having withdrawn from the chamber:

The SPEAKER: The deputy leader.

NUCLEAR WASTE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Transport and Infrastructure. Does the minister support the Premier's nuclear waste proposal?

Members interjecting:

The SPEAKER: The Premier will be seated. These members will depart the chamber under the sessional order: the member for Mitchell, the member for Chaffey, the member for Adelaide, the member for Unley, the deputy leader and the member for Morialta, and they will all depart for an hour.

The honourable members for Mitchell, Chaffey, Adelaide, Unley, Bragg and Morialta having withdrawn from the chamber:

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:51): The government has a single and united position on this question.

SA HEALTH PARTNERSHIP

Mr KNOLL (Schubert) (14:51): My question is to the Minister for Transport and Infrastructure.

Members interjecting:

The SPEAKER: The member for Schubert. The Minister for Agriculture is called to order.

Members interjecting:

The SPEAKER: The Minister for Transport is called to order.

Mr KNOLL: My question is to the Minister for Transport and Infrastructure. Is the minister concerned by public comments made by Infrastructure Partnerships Australia chief Brendan Lyon regarding the government's ability to deliver projects via public-private partnerships, given the government's record in prisons, courts and now hospital projects?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:52): I was very interested to read Mr Brendan Lyon's comments and op-ed piece for *The Advertiser* in which he was critical of the government. I found it very interesting that at no stage did he bother to contact the government for its side of the story in this dispute, not even so much as a phone call to either my office or to the Minister for Infrastructure's office to ask for our side of the story. He purely had his own agenda.

I have nothing against the fact that he is a former New South Wales Liberal Party staffer. I know that there are former staffers who go into the business world and the consulting world and do very well and are very good at it. But I do find it quite remarkable that, without making any attempt to contact the government to hear what our issues were with regard to the SAHP and the reasons why we are concerned about the hospital as it currently is, he wrote this op-ed piece. I thought it was interesting that he wrote the piece and *The Advertiser* came to the government and my office for comment. We were very happy to provide the government's side of the story, and *The Advertiser* I think reported that particular story very fairly.

SA HEALTH PARTNERSHIP

Mr VAN HOLST PELLEKAAN (Stuart) (14:53): My question is to the Minister for Health. Given that the cure plan rejected by the government last Friday was meant to cure a major default notice issued in April, is the government activating a termination event?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:54): Not at this stage but, as I have said previously, we reserve all our rights. We haven't gone down that road. That is not my preferred option. I would much rather that

SAHP, who the government has a contract with, rectify the issues that need to be rectified in order for the hospital to be safe for us to begin to move patients in. But, as I say, we certainly reserve all our rights in this regard; and, if forced to, then that is certainly on the table but not something that we are pursuing at present.

PRIVATE MUSIC INSTRUCTORS

Mr VAN HOLST PELLEKAAN (Stuart) (14:54): My question is for the Minister for Education and Child Development. How many public schools around South Australia will be allowed to have private music instructors teaching instruments to students during school time next year?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54): I am not in a position to give a definitive answer on how many. As we discussed—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The Minister for Agriculture is warned.

The Hon. S.E. CLOSE: —in the last week of sitting, there has been a decision that has been made through the Industrial Relations Commission that requires us to work through the guidelines that require each school that may be contemplating offering the services of private music instructors that parents pay for during school hours to go through a process of determining whether there are any other alternatives, those being the employment directly of a teacher in the school, the use of the Instrumental Music Service or hourly paid instructors paid for by the school or by the education department who could, in fact, be the same people who are currently operating as private music instructors.

If all those options are exhausted, then the final option is indeed private music instructors. We have currently put in an additional resource at head office to make sure that we are working with each of the schools that are currently using private music instructors during school hours and working through the way in which each individual school will respond. The absolute goal of how we are working through is to ensure that the students are not, by reason of this change, this instruction from the Industrial Relations Commission, disadvantaged in having access to instrumental music lessons.

There are, of course, schools that come on and off offering instrumental music, and there is no guarantee that schools will not make different changes. It is one feature of the more autonomous schools' system that we have that schools do indeed make some decisions locally about what kind of offerings they wish to have.

However, as the year unfolds none of this comes into place until next school year. We will be working through each of those and then I would be in a better position to be able to answer the member's question.

PRIVATE MUSIC INSTRUCTORS

Mr VAN HOLST PELLEKAAN (Stuart) (14:56): Supplementary, sir: how many schools have asked for assistance from the department to manage the minister's process and how many have been unable to complete the cascaded process required?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:57): We estimate that, of around the 520 schools in the government system, around 50 are currently in the category of using private music instructors, and so that is the number that we are working with. Most feel that they are going to be able to accommodate the changes, but we will make sure that each one of those are dealt with sensibly and worked through so that the students are not disadvantaged.

PRIVATE MUSIC INSTRUCTORS

Mr VAN HOLST PELLEKAAN (Stuart) (14:57): Another supplementary, sir: given the minister's promise that no student will be disadvantaged by the changed practice next year, will the minister now change the department's policy so that schools can continue offering the same service that families are happily using now?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:57): It has something of more weight than a departmental policy, and that is that we have been to the Industrial Relations Commission and there has been a consent determination that this is the practice that we ought to be applying, that we must apply. It is not easily within my remit to do that.

The essence of why the union raised this matter is, I think, because it was concerned that parents were in a position of paying for tuition in a school system where we don't have tuition charges. It is a grey area in the sense that we use our school sites for a variety of community activities, as we should, and a lot of private music instruction is offered on school sites after school hours, which I believe is entirely appropriate.

The question is whether during school hours that ought to be occurring unless there is no alternative. So, the reasonable approach is, you see whether there are alternatives. We have an excellent Instrumental Music Service that cuts across the school system, and some schools obviously are large enough to employ music teachers of their own. For each school, there will be a different solution but, as I say, the goal is absolutely that we not disadvantage any student, and we have endeavoured to be very clear in our messaging about that to the schools.

There was a letter that went out early on to parents at a school in the Hills that suggested that this program was going to stop immediately. That prompted our getting in touch with that school and explaining that that was not necessary, that it was not the way the policy would be unfolding and therefore working with that school. As I say, there are a number of others that we are working with to ensure that we get the right outcome for the students.

NUCLEAR WASTE

Mr VAN HOLST PELLEKAAN (Stuart) (14:59): My question again is to the Minister for Education and Child Development. Does the minister support the Premier's proposed nuclear waste dump?

An honourable member: We speak as one!

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00): We do. We have a single position in relation to this matter. There is no difference between any of us.

NUCLEAR WASTE

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): My question is to the Minister for Agriculture, Food and Fisheries. Does the minister support the Premier's proposed nuclear waste dump?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:00): They can go through this childish charade every time, but we speak with one voice. We discuss these matters collectively, we reach a collective decision, and I am the spokesperson for the government.

NUCLEAR WASTE

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): My question is to the Minister for Regional Development. Does the Independent minister support the Premier's proposed nuclear waste dump?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:01): In respect of the government's position in relation to this matter, there is a cabinet decision and all cabinet ministers support it. Let's remind those opposite what that decision is: it is to allow discussion—simply, to allow discussion. I know those opposite are getting very hot and sweaty about the events and—

Members interjecting:

The Hon. J.W. WEATHERILL: —are getting very agitated, and it must create a lot of mental confusion to hold these two ideas in your head. Are we pro nuclear waste? Are we pro coal mining? Are we against renewables? This must be complex. I understand it creates a lot of cognitive dissonance inside the mind of a human being to hold two particularly inconsistent propositions at the same time. It is very difficult.

The Hon. J.J. Snelling: Brain arcing.

The Hon. J.W. WEATHERILL: Yes, the brain arcing that has been going on opposite must be disturbing, and it is causing a lot of behavioural problems. That's why you are hearing loud noises emanating from the opposition benches and people are being sent out. But there is one position, and it is the position that has been articulated in the ministerial statement and I speak for the government in that regard. Of course, there is a diversity of views on the ultimate question but we—

Members interjecting:

The Hon. J.W. WEATHERILL: When the Leader of the Opposition said, 'Well, let's see what happens in the Liberal party room on Monday,' and then, within two hours, was out saying, 'The project is dead,' sadly for the member for Stuart he was out later that day saying, 'Let's see what happens in the party room.' So, the—

The SPEAKER: Point of order from the member for Hartley.

Mr TARZIA: Point of order, sir: relevance. This has absolutely no relevance to the question.

The SPEAKER: Yes, I think the Premier has probably completed his answer, and I uphold the member for Hartley's point of order. The member for Colton.

GRAIN CROPS

The Hon. P. CAICA (Colton) (15:03): My question is to the Minister for Agriculture, Food and Fisheries. Minister, how is the state's grain crop season progressing?

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) (15:03): I thank the member for Colton for this very, very important question, one that means so much to so many people in here, whether they represent regional areas of South Australia or whether they represent metropolitan seats, because when our grain growers have a good year everyone in South Australia has a good year. I am delighted to inform the house that South Australia's grain farmers are on track—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is on two warnings.

The Hon. P. Caica: And has been for a while, sir.

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

The Hon. L.W.K. BIGNELL: South Australia's grain farmers are on track to record a record grain crop this year, with the crop estimate at 10.5 million tonnes worth an estimated $2.2 billion at the farm gate. The latest estimate has the potential to break the previous record crop in 2010-11 of 10.3 million tonnes. According to the latest Crop and Pasture Report, produced by Primary Industries and Regions SA, favourable conditions across the state during September and October further boosted yields.

When we held our country cabinet down in the Mallee in September and the rain was coming down, the farmers we were speaking to said that every drop of rain they got during September was worth two or three drops at any other time of the year. Only two months ago, we estimated the crop at 8.9 million tonnes, so the new record-breaking 10.5 million tonne estimate is excellent news for our grain farmers. But, as any farmer will tell you, you can't count the crop until it is in the silos, so we need to cross our fingers and hope that all regions in South Australia have favourable weather conditions between now and harvest.

Of course, there has been a bit of a delay in this year's harvest and there has been some damage around the state. In some areas in the Mid North and some patches on Eyre Peninsula, we had some farmers whose crops were severely damaged. Thankfully, most of those people, from our reports, were covered by insurance. Overall, the rain has been ideal in most districts, helping the crop to exceed the previous estimate and keeping it on track, as I mentioned, for a record harvest.

I recently met with Chris Mahoney, the CEO of Glencore agriculture, and David Mattiske, the regional director of Glencore, who are both based in Rotterdam in the Netherlands, as well as Tim Krause and Damian Fitzgerald of Viterra in Adelaide. They have been working closely with their silo

committees in all the regions in South Australia preparing for this bumper crop, and they say that they have things in place to make sure that the infrastructure is there. They admit that this is going to be a huge crop if things continue along the way they have been.

We did get some updated information on the weekend that, with the storm that went through the Riverland, there was a separate cell just south of there that may have caused some isolated damage in the Mallee. We are still waiting on some reports of that, but we are hopeful that this Crop and Pasture Report that is being done—

Mr Knoll: Which one? Is this the October-November report?

The Hon. L.W.K. BIGNELL: This is the report that will be released today that I am informing the house about. It is such important news for South Australia. As I said at the outset, when things go well on our farms, things go well for the entire state. One in five working South Australians is employed in the agribusiness sector. It is worth $18.2 billion to the state. It is one of our economic priorities, and we stand by our farmers and wish them all the very best for their upcoming cropping season.

GRAIN CROPS

Mr WILLIAMS (MacKillop) (15:08): Supplementary: given the minister's answer to the question, can the minister confirm that the prices South Australia's farmers can expect for their bumper crop will be probably at a 15-year low and does he expect the return in dollar terms for the farming community to be anywhere near as much as last year's?

The Hon. T.R. Kenyon: 'We'll all be rooned,' said Hanrahan, 'before the year is out'.

The SPEAKER: The member for Newland is warned.

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) (15:08): Of course, the prices that our farmers will be paid isn't determined by anything that happens in South Australia: it is determined by world trade, world markets and world climatic conditions. We know that the US has had a bumper season and their yields are way up. Other parts of the state have also had exceptional yields.

The price is at a very low point at this stage, but I would rather have a record crop to sell at a low price than a crop half that size to sell at those low prices. It is something that we have absolutely no influence over at all. It is an international market and we are out there competing with North America, Europe and the rest of the world. We wish our farmers all the very best. The prices that they will be able to get will be determined by forces set by conditions not just here in South Australia but on that global scale.

GRAIN CROPS

Mr PEDERICK (Hammond) (15:09): Supplementary, sir, to the Minister for Agriculture: minister, do you have any idea how many hectares have been affected by severe frosts throughout the state, and what is the tally of severe hail damage across the state in regard to grain crops?

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) (15:10): I thank the member for Hammond for the question and acknowledge the great work that he does in his electorate and the close contact that he has with farmers throughout his district. The hailstorm that went through on Friday we are still assessing, and one of the things that we are encouraging all farmers to do is report into that hotline that we have set up because it is very patchy, and we are still trying to get a feel for just how widespread the damage is. The quicker we get that information in, the quicker we can collate it.

I know that probably about six weeks ago there were some farmers up in the Mid North who were hit by severe frosts and, as I mentioned, they have lost a lot of their crop. My understanding is that many of those were insured and will be covered by that. When we had the severe weather event that caused so much damage back at the end of September, there were farms over on Eyre Peninsula who lost everything, but it was very, very patchy and some isolated cases. People over there have lost a great deal of their grain crop but, again, they were insured.

I did run into the former member for Stuart in here a couple of weeks ago, and I asked him how his crop was looking. He said he has never had it better. It is patchy, but by and large any crop report that forecasts a record—and look at the carpet here, it has the wheat in the carpet. When we go back 175 years, this is the biggest crop predicted ever in the history of agriculture in South Australia, and it is a pretty good story to tell.

For those people who have lost everything, we hope they are insured. We want to hear from them if there is any way that we can help them. So far, the vast majority of people out there in cropping country are reporting very good results in terms of what they expect to reap a little bit later on this year.

ENVIRONMENT PROTECTION AUTHORITY

Dr McFETRIDGE (Morphett) (15:12): My question is to the Minister for Health. Has the minister or his department had any discussions with the Minister for the Environment or his department over the public health effects from perfluorooctane sulfonate (PFOS) and perfluorooctanic acid (PFOA) residues from firefighting foams used at Edinburgh air base and, if so, can he tell the house about the risks to surrounding residents? If the minister has not had discussions, will he do so and come back to the house?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:12): I was briefed on this matter, but it was a long time ago. I am more than happy to get back to the member for Morphett with an answer.

ENVIRONMENT PROTECTION AUTHORITY

Dr McFETRIDGE (Morphett) (15:12): Has the government made any inquiries about possible contamination from PFOS and PFOA around Adelaide Airport and, if so, are there concerns for local residents?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:12): My recollection is that it was only an issue around Edinburgh, it wasn't an issue in Adelaide, but again I will check and get back to the member for Morphett.

ENVIRONMENT PROTECTION AUTHORITY

Dr McFETRIDGE (Morphett) (15:13): Supplementary: has the government undertaken any tests for run-off water and groundwater around Adelaide Airport for these firefighting foam toxins?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:13): If they were, that would be the responsibility of the EPA. I am happy to make inquiries with the Minister for the Environment and get back to the member for Morphett.

EDUCATION AND OUTREACH OFFICER PROGRAM

Mr TRELOAR (Flinders) (15:13): My question is to the Minister for Education and Child Development. Why is the government discontinuing the education outreach officer program which supports school students' interactions with our major cultural institutions?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:13): The department has for some time been working with the various institutions that have housed teachers employed by the department, such as the Zoo, the Museum, and so on. The department's discussions with those institutions have been about whether that is the most effective way of making sure that kids are having access to the kind of education services that those institutions are looking for.

There have been negotiations over some time about whether some would prefer to have the direct grant from the department so that they are able to employ people directly and that, largely, has occurred. I am yet to hear any complaints from those institutions about that not being satisfactory for them, but my door is always open.

ADELAIDE HIGH SCHOOL ZONE

Mr TRELOAR (Flinders) (15:14): My question is again to the Minister for Education and Child Development. Will parents in the Adelaide High School zone have genuine choice in schooling and the option to choose between either of the city high schools when the new school is open?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:14): There is a live discussion at present about that. My expectation is that we have two zones because there are no other high schools that are twinned where there is a single catchment and choice made by the people living there, but it may be that, given their close proximity, there is some argument for at least overlap or entirely a matter of choice. We are working through that at present. We have a number of ways in which we are informing our decisions about the school, including the name of the school, and that will enable me to have a sense of what the feeder schools, as well as the existing Adelaide High School, are thinking about these matters.

INVESTMENT ATTRACTION AGENCY

Mr PENGILLY (Finniss) (15:15): My question is to the Minister for Regional Development. What material support did the Investment Attraction agency provide to Red Capital for a new bottling venture?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:16): The Investment Attraction agency reports to me. I will obtain an answer and get back to the member as soon as practicable.

INVESTMENT ATTRACTION AGENCY

Mr PENGILLY (Finniss) (15:16): Supplementary: does the Investment Attraction agency provide these services to local companies with new investments?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:16): I will include that in the answer to the question.

INVESTMENT ATTRACTION AGENCY

Mr PENGILLY (Finniss) (15:16): My question is to the Minister for Regional Development. How many staff have been transferred from other departments to the Investment Attraction agency?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (15:16): The Investment Attraction agency was formed by gathering together a lot of people across government who had the term 'investment attraction' after their job description. It was a considered decision made by government on the recommendation of the Economic Development Board following a review that concluded that government could better focus its investment attraction efforts by bringing all of those people into one agency; now that has been done.

Quite a bit of information has been put out on this during budget estimates; in fact, I think that very question has been answered, so it is more than likely that you already have the answer. I will come back to the house with an exact indication of where those people came from, which agencies they came from and how they were assembled into the Investment Attraction agency. Since you have asked me the question—and I welcome more on the Investment Attraction agency—I can tell you that it has been a stunning success, and I thank you for the Dorothy Dixer. We have created thousands of jobs—

Mr Duluk: How many?

The Hon. M.L.J. HAMILTON-SMITH: Well, again, it's all on the public record, but I will, in the interest of completeness, come back to you with a very specific—

Mr KNOLL: Point of order, Mr Speaker: by his own admission, I think he is delivering publicly available information.

The SPEAKER: The minister appears to have confessed that the material he was supplying the house was readily available from public sources.

The Hon. M.L.J. HAMILTON-SMITH: I am delighted to finally get some questions from the—

The SPEAKER: Perhaps his confession has been coerced.

The Hon. M.L.J. HAMILTON-SMITH: I missed the point of order, actually, Mr Speaker. I tend not to take much regard to the points of order raised by the member for Schubert. On 9 June 2015, cabinet approved the establishment of the stand-alone agency. The Investment Attraction agency (IASA) consulted widely in the drafting of guidelines for its fund. The state budget included $5 million in 2015-16 and $10 million in 2016-17 for that fund, and in 2016—

Mr Duluk interjecting:

The Hon. M.L.J. HAMILTON-SMITH: There's a dog barking in the background, Mr Speaker; I'm not quite sure who it is.

The SPEAKER: The minister is called to order for characterising the member for Davenport as a canine.

The Hon. M.L.J. HAMILTON-SMITH: To continue, Mr Speaker, I can tell the house that in 2015-16, there was a budget of $4.996 million for the agency—

The Hon. J.M. Rankine interjecting:

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

The Hon. M.L.J. HAMILTON-SMITH: Some questions have been asked about manning. At the end of September 2016, IASA employed 34.6 FTEs. The FTE cap for 2016-17 is 40.5, but it has not been filled.

Mr KNOLL: Point of order, Mr Speaker: very clearly, this information is all available in the budget and Auditor-General's Report.

The Hon. M.L.J. HAMILTON-SMITH: One member asks the question and the other member gets up and says he is a fool for asking it because it's all out there in public information. Mr Speaker, what a rabble! Mr Wokinabox has gone and they fall apart.

The SPEAKER: The minister is warned. The minister will be seated. The point of order?

Mr KNOLL: I ask the member to withdraw and apologise for the use of the word 'fool'.

The Hon. M.L.J. HAMILTON-SMITH: Mr Speaker, I didn't mention that word towards any member. I said one member over there asks the question and the other one stands up and says he is a fool for asking it. That's what I said.

The SPEAKER: The minister is warned for the second and final time for an impromptu speech that in fact contained a correct ruling. The minister has more.

The Hon. M.L.J. HAMILTON-SMITH: I am delighted to be asked questions by those opposite because I like to give them meaningful information, and they have asked about the number of people in the Investment Attraction agency and where they have come from, and I am giving them an answer. In 2016-17, the cap is 40.5 FTEs, but I emphasise that that is nowhere near filled yet; $5 million was allocated to the EIF fund as part of the 2015-16 budget and $10 million in 2016-17. For this year, $10.7 million has been committed to the EIF and, in 2015-16, $685,000 was committed.

So, an additional $6 million over three years has been allocated for defence industry attraction. Now that I have answered the question about the number of people, I think I have answered the question about funding for the organisation, but I will get back to the house about from which agencies those people originated. This has been raised fairly efficiently by redistributing existing resources across government to harness them more effectively, which is what the government does.

HEAVY VEHICLES

Mr TRELOAR (Flinders) (15:22): My question is to the Minister for Regional Development. What consultation did the government undertake prior to removing the logbook exemption for primary producers operating trucks within 160 kilometres of their properties?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:22): My understanding is that quite a bit of consultation was done. This was a request which came from the heavy vehicle transport industry to remove red tape on them, making it easier for them to meet their fatigue management obligations under the new Heavy Vehicle National Law, which requires them to keep a detailed record of all their driving hours while they are in the driver's seat, so to speak, and ensure that they are able to carry out their driving task but stay within the law.

If you would like to know exactly which organisations were involved in that, perhaps I can provide it at two levels—one, who agitated for it at the state level, as well as all of the consultation which I understand, and I will check this, was undertaken by the National Transport Commission, if not the National Heavy Vehicle Regulator.

HEAVY VEHICLES

Mr TRELOAR (Flinders) (15:23): A supplementary, sir, again to the Minister for Regional Development: what consultation occurred with Primary Producers SA and the South Australian ag bureau prior to the revocation of the primary producer fatigue notice exemption?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:23): I will come back to the member with that detail.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT EMPLOYEES

Mr GRIFFITHS (Goyder) (15:23): My question is to the Minister for Education and Child Development. Will the department be seeking to amend its industrial agreement to allow emergency relief teachers to continue to receive a salary loading in lieu of long service leave?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:24): I don't know. I will seek advice and get back to the chamber.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT EMPLOYEES

Mr GRIFFITHS (Goyder) (15:24): A supplementary to the minister: in providing this fulsome answer, can the minister confirm that the emergency relief teachers will receive a salary cut of 2½ per cent in 2017 as identified on page 91 of Part B of the Auditor-General's Report?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:25): I can't see any reason why emergency relief teachers wouldn't be receiving the same industrial conditions but, given that the member is operating off some detailed information, I would rather take it on notice and make sure that I get an exact answer.

CHILD PROTECTION SCREENING

Mr GRIFFITHS (Goyder) (15:25): Another question to the Minister for Education and Child Development: how many schools have chosen not to observe the minister's new relaxed police screening rules for parent volunteers and are instead continuing to require screenings for all volunteers?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:25): I believe that one school has been raised with me, but there may be others, and I will endeavour to find out if we have collated that information centrally.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (15:25): My question is to the Minister for Health. Is there a crucial date in February next year when the financiers of the Royal Adelaide Hospital will be culpable for significant millions of dollars in penalties?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:25): I presume you mean penalties from the government, not from within the consortium. If it is within the consortium, that's a question you would have to ask them. I wouldn't necessarily be privy to what financial arrangements there are within the consortium.

Dr McFETRIDGE: From the government.

The Hon. J.J. SNELLING: With regard to the government, no, there is nothing particular that I am aware of about the date of February. I will check, but the relevant dates are the revised completion date, which was July this year. Basically, every single day that we haven't got the hospital reaching commercial acceptance—after that date is approximately $1 million less that we do not pay for the hospital.

Mr Knoll interjecting:

The Hon. J.J. SNELLING: The member for Schubert, I know, is feeling a bit upset because of course he's woken up to realise that Tammy Franks is running the Liberal Party and outsourced policymaking. I know that must be difficult.

Mr KNOLL: Point of order.

The SPEAKER: Which was it? Was it digressing, imputing improper motives or making personal reflections?

Mr KNOLL: The second part.

The SPEAKER: Imputing improper motives.

Members interjecting:

The Hon. J.J. SNELLING: We all know the member for Stuart needs to—

The SPEAKER: I will listen carefully. I warn the member for Wright and I call to order the member for Light.

The Hon. J.J. SNELLING: We all know, the member for Stuart, it is time to shine. The Hon. Tammy Franks is to be displaced from her part as leader of the Liberal Party in South Australia. No doubt that time will come. As I said, I am more than happy to check what the arrangements are but, as far as I'm concerned, there are no particular issues with regard to the—

Members interjecting:

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

The Hon. J.J. SNELLING: —February date.

CHILD PROTECTION

Mr TARZIA (Hartley) (15:28): My question is to the Minister for Education and Child Development. How does the minister reconcile telling the community that child protection is everyone's business and then ignoring 84 per cent of their screening notifications that community members have, in many cases, taken hours of their precious time to report?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:28): It is tempting to be critical of the question, but I take it in good faith that it's a genuine concern about the way in which our child protection system operates. One of the challenges is the volume of notifications that are received from the community. In fact, perhaps I will pick this up on another occasion because people probably aren't listening.

Members interjecting:

The Hon. S.E. CLOSE: The mass departure had distracted me.

Mr van Holst Pellekaan: It's your side that's walking out.

The Hon. S.E. CLOSE: Your side left some time ago. In essence, we have some 60,000 notifications that are made, which reduces to some 20,000 screened-in notifications, which then comes down to around 5,000 investigations. Those figures mean that the workers are straining to take all of the information and then to act upon it.

If you get down to the level of the number of substantiated investigations and the number of children removed from their families, we actually are very much on a par with most other states, which suggests that we are, like all other states, doing our best to get to the children who are most in need, who most require removal from their family. This in no way stops the truth of the statement that all of us, as adults, have a responsibility to take care of those who cannot take care of themselves, and that is our children.

Grievance Debate

COUNTRY HEALTH SERVICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:30): I rise today to speak about a growing and glaring problem with regard to country health in the electorate of Stuart. Mr Speaker, as you may well know, north-east of Port Augusta, up into the Flinders Ranges, and further on to the Cooper Basin is a very important part of our state. It is an important area that the state government says it is focusing on with regard to tourism. It is a very important area of the state with regard to the oil and gas sector, the transport sector, the pastoral industry, retail, and a range of other very important industries.

Very unfortunately, we find ourselves with a lack of leadership, a lack of support and a lack of provision of any policy whatsoever from the government with regard to country health services, and particularly with regard to GPs in the area. Mr Speaker, you would be very well aware of the fact that Alinta shut its coalmine and its power station at Port Augusta, and that has meant a significant transition for the Leigh Creek township and all of the surrounding communities. The government has said that, for the meantime at least, it will retain police, education and health services in the area.

But the government has not made any provision whatsoever, certainly not publicly and I suspect not in the background either, with regard to the delivery of health services in the Leigh Creek area post 31 December this year, when the local doctor's practice will finish up because that is when the financial support that has historically been provided by Alinta to that practice will finish. The 31st of December is not very far away: six weeks. That comes on top of the government's negotiations coming to a standstill, as far as I have been advised, to renew the contract for the GP working at Hawker, the next town south of Leigh Creek.

I am advised that the GP working at Hawker has said that she would accept a lower remuneration than has historically been provided to that post, but Country Health SA has asked that doctor to accept even less than that. Without going into more details of what are, quite appropriately, private negotiations, I think that is a very fair characterisation of the discussions. That contract runs out at the end of December as well. The government is not telling the communities what it intends to do to provide a medical service to the north-east of South Australia.

There is a GP service at Quorn, but that GP service is also very busy. It is actually quite hard to get an appointment quickly with the practice at Quorn. That is not a criticism: that is just how it is. It is a very popular practice. From Quorn all the way to the western New South Wales, south-western Queensland and southern Northern Territory borders, it appears that in six weeks' time we will have no doctor. The Royal Flying Doctor Service will no doubt do an absolutely outstanding job doing the best they can to backfill, but I call urgently and earnestly on the Minister for Health particularly, and the government more broadly, to tell the people of this district what they intend to do with regard to the provision of health services.

As I said before, the government said that it will keep the school, the police station and the hospital running at Leigh Creek, but if there is no GP in the district and there is not even a GP at Hawker then the government will probably find it very difficult to attract police officers and their families, and teachers and their families, to come to the district if there is not going to be a doctor. For example, if a police officer has the opportunity to take his or her family to Leigh Creek or to

Lameroo, it may well be a very easy decision for that family to go where there is a higher level of medical care.

This is not only about Leigh Creek, this is about the very important communities of Marree, Lyndhurst, Copley, Nepabunna, Beltana, Parachilna and Blinman who all rely on this service. It is also about servicing the transport industry and the tourism industry. It is very hard to convince a family to take an outback driving holiday into a district if there is not going to be a doctor versus them knowing that there is a fully operating hospital, medical service and GP. I call upon the government to urgently explain to these communities, to the pastoralists and the many people who live and work there and want to attract others to live and work in the district, exactly what it will do regarding the provision of medical services.

ISRAELI-PALESTINIAN CONFLICT

The Hon. A. PICCOLO (Light) (15:35): Today, I want to digress from the normal things I talk about in grievances. Normally, I talk about my electorate and champion some cause or, alternatively, reflect on some of the great work done by people or community groups in my electorate. Today, I would like to talk about an international issue because of the symbolism of the day and because it is an issue that I think, unfortunately, has gone a little bit under the radar in recent times, that is, today is Palestine National Day.

On this day in 1988, the Palestine National Council made a declaration of independence after decades of frustration in trying to attain a homeland for the Palestinian people. The Palestine National Council made the declaration with the hope of increasing international public awareness about their plight. In addition to the declaration itself, some other documents were released on this occasion and it also mentions UN Security Council Resolution 242 which is, if you like, the ground-breaking resolution that talks about the warring parties in the Middle East going back to the pre-1967 boundaries. It is interesting to note that that particular United Nations Security Council resolution has not been implemented and has been ignored not only by the State of Israel but also its allies around the world.

The other reason I raise this issue is that in this place over the last few months and over the 10 years I have been here we have talked about and apologised to individuals who have experienced discrimination, yet every day the people of Palestine experience injustice, discrimination and great hardship but around the world we barely batter an eyelid about that so their plight goes continually unnoticed. As I mentioned, there are a number of UN resolutions regarding the Palestinian or Middle East conflict, and when you look into it there are literally hundreds of resolutions which come and go but are not implemented.

Just as importantly, decisions are made by the International Court of Justice, probably the most recent of which was in 2004, when the International Court of Justice found that the wall Israel built between Israel and Palestine, mostly on Palestinian land, was illegal and against international law. What has happened since then? Very little has happened since then and the people of Palestine continue to lead very difficult lives.

There has been a whole range of agreements around the world trying to move the parties to a lasting peace. Unfortunately, the reality is that most of the discussions over recent times have been about a two-state solution: in other words, that the two states, the State of Israel and the State of Palestine, would live side-by-side. Personally, I believe that is now a very difficult objective to achieve. The Jewish settler movements into Palestine over many decades, with the support of the Israeli government, has made that two-state solution much more difficult to attain. That occupation, ruled illegal by various courts and international bodies, continues today.

What are the possibilities for a just and peaceful settlement for the people of Palestine? The two-state solution is probably unrealistic not only given the amount of settler areas that have been taken over by Palestine but also that the West Bank and the Gaza Strip are probably economically not of a size that can actually be economically sustainable.

In more recent times, there have been discussions about having one state, somehow acknowledging the two different cultures and communities within the one state, some sort of unified

democratic state that has one person one vote. We have been able to achieve this in other parts of the world.

I would just like to quote from a 2004 *New Yorker* article, entitled Two Peoples, One State. The article states:

> The one-state solution, however, neither destroys the Jewish character of the Holy Land nor negates the Jewish historical and religious attachment (although it would destroy the superior status of Jews in that state). Rather, it affirms that the Holy Land has an equal Christian and Muslim character.
>
> For those who believe in equality, this is a good thing.

Time expired.

NUCLEAR WASTE

Mr SPEIRS (Bright) (15:40): I would like to take the opportunity today to put on the public record my views in relation to the Labor government's proposed nuclear waste dump. Firstly, I wish to state that I am not an anti-nuclear person. I am not scared of nuclear power, and I believe that, in the right circumstances, nuclear energy has a role to play in power production.

When the government announced a nuclear royal commission, I was committed to being open-minded about the process and interested in seeing whether South Australia could establish a viable economic platform in the nuclear industry, although I could not help but cynically think that this work might be a smoke and mirrors exercise, an attempt by a failing government with questionable leadership to project an image of boldness and creativity in the face of serious economic challenges, but I still gave this process the benefit of the doubt.

When the royal commission handed down its findings, it concluded that South Australia had little to gain economically from most phases of the nuclear fuel cycle but said that it felt that the only element viable for further exploration was the final part of the cycle—the storage of high-level, unwanted nuclear waste from around the world. As I said earlier, I am not an anti-nuclear advocate, but I cannot support the idea of my home state putting its hand up and saying to the rest of the world, 'Bring your rubbish here.'

That rubbish is high-level nuclear waste which, according to the royal commission's report, requires isolation from the environment for many hundreds of thousands of years. I cannot support that for a variety of reasons. I cannot support it because the economics of the case are far from certain, requiring huge up-front expenditure before undetermined revenues begin to flow. It is a very simplified analogy, but we can hardly predict the price of a barrel of oil next month never mind the price we are likely to be paid for the storage of a barrel of nuclear waste, a commodity which is not currently traded and which has no price placed on it.

For the commission to attempt to put any price on nuclear waste is total fantasy, in my view, and cannot be relied upon at all. The economic case also fails to take into consideration potential damage to our food and wine production and tourism industries. I cannot support the proposed dump because it places the onus of responsibility on future generations, who will be unlikely to benefit from the relatively short-term boost in our state's revenues but who will have to manage the waste facilities and all the issues that come with it for hundreds, thousands, tens of thousands of years into the future.

It should also be noted that there is no great jobs bonanza predicted from the dump—1,500 jobs might be created during construction and 600 ongoing jobs would be needed, and this would not be transformative to our state's employment situation. I cannot support the dump because it creates a sovereign risk for South Australia. It is naive to assume that Australia will never be part of a war in the future. Nuclear waste lasts for a long time and the proposed facility could easily become a terrorism target.

I cannot support the dump because the state government has shown little capacity to be able to effectively deliver comparatively straightforward projects. The new Royal Adelaide Hospital still unused, behind schedule and over budget is a glaring example that this government cannot manage major projects. I cannot support the dump because South Australia's Aboriginal people have categorically ruled out their support for it.

Finally, I cannot support this project because the government has failed miserably to secure any sort of broad public support for it. The consultation process has been shambolic. It has had two parts: a shameless promotional exercise led by the ironically named Consultation and Response Agency (known as CARA), the agency set up to support the royal commission; and a two-part citizens' jury, an engagement technique which the Premier once championed but now chooses to ignore because it has not given him the answer he wanted.

The promotional exercise claimed to be consultation but it was anything but. It was destined to get off to a terrible start when the marketing gurus (who were, no doubt, paid extortionately well for their particular brand of genius) came up with the catch phrase 'Know nuclear'. Marketing 101 surely taught these gurus that to use homophones (that is, words that sound the same but are spelt differently) in marketing campaigns is dangerous, stupid and just the basic no-no (that is, n-o n-o, not k-n-o-w k-n-o-w).

The citizens' jury was, by all accounts, a well-run process, but it appears to have been hamstrung by interference from the government, particularly from bureaucrats from CARA who panicked when they saw the likely outcome. The decision of the jury to reject the dump by a majority of two-thirds to one-third is mirrored in my own electorate-based survey, and I believe this to be an accurate reflection of the general views held by South Australians. In the words of those marketing gurus engaged by CARA, I am saying on behalf of my community: no—that is, n-o—to a nuclear dump for South Australia.

COLTON ELECTORATE

The Hon. P. CAICA (Colton) (15:45): I want to talk on a couple of aspects of my electorate, as I usually do. To me, this is a good time of the year—most times of the year are good times of the year, but I particularly like this lead-in to the Christmas period—because it means that we have throughout the schools in my electorate the presentation nights and graduation nights, or days, and I always find them to be very rewarding to attend. Of course, we have already had two in Colton in the last few weeks, and that was the St Michael's assembly, where we recognised and farewelled the year 12s who were preparing for the year 12 exams, and it was a terrific assembly.

At all of the schools in my electorate an award is presented, either the Mary Colton Award or the Paul Caica Award. At St Michael's, the Mary Colton Award was won by Olivia Caruso, and it was well deserved. She is an outstanding student. The Mary Colton Award goes to not just your academic performance but how you might support your peers and the school in extracurricular activity. It is a very good award, and I am pleased to report that it is well sought after because there is money that goes with it as well. At Henley High School, the Paul Caica Award was won by Callum Swain—again, another outstanding student at that school amongst the many outstanding students it has.

We have the primary schools to go for the rest of the year, and there will be seven or eight more events that I will attend where the Mary Colton Award will be presented to those students, amongst the other awards that students receive at their graduation ceremonies. It is good to see the look on the faces of those year 7 students, knowing that they are finishing their primary school teaching and moving on to high school and that next year they will be the small fry in the school as opposed to the big fish they were at the end of year 7.

I also, at this time of the year, enjoy very much the schools volunteer awards. This is an outstanding initiative you would be aware of, Mr Speaker, that was instigated by the former minister for education (the member for Wright), and I congratulate her on this particular award that recognises volunteers within our schools. I am very pleased that the current minister (the member for Port Adelaide) has decided to continue with this outstanding award. It recognises those people within the school community who have provided, without fear or favour, their services in a range and variety of good areas that the school and students benefit from.

In my electorate, over the last month or two we have had some very good events, and one that you would be very familiar with, sir, is the feast of St Hilarion. I know that on that particular day you were with the Polish people.

The SPEAKER: At Dozynki.

The Hon. P. CAICA: Yes, at Dozynki. You were conspicuous by your absence, but I certainly mentioned to those who were there that you were at another event. Of course, I was joined by both the Premier and the member for Lee. It is a very good feast. It is a nice walk through the beautiful streets of Seaton, finishing with a mass and some outstanding food that they have available. It is a real celebration. We have spoken before about the Society of St Hilarion and the work they do, and this annual feast is a fantastic religious event and cultural experience for all who attend.

I noticed earlier this year that St Hilarion at Fulham, the aged home, was the recipient of the Margaret Tobin Award for its Therapeutic Dog Services. Jody Morrish was awarded joint winner of the Dr Margaret Tobin Award at the 2016 Australian Mental Health Excellence Awards at Adelaide Oval for Therapeutic Dog Services. As I have said, it is an outstanding service. It is currently operating out of Villa St Hilarion Centre at Fulham, and my electorate is fortunate to have such a vital service available. Therapeutic Dog Services does a good job.

I have noticed a change in recent years where companion animals are now welcome within aged-care facilities, and I have witnessed firsthand the benefit that accrues to residents in those establishments through this particular program. With that, I will finish, and say that there are many great things happening in the Colton electorate, just as there are across the length and breadth of this state.

RIVERLAND STORM DAMAGE

Mr WHETSTONE (Chaffey) (15:50): I would like to speak about the devastation that the Riverland and surrounding areas suffered during Friday's freak storm in the Riverland and some parts of the Mallee. On Friday, I got home and checked the weather map. I heard the storm was coming and saw unusual sights on the radar screen. We had black lines coming on the screen. When we see red that means heavy rainfall, but to see black is really the danger sign.

During that storm, it was a very eerie, scary time. I was perched at my home in a back room with a big glass area and watched the storm roll in, and there was nothing that anyone could have done. It uprooted trees that had been there for 50 years. It smashed Mallee 10 feet up off the ground. It tore a path of destruction. In Adelaide, a lot of the photos we saw were of round hail: in the Riverland, it was jagged. It was absolutely disastrous. Anything it touched, it cut and destroyed.

I was out and about over the weekend, and I visited and toured around the region with Senator Anne Ruston to look at the destruction and visit growers and producers who were severely impacted by those gale-force winds and hailstones. I have seen big hailstones as a lad, but not of the severity of these stones, with jagged sharp edges and the destruction they caused. It was as bad a weather event as I have ever seen, and living in the Riverland for over 30 years, it was something that was quite a scary scene.

Speaking to the older generation, those who have been in the region for 60 or 70 years, they said that they had never seen anything like its ferocity. The hailstones did not come down and pelt things: they came in horizontally and took out everything in their path. My neighbour, who has a citrus property, copped it twice. The storm came in once, went around and then came back again and it got both sides of his trees.

It was not until we got out into the region and had a look around that we saw the total destruction. We visited a number of growers who gathered at Lyrup. We went down to a stone fruit property and saw that there was 100 per cent damage and, sadly for that grower, John Recchia, it was a crop that had been designed, marketed, pre-sold and contracts pre-signed as a fruit fly free product going into China.

It was absolutely heartbreaking to see the vineyards and the destruction of the citrus and the almonds. The almonds were lying on the ground, and many people might know that almonds are a premium-priced product at the moment. We could see the damage that had been caused, not only knocking the fruit onto the ground but damaging the fruiting or bud wood for next year's crop and for a number of years.

In some instances, we saw trees that will have to be removed because they were so badly damaged, and there were trees that were removed because they had been blown out of the ground. It really was a very, very alarming scene. On the Sunday, I met with the federal Assistant Minister for

Agriculture and Water Resources, Senator Anne Ruston, and state Liberal leader, Steven Marshall, and the Minister for Agriculture, minister Bignell, who came to see what is estimated to be about $100 million in damage, and those reports are going to be reasonably accurate.

The tens of thousands of tonnes of product that were lost will impact on export markets and forward contracts. It is also about the households and the businesses that were left without power for 24 hours. I received a phone call from a business in the Mallee that had its power put back on after 60 hours. We do need to see bipartisan support, and we do need to see disaster relief and recovery assistance for those primary producers. For that 24-hour recovery hotline, phone 8207 7847, or 0476 834 530.

I also want to mention the mental strain that is put onto those growers, those farmers. For mental health issues, please contact Lifeline on 13 11 14, or contact *beyondblue*. These ongoing issues will be with us for a little while yet, so the message to the community is: talk to your neighbours, talk to the growers and give them some comfort.

REMEMBRANCE DAY

Ms HILDYARD (Reynell) (15:55): I rise today to inform the house about our southern communities moving remembrance ceremony on 11 November at Morphett Vale within my electorate of Reynell. I am always both impressed and touched by how giving and generous our local veteran community is and by their ongoing willingness to reach out to our broader southern community to make sure that we have the opportunity to remember and reflect together, to understand our past better, and to give our thanks for everything our veterans, past and present, have done for all of us.

It is always a deep honour to be asked to lay a wreath at the Eternal Flame in Morphett Vale for the Morphett Vale Returned and Services League Sub Branch. As always, it was moving that our community once again came together to pay our deep and heartfelt respect for those who have paid the ultimate sacrifice. I understand that another service also took place at the other RSL in our southern community, the fabulous Port Noarlunga Christies Beach RSL. I have been trying for many years to be in two, or sometimes more, places at once but, alas, to date it has proved impossible. I am sure that they also similarly commemorated our fallen in a moving fashion, and I understand that the member for Kaurna had the pleasure of joining them there.

The RSL Morphett Vale Sub Branch is an extremely active and important part of our southern community. The RSL places significant importance on remembrance and commemoration of those service men and women who have passed away. They also actively educate and engage with our community, particularly in our local schools, about the role of Australians in conflict, and are particularly committed to raising awareness amongst our young people.

Together with other organisations, including my office, each year they collaboratively hold an ANZAC youth vigil prior to our dawn service, with young people stationed at our local Eternal Flame at Morphett Vale all night, and they welcome our community to the dawn service in the early hours of ANZAC Day. In a similar vein, it was wonderful that as always the Wirreanda Secondary School band played at the Remembrance Day service last Friday and were an integral part of leading us in song to remember our fallen.

Our Morphett Vale RSL's dawn service is renowned across the state for providing emotional and stirring tributes to our past and present service men and women. With in excess of 10,000 people in attendance each year, the magnificent, well-run and moving service holds a significant place in the hearts of many in our southern community. With a series of rolling 100-year commemorations of the events of the First World War, we remember that 1916 was a terrible year with the Battle of the Somme, where Australians saw action with some 23,000 casualties. As Charles Bean reported in his official history of Australian participation in WWI:

> They're not heroes. They do not intend to be thought or spoken of as heroes. They're just ordinary Australians, doing their particular work as their country would wish them to do it. And pray God, Australians in days to come will be worthy of them.

I have had the opportunity to contribute to the Pozieres Memorial in France, a distinct honour as that Pozieres ridge is, in the words of Charles Bean, 'more densely sown with Australian sacrifice than any other place on earth'.

Remembrance Day also recalls the battle at Villers-Brettonneux, a village that holds a special place in the heart of Australians. Exactly three years to the day after the disastrous military campaign of Gallipoli, Australian troops broke through the German positions and the French and Australian flags were raised over the town. Australian troops established a new front line marking the end of the German offensive on the Somme. A British general called the ANZAC attack perhaps the greatest individual feat of the war; 1,200 Australians died in the assault, a not uncommon occurrence in a war when so many died.

What is remarkable is how the French chose to remember this sacrifice. Kangaroos feature over the entrance to the town hall, the main street is named Rue de Melbourne, and the school, built through donations of Australian schoolchildren, has emblazoned across the school blackboards and playground: 'Do not forget Australia'. The children of Villers-Bretonneux continue to learn about the soldiers from half a world away who liberated their towns from the enemy. It is a special place for Australians and the French alike. To come together a century later in our local community to remember these tragic moments that also represent courage, mateship and camaraderie, together with our own young people, is very special.

On the day after Remembrance Day, last Saturday, together with Amanda Rishworth (the member for Kingston) and Chris Picton (the member for Kaurna), I also had the opportunity to attend a magnificent book launch by the Fleurieu Peninsula Family History Group. At the Port Noarlunga Arts Centre, they took the time to take us through the many and moving stories they had collated about local men and women who lived among our forebears in our southern community 100 years ago and also entered that World War I battlefield. It was particularly touching that at that book launch descendants led the way in speaking about the fallen and those who came back to live in our southern community. It was also wonderful to have our local Army cadets as part of that launch.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 3 November 2016)

The CHAIR: As this a formal process, you need to stand to ask and answer questions. Member for Morphett.

Dr McFETRIDGE: I refer to the Report of the Auditor-General, Part A: Executive summary, page 34. It states:

> DCSI purchases (brokers) services from non-government organisations to meet individual disability and domiciliary care service client needs. The cost of brokerage expenditure, including domiciliary care, amounted to $168 million in 2015-16. Disability SA represents most brokerage expenditure, with $165 million spent for the year ended 30 June 2016 on approximately 3,960 clients.

Minister, can you tell us what the future will be for brokerage services, looking at those figures, with the transition to the NDIS?

The Hon. L.A. VLAHOS: I thank the member opposite for his question. As we know, the breadth of the NDIS reforms is very large. The brokerage of individual clients is on a one-by-one basis as we hand money over to the commonwealth, so it is impossible to entirely project that matter, given that it depends on how fast the NDIS processes individual care plans and packages for people entering the system. Around 32,000 South Australians are predicted to enter the system at its full birthing in July 2018.

Dr McFETRIDGE: On the same reference, what are the reasons for the costs in the blowout of brokerage expenditure, and has the minister been able to address the Auditor-General's concerns, and I quote:

> ...weaknesses and failings in brokerage expenditure, internal control arrangements and processes including limitations in contract management, complaints management and operational controls.

The Hon. L.A. VLAHOS: With the growth of the sector and the growth of the number of consumers entering the sector, we put all of our work out to brokerage providers and advise that that is one of the reasons there is such a variance in a few of the areas.

Dr McFETRIDGE: On that same reference and the further reference of Part A: Executive Summary, pages 63 and 64, minister, how can you account for the increase in supplies and services expenditure to $273 million, of which $168 million is brokerage care service costs, or 62 per cent of the cost of supplies and services?

The Hon. L.A. VLAHOS: Please repeat the page reference.

Dr McFETRIDGE: Auditor-General's Report, pages 63 and 64, in Part A: Executive summary.

The Hon. L.A. VLAHOS: Again, in relation to this section of the Auditor-General's Report, it reflects the growth in the sector and the growth in demand for services.

Dr McFETRIDGE: Same reference, minister, can you advise what the increase of $34 million in disability grants over the last financial year comprised of? If there is a significant list, I would be happy for you to take that on notice?

The Hon. L.A. VLAHOS: It is quite a comprehensive list, and we are happy to provide that to you out of the chamber.

Mr DULUK: Minister, I refer to page 43 of Part A: Executive summary. What proportion of the state budget is spent on the delivery of mental health and substance abuse programs and services?

The Hon. L.A. VLAHOS: As I may have mentioned in estimates, it is impossible to thoroughly break down between the health portfolio and the mental health portfolio the exact split of that funding.

Mr DULUK: Could you provide me with a ballpark split of funding?

The Hon. L.A. VLAHOS: An indicative estimate for the budget year 2016-17 is $392 million.

Mr DULUK: That is for mental health and substance abuse, minister?

The Hon. L.A. VLAHOS: Mental health.

Mr DULUK: Do we have a ballpark figure on substance abuse as well, please?

The Hon. L.A. VLAHOS: It will take us a few moments to find that for you, but we will endeavour to do that.

Mr DULUK: Perhaps another on notice as well: at page 43, the Auditor-General's Report projects that at the current rate, South Australia's spending on health will be nearly half of the state budget over the next 15 years. Has any of that rise over the next 15 years been attributable to mental health as well?

The Hon. L.A. VLAHOS: We only work on a four-year cycle, as you know, with budget estimates.

Mr DULUK: I will take that as a no. Moving to page 44, is Transforming Health expected to deliver any financial savings in relation to the cost of providing hospital based treatment and services for mental health patients?

The Hon. L.A. VLAHOS: What page reference is that?

Mr DULUK: Page 44.

The Hon. L.A. VLAHOS: Which particular section?

Mr DULUK: Where it says in financial year 2015-16, the Independent Program Management Office for the Transforming Health program reported 'qualitative and quantitative benefits were not being delivered'.

The Hon. L.A. VLAHOS: I am advised in relation to mental health that there are no Transforming Health savings.

Mr DULUK: Thank you. Just to clarify, minister, does that mean that the rollout of Transforming Health is not expected to have any impact on the cost of treating and supporting mental health patients who, for example, present at a metropolitan emergency department?

The Hon. L.A. VLAHOS: Perhaps the member for Davenport is missing the point. It is a joined-up system and acute admissions are part of the health system across an ED environment. It is a joined-up solution. It is not a matter of isolating it down to a mental health budget line or a health budget line. There are a variety of services that go into maintaining acute healthcare settings.

Mr DULUK: Sticking on page 43, given that one of the goals of Transforming Health is to ensure the financial sustainability of our health system, how will the transfer of PTSD services from the Repat to Glenside impact on the annual cost of delivering inpatient PTSD services, including the cost of treating their comorbidities?

The Hon. L.A. VLAHOS: I am still waiting for further advice on that space. I do not have anything to contribute to your question at this point because I cannot see it in relation to the Auditor-General's Report. You did not reference a line.

Mr DULUK: Sorry, page 43. I will give you a chance to answer the question. Part A: Executive summary, page 43, operating and investing funding—

The CHAIR: Where are we?

Mr DULUK: Page 43, Chair.

The CHAIR: That is not the Executive Summary we are looking at.

Mr DULUK: On page 43?

The CHAIR: That is our page 43 and we cannot see what you are talking about.

Mr DULUK: It says here, 'Operating and investing funding for Transforming Health was included in the 2015-16 state budget for the four years to 2018-19. This included $15 million to cover the capital cost of a new post-traumatic stress disorder clinic.'

The CHAIR: You are in another book, we think.

The Hon. L.A. VLAHOS: You are not in the same book as us.

The CHAIR: Yes, we are not on the same page. It must be in the big book, not the Executive Summary.

Mr DULUK: Appendix to the Annual Report, Volume 2, page 303. Minister, how much of the $52.2 million provided by the commonwealth Department of Veterans' Affairs was payment for the delivery of mental health services and programs?

The Hon. L.A. VLAHOS: On the whole, we received around $52 million for treating a variety of veterans' health card entitlements across the whole healthcare system.

Mr DULUK: Thank you, minister. Does that $52 million contribution include payment or reimbursement for the cost of any treatment or services delivered at Ward 17, and if so, how much was provided?

The Hon. L.A. VLAHOS: That is a highly exhaustive resource task that you are asking of us and we would not have that information at hand in the chamber today.

Mr DULUK: Aside from the DVA funding identified on page 303, did the department receive any other revenue from the commonwealth in 2015-16 as reimbursement for treatment of services delivered at Ward 17?

The Hon. L.A. VLAHOS: I will have to take that on notice, but I have never, as the minister, inquired into individual units' revenue streams. That is an unusual question.

Mr DULUK: What proportion of total Ward 17 expenditure is covered by commonwealth funding?

The Hon. L.A. VLAHOS: I have just answered that question.

Mr DULUK: You have never inquired how much your department receives from the commonwealth government in relation to Ward 17 funding? As minister, you have never once made that inquiry?

The Hon. L.A. VLAHOS: The model of care group that is reporting to the oversight group is looking at models of care. How that unit runs its budget and reports through the normal local area health networks is for individual questions. It is not for the minister to ask people how many bandaids they use or how they are funded.

Mr DULUK: I am not asking how many bandaids were used: I am asking how much commonwealth funding is given in relation to Ward 17. Nevertheless, how is income received for Ward 17 by the state government?

The Hon. L.A. VLAHOS: Are you referring to commonwealth government revenue again?

Mr DULUK: Correct.

The Hon. L.A. VLAHOS: As previously stated, I have answered that question.

Mr DULUK: So, you are not aware of how your department receives funding from the commonwealth government in relation to Ward 17?

The Hon. L.A. VLAHOS: What is your page reference?

Mr DULUK: Page 303.

The Hon. L.A. VLAHOS: As I have previously stated, the healthcare system in this state, of which mental health and DASSA (Drug and Alcohol Services South Australia) are a part, receives via our contracting agreement with the commonwealth government a funding formula for the case care interactions that consumers have with our state healthcare system, I am advised. We do not break it down to individual units.

Dr McFETRIDGE: I refer to the Auditor-General's Report, Part B, Agency audit reports, page 58 under Brokerage expenditure. At the top of page 59, under Receipt of services, it states:

> Past audits have recommended that DCSI improve controls to ensure that brokerage services provided by NGOs are adequately received by clients before making payment. DCSI was encouraged to consider:
>
> - involving clients in substantiating receipt of services
> - reviewing internal NGO documentation for client attendance and quality of services provided
> - reviewing complaints/feedback mechanisms to target NGOs for further assessments.

One particular provider was of particular concern. The report states:

> The team identified concerns about whether:
>
> - the care provided by this service provider was in accordance with their contracted level of care
> - this service provider charged for care not actually provided
> - this service provider was able to adequately account for staffing arrangements to support care requirements when requested to do so.

Can you tell the committee what investigations have been undertaken, and can you assure the committee that that particular case, and other cases like it, has actually been looked after?

The Hon. L.A. VLAHOS: I am aware of the comments made by the Auditor-General, but I am also advised that there is a new DCSI incident management unit headed by the new CE, Tony Harrison. He has put in place with his team several new measures to strengthen internal audit controls in the department, particularly around brokerage.

Dr McFETRIDGE: How many other NGOs have been investigated and found wanting in the care provided, charging for services that were not actually delivered, or the service provider not being able to account for staffing arrangements?

The Hon. L.A. VLAHOS: There is plenty of activity with people with care concerns who we always monitor, quality of care and care concerns for frail and vulnerable people who interact with

our department on a regular basis, but none of them have reached the level that this particular one did. As I have indicated previously, I am unable to comment further at this time.

Dr McFETRIDGE: On page 59, it says—this service provider was investigated—that further services with this service provider were discontinued. The estimated amount under review for the period audited is $2.2 million. Is that $2.2 million that has been paid to this service provider for services that were not delivered? If so, how much of that $2.2 million has been clawed back?

The Hon. L.A. VLAHOS: As it is under investigation, I cannot comment. I have been given legal advice to that effect.

Dr McFETRIDGE: So, we cannot get any further information about the $2.2 million the Auditor-General has talked about and whether that is still the outstanding amount. Has it been reduced or has any been clawed back at all?

The Hon. L.A. VLAHOS: No, I am unable to comment at this stage.

Dr McFETRIDGE: Can you tell us whether there are any other organisations that are in a similar boat?

The Hon. L.A. VLAHOS: As I said previously, no.

Mr DULUK: On page 197, Part B, the RSL Repat site, approximately halfway down the page, did the now abandoned $15 million RSL Repat park proposal include the option of any mental health services being delivered on the Daw Park site, either by SA Health or non-government providers?

The Hon. L.A. VLAHOS: That is outside the scope of my portfolio.

Mr DULUK: I thought your portfolio related to mental health and, of course, the RSL site. Ward 17 is on that RSL site, but that is fine. Does the recently announced replacement deal with ACH consortium envisage that there will be any mental health services at the Daw Park site once it has been redeveloped?

The Hon. L.A. VLAHOS: I have not seen the final proposal for that, nor would I, because I am not the Minister for Health.

Mr DULUK: But surely as the Minister for Mental Health you would have an interest in knowing if there were going to be any mental health services provided at the site in any proposed redevelopment.

The Hon. L.A. VLAHOS: Certainly, I would have an interest but, as I said, I have not seen that proposal today.

Mr DULUK: Have you made any inquiries with the health minister?

The Hon. L.A. VLAHOS: I may do so in the future.

Mr DULUK: Have you to this stage?

The Hon. L.A. VLAHOS: I make lots of inquiries with the health minister on many issues on a daily basis; some of them relate to ongoing units of care that are spread out across the state where we intersect on a daily basis.

Mr DULUK: Have Ward 17 and the mental health services been one of those issues you have raised with the minister on a daily basis regarding the consortium at ACH going forward?

The Hon. L.A. VLAHOS: I have not raised the consortia with him today, no.

Mr DULUK: So, to this date you have not raised with the Minister for Health anything in relation—

The Hon. L.A. VLAHOS: I said 'today'.

Mr DULUK: I am asking to date.

The Hon. L.A. VLAHOS: As I said, I raise a number of issues across clinical science across the state on a regular basis.

Mr DULUK: To date, have you raised with the Minister for Health the provision of mental health services at the Daw Park site in relation to the ACH consortium? It is a simple yes or no.

The CHAIR: It is up to the minister to answer any way she wishes, member for Davenport.

Mr DULUK: True.

The CHAIR: It is almost badgering.

The Hon. L.A. VLAHOS: Yes, it is almost badgering, and I would agree with the Chair about that, but the member for Davenport is quite good at badgering. He has a reputation for it, but we are not allowed to typify people as animals in this chamber—

The CHAIR: That is out of order.

The Hon. L.A. VLAHOS: —and I would not do that.

The CHAIR: That is out of order now.

Mr DULUK: I still just want to get my head around whether the Minister for Mental Health—

The CHAIR: It is your time. You do whatever you wish.

Mr DULUK: Exactly, and the minister can answer the question if—

The CHAIR: She can or not.

Mr DULUK: Has the minister in her capacity as the Minister for Mental Health spoken to the health minister regarding the provision of any mental health services at the Daw Park site in relation to the ACH consortium?

The Hon. L.A. VLAHOS: The minister and I talk about mental health and wellbeing across the state in a long-term way. We look at past service models, we discuss future service models and how we can work across a variety of spaces, whether it is drug and alcohol services, whether it is mental health, whether it is the connection for comorbidities—a variety of different spaces.

Mr DULUK: I refer to page 142. In the financial year 2015-16, how many of the presentations to metropolitan hospital emergency departments were mental health related, and how does this compare with the number of mental health-related presentations for the previous year, minister?

The Hon. L.A. VLAHOS: The definition of a mental health presentation is variable according to the people dealing with it at an ED triage point. It would depend whether the person had co-morbidities and what the principal diagnosis was at point of admission or subsequent readmissions.

Mr DULUK: But, minister, do you keep records of those who have presented and been categorised as mental health related patients?

The Hon. L.A. VLAHOS: Whilst we are doing work in definitional spaces for principal diagnosis and improving our data recovery and our data usage across the department (and we know that the member for Morphett is a regular visitor at the dashboard), we look at a variety of different ways we release the information. I am not sure what your exact definition of a mental health admission would be. That would be a matter for long discussion outside of this chamber because it varies across different units and across different clinical teams.

Dr McFETRIDGE: I hope that the advisers do not mind swapping back and forward a little here. I am referring to the Supplementary Report of the Auditor-General that was handed down today and specifically pages 2 and 3, key audit findings.

Minister, can you tell the committee whether any of your agencies, particularly Disability Services SA, is included in the Auditor-General's finding that 'two of the four agencies reviewed were not effectively managing patching', that agencies were operating unsupported legacy servers, that agencies were not effectively managing privileged user access to Active Directory and that security controls applied to mobile devices did not meet best practice guidelines in respect of two agencies?

Minister, can you assure the committee that the security controls of Disability Services SA (particularly with the sensitive information it has) are up to date, that there are not unsupported legacy servers operating and that the agency has implemented changes, upgrades, to its IT systems to

make sure that the people who are using these systems, and also the people who are listed on the systems, are being protected?

The Hon. L.A. VLAHOS: Considering that I have only had the report for a little on an hour, it is a matter that I will be asking my agency to report to me on.

Dr McFETRIDGE: Minister, I would have thought that you would have had discussions, obviously, in here about the report. It lists recommendations and then also page 4 of this report also lists agency responses, so, obviously there have been responses. So, you have not been briefed on the issues or responses; is that correct?

The Hon. L.A. VLAHOS: Not in the half hour I have had between question time and now.

Mr DULUK: I refer to Volume 2, page 301. How many NGOs received funding in 2015-16 to deliver mental health programs and services?

The Hon. L.A. VLAHOS: To get to the nub of your question at the end, and then I will give you some more fulsome information, there is a number of smaller grants under $10,000.

Mr Duluk interjecting:

The Hon. L.A. VLAHOS: In time, I would be happy to provide a list. I suspect that a lot of them relate to suicide prevention, community capability and capacity grants that we are building across the state, and that is a fantastic space. I do know that there are more than the two pages here, a variety of grants in this space, that I am happy to provide notice of.

Mr DULUK: Can you provide a figure for total funding, as well, for all those organisations in that space?

The Hon. L.A. VLAHOS: I am advised that it is around $1.446 million.

Mr DULUK: Staying on that line, which non-government organisations were funded under mental health support, as listed on page 301, if you have that at hand?

The Hon. L.A. VLAHOS: At this point in time, I only have the figures broken down specific to the grants, not by the nature of the product that they are interacting with.

Mr DULUK: On Part B, page 142, how many of the 2,036 FTE departmental positions were dedicated to the development and delivery of mental health services and programs?

The Hon. L.A. VLAHOS: Are you referring to all mental health staff who would be interacting with mental health clients or consumers in this space, or are you referring particularly to SA Health department staff?

Mr DULUK: I will take both: the departmental first, please.

The Hon. L.A. VLAHOS: For the department, it is 16; but, for the rest of the mental health team that works to support that, it is a large number.

Mr DULUK: Do you have the number?

The CHAIR: We will let him have just one more. Do you have a number, and you can say anything you like.

The Hon. L.A. VLAHOS: It would require a lot of work and time to find that number.

The CHAIR: The time having expired for the examination of this portion of the Auditor-General's Report, we thank the minister and her advisers for their assistance and the members for Davenport and Morphett for their questions.

I ask the next group—that is, Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy—to join us as quickly as possible.

Mr KNOLL: In the Supplementary Report, State finances, page 12, key points, the projected surpluses for 2016-17, 2017-18 and 2018-19 are significantly less than was projected for these estimate years in previous budgets. Can you confirm what has resulted in these falls in the projected surpluses?

The Hon. A. KOUTSANTONIS: I would refer you to the budget papers.

Mr KNOLL: Can I go to the Supplementary Report, RevenueSA, Information Online system, October 2016, page 5.

The CHAIR: Which report are you in?

Mr KNOLL: The Report of the Auditor-General, Supplementary Report, RevenueSA, Information Online system.

The CHAIR: From when?

Mr KNOLL: October 2016.

The CHAIR: We do not have a copy, but off you go.

Mr KNOLL: It was stated in estimates two years ago that stage 3 of RISTEC was abandoned, and that is relating to stamp duties and other sundry taxes. For the taxes that were abandoned, can you give an update on whether a new IT system is going to be procured for those taxes?

The Hon. A. KOUTSANTONIS: No, there is no decision to do that. We are operating on legacy software.

Mr KNOLL: Can you give us an understanding of what that legacy software looks like? What is the process? I assume that under RISTEC there was going to be an enhanced level of functionality and that there would have been a more streamlined cost-effective process. How is the current process deficient to what RISTEC could have delivered?

The Hon. A. KOUTSANTONIS: I am advised that it is business as usual and that there has been no discernible difference.

Mr KNOLL: The question then is: why are we implementing RISTEC in the first place if there was no discernible difference in upgrading?

The Hon. A. KOUTSANTONIS: There was an assumption that the legacy systems would eventually fail. We are trying to bring six systems into one new program. Obviously, that did not go as well as planned. Treasury, being who they are, do not like spending more money than they absolutely need to. The legacy programs are working and working well. Everyone is paying their taxes. We are collecting the taxes. The budget is in surplus. Everyone is happy.

Mr KNOLL: If I can go to page 2 of the same Supplementary Report, has the Treasurer received any indication of the potential value of transactions impacted by errors in the Revenue Information Online system?

The Hon. A. KOUTSANTONIS: I am advised that there is nothing significant that we are aware of.

Mr KNOLL: Would you care to clarify what 'nothing significant' means? Is it a few million dollars? Is it a few dollars or a few cents?

The Hon. A. KOUTSANTONIS: I am advised there is nothing in that order at all.

Mr KNOLL: What costs were there to external service providers?

The Hon. A. KOUTSANTONIS: Without being difficult, for what purpose? For all DTF or just RevenueSA?

Mr KNOLL: In relation to the Revenue Online Information system.

The Hon. A. KOUTSANTONIS: The budget for RISTEC is $55.8 million.

Mr KNOLL: Is there no ongoing external service provider in relation to the RIO system?

The Hon. A. KOUTSANTONIS: We are undergoing a procurement process at the moment, so we do not know the cost until that procurement process is finalised.

Mr KNOLL: Can the Treasurer outline exactly what is involved in that RIO procurement process, as in what functionality is the government seeking to acquire under this procurement process?

The Hon. A. KOUTSANTONIS: I am advised that it is business as usual. There are some things we do not have knowledge of, which we require from our external users. With the programs we are on, we use that for information we need to run the programs.

Mr KNOLL: I am still extremely unclear as to what the RIO procurement seeks to do. Is the Treasurer suggesting that he does not know what it is that the RIO procurement is seeking to achieve?

The Hon. A. KOUTSANTONIS: I am advised that it is just business as usual maintenance of that software, so we are maintaining it. We need to procure to have people help us manage it and run the software long term.

Mr KNOLL: Is there a rough or estimated cost of what this procurement is going to be?

The Hon. A. KOUTSANTONIS: We are currently out to the market, so I do not want to bell the cat.

Mr KNOLL: On Volume 5, page 4, the bottom table in regard to SA Water, Treasurer, you have a representative on the SA Water board. Can you explain what, if any, formal communication you have with that representative?

The Hon. A. KOUTSANTONIS: I receive briefs from my head of budget branch, who is the observer on the board. From time to time, if they feel there is something to be brought to my attention, they bring it to my attention.

Mr KNOLL: When you say there are briefs, is there a regular meeting and regular correspondence that happens between you and that representative?

The Hon. A. KOUTSANTONIS: From time to time, when they feel it is appropriate, they bring things to my attention.

Mr KNOLL: Are they there as an observer or as an active participant at the SA Water board meetings?

The Hon. A. KOUTSANTONIS: An observer only.

Mr KNOLL: You said in your previous answer that from time to time they bring things that you feel are necessary to your attention. Have you given any sort of direction to your Treasurer's representative as to what you believe is something of note to report back to you or bring a brief back to you on?

The Hon. A. KOUTSANTONIS: I have complete faith (1) in our board that runs SA Water, who are independent, and (2) in my head of budget branch, who is a very talented and financially astute representative and who will inform me of anything that will come to my concern. She knows me, I know her, and if there is something she needs to tell me she will tell me.

Mr KNOLL: I think we are talking about Linda Hart, your Treasurer's representative?

The Hon. A. KOUTSANTONIS: It might be Linda Hart; she has changed her name.

Mr KNOLL: It has changed a few times. While we are getting that answer, SA Water is seeking to inquire into privatisation of all or part of its business. You would consider that your Treasurer's representative should not have brought that to your attention?

The Hon. A. KOUTSANTONIS: If you could just help me out, I cannot remember when that report was commissioned.

Mr KNOLL: It depends. The report was commissioned somewhere late in 2014. Estimates said that it was at the 14 December board meeting that the report would have been brought to the SA Water board.

The Hon. A. KOUTSANTONIS: I understand that any work they did in the line of questioning that the member is leading towards, which is the option for the sale of SA Water, I could be wrong but, if my memory serves me correctly, this work was begun before the election, but I will check. It was part of the strategic planning process and, once they completed that, they brought it to the board.

If the member is suggesting that I was complicit in some way in this directive that they were planning options for the sale of SA Water, it is the government's policy that SA Water is not for sale. I am not trying to hedge this. Not only have we no plans to sell SA Water but we believe SA Water must remain in public hands, and we will not sell it. We have been in office since 2002 and have not sold SA Water, and if we are re-elected we will not sell SA Water.

Mr KNOLL: I have had it confirmed that it was 14 December when the first report was completed, and then the second report was completed in March 2015.

The Hon. A. Koutsantonis interjecting:

Mr KNOLL: I assume it was brought to the board's attention at the point at which it was completed. I assume that is normally what happens: you commission a report and when it is completed you bring it to the board. Treasurer, you have been the Treasurer at least since the election; we had a few before that, but you have been there for a little bit of time now. I want you to unequivocally say that you had no briefing or indication from your representative, who was at those board meetings, that they did not in any way bring it to your attention, as you say, believing that they will bring to your attention only things that are of importance.

The Hon. A. KOUTSANTONIS: I am advised that they did not.

Mr KNOLL: I refer to the Supplementary Report, State Finances, page 28, first line. In relation to the $688 million of equity retained by the MAC as at 30 June 2016, what is Treasury's latest advice as to the cost of winding up the tail?

The Hon. A. KOUTSANTONIS: We are still undertaking a body of work to do an analysis of the winding-up of the tail, so it would be premature to talk numbers at this early stage. Once that work is completed, we will make announcements in either the Mid-Year Budget Review or the budget.

Mr KNOLL: Has a decision been made on which entity will be responsible for winding up the tail?

The Hon. A. KOUTSANTONIS: I am advised no, and I am also advised that we are still conducting a body of work to understand how best to wind up the tail. Once that is completed, we will make a statement in the budget or the Mid-Year Budget Review.

Mr KNOLL: In the event that the cost of winding up the tail is less than the equity that is carried, has any decision be made in relation to what will happen with that remaining equity?

The Hon. A. KOUTSANTONIS: It is a hypothetical question until the body of work is completed.

Mr KNOLL: I refer to the same supplementary report, page 46. Has Treasury included a dividend payment for HomeStart in its forecast for the forward estimates?

The Hon. A. KOUTSANTONIS: I refer you to Budget Paper 3, Budget Statement, page 80. The HomeStart dividends 2015-16 estimated result is $11.5 million; the 2016-17 budgeted is $6.8 million; the 2017-18 budgeted is $6.9 million; the 2018-19 estimate budget is $7 million; and the 2019-20 estimate budget is $7.4 million. This was published in the last budget. You should tell the people who wrote the question to read the budget papers.

Mr KNOLL: Are any of those dividends linked to the scoping study into transferring the loan book?

The Hon. A. KOUTSANTONIS: I am advised no.

Mr KNOLL: I refer to the Supplementary Report, State Finances, page 48. In relation to the funding ratio for return to work, which remains above 100 per cent at 112.9 per cent, when will the scheme provide a further reduction in premiums to businesses?

The Hon. A. KOUTSANTONIS: I refer the member to the Attorney-General, the Deputy Premier, who is the minister responsible.

Mr KNOLL: I refer to Part A: Executive summary, page 21. Can you advise whether any of the research to be produced subsequent to this $10 million grant program has been completed and published? This is in relation to 'other grants', the second bullet point.

The Hon. A. KOUTSANTONIS: What page?

Mr KNOLL: Page 21, Other grants.

The Hon. A. KOUTSANTONIS: That is the OZ Minerals grant. Could you repeat the question?

Mr KNOLL: Can you advise whether any of the research to be produced subsequent to this $10 million grant program has been completed and published?

The Hon. A. KOUTSANTONIS: I will take that on notice and get back to you.

Mr KNOLL: If you would like also to take on notice what the schedule of payments for the remainder of the $10 million to be paid is. Also, will this research be made available to other miners and to the public?

The Hon. A. KOUTSANTONIS: It is my understanding that the arrangements between OZ Minerals is, but all the research conducted on the basis of the processes that they are investing the $10 million in will be made available to other South Australian copper producers, miners and explorers. I will double-check that for you, but that was my understanding.

Ms CHAPMAN: State development is at page 444, and I think you have already indicated, Madam Chair, that the Department of Treasury and Finance is at page 507. In respect of the State Administration Centre sale, Treasurer or minister, whichever one you are acting under to handle this, can you advise whether the Auditor-General has conducted any investigation in relation to the sale process surrounding that sale?

The Hon. A. KOUTSANTONIS: I am advised that it is par for the course in his roles and duties. He audits the entire agency. I am advised there is nothing specific that he has looked at but he may choose to. I will have to ask him, but there is nothing I have seen published.

Ms CHAPMAN: Is it being sold under your responsibility as minister or Treasurer?

The Hon. A. KOUTSANTONIS: I am advised as Treasurer.

Ms CHAPMAN: Finally if I could ask then in relation to the settlement which has now had three settlement dates, can you advise us when the settlement date is and what the expected consideration is that will be paid?

The Hon. A. KOUTSANTONIS: Today at 11.30.

Ms CHAPMAN: Today at 11.30, and what were the considerations paid?

The Hon. A. KOUTSANTONIS: We have not publicly released the value as yet.

Ms CHAPMAN: So, the settlement today was just to receive a down payment or a deposit?

The Hon. A. KOUTSANTONIS: I am advised that today was supposed to be complete settlement.

Ms CHAPMAN: How much did you receive? Perhaps I misunderstood what you said before.

The Hon. A. KOUTSANTONIS: I am advised that the proponents have not settled as yet.

Ms CHAPMAN: At all?

The Hon. A. KOUTSANTONIS: At all.

Ms CHAPMAN: No money has been received today. Has another settlement date been set?

The Hon. A. KOUTSANTONIS: We have a deposit of a value of $5 million, and no other date has been set as yet.

Mr VAN HOLST PELLEKAAN: Minister, do you have your mineral resources and energy advisers here now?

The Hon. A. KOUTSANTONIS: Yes.

Mr VAN HOLST PELLEKAAN: On Part B, Agency audit reports, page 449, Purchase cards, during last year's Auditor-General's examination, the minister assured the house that remedies had been put in place to prevent inappropriate expenditure on purchase cards, and he said he was satisfied with those processes. Why haven't those processes been resolved, minister?

The Hon. A. KOUTSANTONIS: I am advised that the findings of the Auditor-General last year were minor in nature in terms of the breaches. I understand protocols have been put in place to give CEs direct accountability and the ability to approve certain transactions. I am satisfied that the agency conducts itself appropriately. I also remind the member that there are now independent bodies that can oversee this type of behaviour. In terms of the audit process, I am comfortable with the procedures put in place by the agency.

Mr VAN HOLST PELLEKAAN: Minister, given you are comfortable that the procedures put in place after last year's finding that there was a problem are satisfactory, why is it that in this year's report it states:

> Our review of compliance with these requirements, however, identified purchases of flowers for staff, staff functions, software and fuel within the metropolitan area, inconsistent with DSD's policy.

The Hon. A. KOUTSANTONIS: I am advised that that policy has now been amended by DSD and the chief executive has the ability to approve those transactions. I understand the flowers were in a case of bereavement and I think it only appropriate that that was authorised. I stand by the department.

Mr VAN HOLST PELLEKAAN: Thanks, minister, but what I am getting at is this: 12 months ago we had an issue like this and you said it would be fixed, and here we are again, 12 months later. It was clearly not fixed in the view of the Auditor-General and you are saying again, a year later, it has now been fixed. Has it been fixed?

The Hon. A. KOUTSANTONIS: I am satisfied with the procedures that are in place, yes.

Mr VAN HOLST PELLEKAAN: Same answer as last year?

The Hon. A. KOUTSANTONIS: I am satisfied that I think my agency is an exceptional agency full of people with goodwill, and if there are any safety procedures put in place to make sure that—the chief executive has oversight of these decisions so there is now an accordance with State Development policy, I am advised. I have the confidence that the chief executive and his officers are conducting themselves appropriately.

Mr VAN HOLST PELLEKAAN: Would it be accurate to say, given that the Auditor-General, two years in a row, found that policies were not being followed, your remedy is to change the policy?

The Hon. A. KOUTSANTONIS: Yes.

Mr VAN HOLST PELLEKAAN: I refer to page 447, and I am going to the middle of the page, about grant payments. What grant reporting requirements 'were not promptly monitored to ensure the grantee complied with the terms and conditions of the grant'?

The Hon. A. KOUTSANTONIS: I am advised that there is one grant under the RAES scheme where the District Council of Coober Pedy did not submit their orders of financial statements for the years ending 30 June 2014 and 30 June 2015. I am advised that in the absence of the relevant information in the audited financial statements, DSD may be paying the council more funding than is required. The council has undergone significant governance and leadership issues over the past two years, with six different chief executive officers and three different mayors, and a significant amount of disruption to the operation of the council.

Over this period, I am advised the department is working closely with the council and its electricity generation provider to agree in terms of a long 20-year contract—a power purchase agreement—for a hybrid renewable energy generation project which is underpinned by a South Australian government commitment to a 20-year dealer grant with the council to enable the project to proceed. I understand that the reconciliation of the accounts in reducing the planned subsidies to the council by approximately $2.2 million is in consideration of overpayments processed during 2013-14 and 2014-15, primarily due to the reduction in the price of diesel. The council did not report to me on a timely basis as they should have, but the large level of dysfunction within that council has made it difficult, and we are trying to remedy it.

Mr VAN HOLST PELLEKAAN: I certainly agree that the council has had great challenges lately. The overpayment that was due to a reduction in the value of the diesel, has that money been repaid or are you in negotiations to arrange repayment?

The Hon. A. KOUTSANTONIS: I am advised that it will be repaid this year.

Mr VAN HOLST PELLEKAAN: On the same page, mineral licensing revenue, what measures have been put in place to ensure that mineral licensing revenue receipts, invoices and credit notes are processed appropriately and that revenue is not lost through the misappropriation of cheques or non-receipt of invoice amounts?

The Hon. A. KOUTSANTONIS: I am advised that audit raised the need to reinforce the requirements to ensure that cheque receipts, manual invoices and credit notes are appropriately processed and reviewed for mineral licensing. The cheque reconciliation, review of manual invoices and credit note review and reconciliation have been reimplemented in 2016-17. The cheque reconciliation was also completed for 2015-16 and did not identify any discrepancies. Established controls that mitigate the risks identified for revenue and accounts receivable, including credit notes, are reviewed and authorised by the delegate prior to processing, and outstanding certificate invoices are checked and reported to the executive board on a monthly basis.

Mr VAN HOLST PELLEKAAN: Are the concerns raised by the Auditor-General linked to the government's change in policy about 18 months ago, whereby mining companies and producers had to pay their royalties bimonthly, rather than six-monthly or annually, as it was?

The Hon. A. KOUTSANTONIS: I am advised no.

Mr VAN HOLST PELLEKAAN: What was the cause of the problem?

The Hon. A. KOUTSANTONIS: I am advised that, firstly, there were no discrepancies found and that, secondly, it is standard audit process to review these processes regularly, and that was what was conducted.

Mr VAN HOLST PELLEKAAN: If there was no problem found, why would the Auditor-General say that he has concerns, as follows:

> Our review revealed a need to reinforce, or reintroduce, requirements to ensure cheque receipts, manual invoices and credit notes were appropriately processed and reviewed for mineral licensing—

if there was not actually a problem?

The Hon. A. KOUTSANTONIS: The process I spoke to you about previously had ceased. Audit raised concerns, and then we reintroduced it.

Mr VAN HOLST PELLEKAAN: On page 453, OZ Minerals, and I was here when you were asked some questions by the member for Schubert, now that you have your adviser with you can you advise when the remaining $6 million will be paid to OZ Minerals from their $10 million grant?

The Hon. A. KOUTSANTONIS: I am advised that we have budgeted to pay $3 million in 2016-17 and a further $3 million in 2017-18.

Mr VAN HOLST PELLEKAAN: Are they simply time line scheduled targets, or are there obligations that OZ Minerals needs to fulfil in those time lines to receive those two lots of $3 million?

The Hon. A. KOUTSANTONIS: I will get you an answer on notice from Ted Tyne, who I think is looking after this. I can get you a more detailed answer.

Mr VAN HOLST PELLEKAAN: Has the government attracted a third company to move its head office to Adelaide?

The Hon. A. KOUTSANTONIS: You will have to wait and see.

The CHAIR: The time having expired for examination of this portion of the Auditor-General's Report, we thank the Treasurer and his advisers for their attendance here today and the member for Stuart for his questions. We ask the Minister for Regional Development and Local Government to move into place as we begin the next portion. The member for Stuart and the member for Goyder are going to take these questions.

Mr VAN HOLST PELLEKAAN: We will start on Appendix to the Annual Report, Volume 4, page 95.

The CHAIR: Is it local government or regional development first?

Mr VAN HOLST PELLEKAAN: Regional development. For the minister's benefit, we will take roughly half the time on regional development and roughly half on local government. On page 95, about a quarter of the way down, the table of finances, Regional Development Fund, what funding has been allocated to Regional Development Australia organisations beyond 2016-17?

The Hon. G.G. BROCK: I am advised that the government has committed $3 million per annum for three years, beginning in 2015-16, then 2016-17 and 2017-18 to support the seven regional RDAs.

Mr VAN HOLST PELLEKAAN: Is there any money forecast beyond 2017-18?

The Hon. G.G. BROCK: I have not committed any funds after that.

Mr GRIFFITHS: Thank you for the confirmation of the money that we know is available; it might be revised, but we know it is there. I am intrigued, though, because you talked about the $3 million for each of those three financial years, but page 95, about a third of the way down, refers in the 2014-15 year to $2.768 million in expenditure and, in the 2015-16 year, to $2.515 million, so you are underspent on the $3 million for each of those financial years. Do the unspent funds automatically roll over to be available in the 2016-17 year?

The Hon. G.G. BROCK: At the time of the Auditor-General's Report being handed down, there were some milestone payments yet to be completed to fully spend the $3 million committed. The remaining payments will be made to RDAs as Regions SA receives confirmation of milestones achieved.

Mr GRIFFITHS: To confirm the full $3 million expenditure for each of those two financial years, even though there are timing issues on payments being incurred, my question is: when you have the benefit of some funds from 2014-15 that have not yet been paid, why was 2015-16 not above $3 million?

The Hon. G.G. BROCK: I am advised that it is very hard because it is a running thing. It is achieving the milestones. As each milestone is achieved, we need to pay that out, and the continuation of that keeps flowing on.

Mr VAN HOLST PELLEKAAN: Again, on page 95, the next line down, Jobs Accelerator Fund, did the additional $2 million for the local government traineeships program announced in October this year come from the Jobs Accelerator Fund?

The Hon. G.G. BROCK: The $2 million announced in October is coming from the Regional Development Fund.

Mr VAN HOLST PELLEKAAN: Just to be sure, I was asking whether it came from the Jobs Accelerator Fund. You are confirming that it comes from the Regional Development Fund?

The Hon. G.G. BROCK: The first $2 million came from the Jobs Accelerator Fund and the $2 million that was identified or announced in October is coming from the Regional Development Fund. I am not sure whether you are getting confused with the Treasurer's Jobs Accelerator Fund, which he also announced recently. My Jobs Accelerator Fund, as such, had $10 million in it and that is fully committed.

Mr VAN HOLST PELLEKAAN: I appreciate that clarification. I was definitely talking about your Jobs Accelerator Fund under Primary Industries and Regions. Is it your intention to continue to use the RDF for that traineeship program and, if so, for how long?

The Hon. G.G. BROCK: Yes, we will continue to use the Regional Development Fund to maximise job opportunities throughout the regions. The final allocation or decision about how we use the rest of the funds is being identified currently as we speak. I want to be working with the councils, working with industries and the federal government to try to maximise the opportunities for jobs in our regions.

Mr VAN HOLST PELLEKAAN: The Local Government Traineeship Fund may or may not continue out of that RDF money?

The Hon. G.G. BROCK: Yes.

Mr VAN HOLST PELLEKAAN: I want to move on to Part B of the Agency audit reports. I am moving to a different book now and I refer to page 331. Minister, I note that there is only $2.3 million in grants in the 2014-15 year and then $17.6 million in the 2015-16 year. What is the total amount of funding approved for projects in the Regional Development Fund?

The Hon. G.G. BROCK: We need to get the answers to you. I could take that on notice but we do not want to do that. The $15 million per annum from the Regional Development Fund is fully committed for the 2014-15 and 2015-16 financial years. In addition, I brought forward round 3 of the RDF to ensure that the 2016-17 funding was committed to projects before the end of the 2015-16 financial year, to be invested in our regions without delay. All projects that have been approved are or will be the subject of formal funding deeds. We need to have that. The total actual expenditure for 2015-16 against RDF commitments was $17.6 million.

Mr GRIFFITHS: I appreciate the information from the minister. That is total expenditure, that is, dollars that have gone out, but what are the committed dollars, including the sum that had been granted to various recipients, but the transfer of the funds has not yet occurred in the 2015-16 year for which it was granted?

The Hon. G.G. BROCK: $33 million in grants were awarded in rounds 1 and 2 of the RDF, supporting 61 projects worth a combined $5.6 billion to the state's economy and leading to the creation of more than 900 new, ongoing full-time equivalent jobs. Eighteen applicants have accepted grants of offer under RDF round 3. Their projects will create around 420 new ongoing full-time equivalent jobs and generate more than $139 million of direct investment.

Several projects have already been announced, and I look forward to further announcements of successful projects in the next few weeks. This shows that there is confidence in our regions and businesses out there are ready and willing to invest. One of our aims is to create new opportunities and advance our regional communities and economies.

Mr VAN HOLST PELLEKAAN: Thank you, minister, and I agree with the importance of providing money to regional areas. What the member for Goyder and I are trying to understand is this: you have a budgeted amount, then you have a committed amount, but then you actually have a paid out amount. Of the money that you just gave us that is committed to programs, how much has actually been delivered, and how much is still actually outstanding, still to be paid out of those commitments?

Members interjecting:

The CHAIR: Can you put it on record so that Hansard can hear it, maybe, and explain it?

The Hon. G.G. BROCK: I was asking the member if he is talking about the first two rounds, and I just reaffirmed with the member.

Mr VAN HOLST PELLEKAAN: What I am asking about is that there are actually three rounds. Of any money that has been committed, how much of that in each round has been actually paid and how much of that is outstanding, still to pay?

The Hon. G.G. BROCK: That is a lot of information and we want to give you the right answer. We will take that on notice and get back to you as soon as we can.

Mr VAN HOLST PELLEKAAN: Thank you, minister, I appreciate that. Are there any grants that have been committed that the minister has any concerns about that will not actually be delivered? For example, if an application has been put in, a grant has been made and then the company changes its mind, pulls out or does not fulfil the conditions in any way.

The Hon. G.G. BROCK: Grant funding is offered to the successful applicant on a number of conditions, including that the project is completed at the same scale of investment and that the same job outcomes, as stated in the application, are achieved. Despite the best efforts of the successful applicant and the comprehensive due diligence process by the government, circumstances can and sometimes may change.

For example, a company or organisation may change the direction of their project, be unable to meet their co-investment contribution or face a sudden industry downturn that affects the demand for their product or service. These factors may lead to an organisation withdrawing from or not accepting an offer of grant funding.

While it is disappointing when projects are not able to proceed as planned, I respect that commercial decisions need to be made. Any funding that has been offered to a withdrawn project is reinvested in the Regional Development Fund, and I reinforce that the payments are made at the milestones being achieved.

Mr VAN HOLST PELLEKAAN: I understand those principles. Are there any projects or any grants that you fear will not be fulfilled and that money might be returned for any number of reasons?

The Hon. G.G. BROCK: Not to my knowledge, at this stage.

Mr VAN HOLST PELLEKAAN: With regard to the $7 million from the Regional Development Fund that was transferred to the Whyalla interest-free loan scheme, how much of that money has been actually loaned out? Do you believe that the balance will be loaned out and, if you do not think that it is all necessary, what is your estimate of how much of the balance will be loaned out and when those loans will be repaid?

The Hon. G.G. BROCK: That money was transferred to the Treasurer, and those questions should be asked of the Treasurer or the Small Business Commissioner. They are facilitating that on behalf of the $7 million I took across.

Mr VAN HOLST PELLEKAAN: When will the RDF get the full $7 million repaid from the Treasurer?

The Hon. G.G. BROCK: When Arrium went into administration, there was a lot of uncertainty in Whyalla, and small businesses there had an issue, having cash flow problems, going forward. We were able to facilitate that quickly by transferring money from the Regional Development Fund across into Treasury and allowing those small businesses to take an interest-free loan to be able to keep the cash flow going on there. By doing that, we secured those small businesses to be able to continue trading with Arrium under administration. By working this way, we also saved the potential loss of hundreds of jobs in the Whyalla region.

Mr VAN HOLST PELLEKAAN: I am happy to be on record to say that I support the government running that program. What my question is about, though, is that $7 million of money, which was going to be granted to appropriate regional development programs, has been transferred to the Treasury so that the Treasury could then lend that money to businesses in Whyalla for very good reasons.

Essentially, money that was going to be given to regional South Australia is now being lent to South Australia. I have no concerns with that as long as that money comes back from the Treasury and back into the Regional Development Fund. I understand that you do not administer that money, that you have handed it over to the Treasurer. When will you get it back from the Treasurer so that it can be used for its original purpose?

The Hon. G.G. BROCK: I would hope that the member is not implying that, by allocating this money across to Whyalla, it is not part of the regional locations in South Australia. The inference I took from that was that Whyalla may have transferred this money over to protect those jobs and those small businesses to allow them to continue. Your question to me was about getting that money

back for regional opportunities. I believe that we have done that. Those jobs could have gone, I understand that. By doing that, we have secured and saved hundreds of jobs in Whyalla and, irrespective, it comes from the RDF. It has been utilised for job opportunities and retaining jobs.

Mr VAN HOLST PELLEKAAN: As I said before, I fully support that. What I want to know is: when does the money come back from Treasury into the Regional Development Fund? Is the agreement that you have with the Treasurer, 'Yes, here's the money from the regional development bucket into the Treasury. Transfer it back in one year, transfer it back in two years, potentially transfer it back when the money is repaid by the businesses.'?

I do not question that it was used for a good purpose, but what I want to know is: when is it going to go back to the original purpose—after the money is repaid by the recipients of the loans from the Treasury? What agreement did you enter into with the Treasurer to make sure that the regional development money came back to you so that it could be used for the interest-free loans but that, when those loans were repaid, it would come back for the original purpose? That is what I want to know.

The Hon. G.G. BROCK: I reinforce what I said a minute ago: irrespective of where the money comes from, it is money that has gone across for opportunities in regional South Australia into Whyalla to assist those businesses—no matter where it comes from. The issue was that we put that money across there and, if I go a bit further, I asked the commonwealth to match my money and they did not do that. However, no matter which bucket it comes out of, it is saving those hundreds of jobs in Whyalla and the surrounding regions and keeping up the prosperity of those Whyalla businesses, making certain they have health and wellbeing.

Mr VAN HOLST PELLEKAAN: Certainly, I support that, minister—for the third time, I support that. Let's just say you transferred $7 million from RDF into Treasury, Treasury lent $7 million to the businesses of Whyalla for all those really good reasons and then those businesses paid it all back to the Treasurer. Do you get your $7 million back so that the money can be used twice? That is what I am getting at. I am not questioning the interest-free loans—those are fantastic.

If those people pay it all back to the Treasurer and you do not get it back into the Regional Development Fund, then the regions have missed out on an opportunity to use the money twice: once to lend it and have it paid back, and then once for it to go back where it came from and be used for grants. Is there any agreement like that at all between you and the Treasurer to make sure that you get the money back?

The Hon. G.G. BROCK: I think I have answered the question. If you remember back in round 2, I got another six point something million dollars from the Treasurer to fulfil some of round 2. I think I have answered the question.

Mr GRIFFITHS: We will stop here. I think there is a bit of a difference on the emphasis of the question, so we will swap over to local government questions, minister. It is very frustrating to me to look through the Auditor-General's Report to try to find references to local government in the papers. I refer to Volume 3, page 553. Under DPTI, and Activity 4, Office of Local Government, the report states: 'The Office of Local Government provides policy and other advice to the Minister for Local Government.'

That is all I can find about the Office of Local Government in the Auditor-General's papers. As the Office of Local Government—and my long-term understanding of this was to provide support and advice for councils—I would have thought there would have been a reference to interaction with local government individually, regionally, via collections of councils and the Local Government Association. Why is it that this only talks about the office providing advice to the minister?

The Hon. G.G. BROCK: As the minister, I am responsible for the system of local government, as you are aware. The Office of Local Government (OLG) provides advice on the operation of the system to me as minister and, in doing so, the OLG can talk to individual councils.

Mr GRIFFITHS: Having been at regional meetings, I am aware of your staff's attendance at some of them. It is not that I think that they never get out of the city—I understand that occurs—but I was hoping for a more fulsome explanation of the relationship that exists between the Office of Local Government and local government and the minister, as part of those papers. You referred to

the traineeship positions that were announced in October and the $2 million that was allocated to that. My recollection is that you said 47 were to be created. Can you confirm that number?

The Hon. G.G. BROCK: From memory, for regional councils—and this is only for regional councils—the number of traineeships is 57, but I stand to be corrected.

Mr GRIFFITHS: We both have the number seven in it, so hopefully we will get the right answer. I support the effort that is being made and commend you for the second round for this to occur. In considering the contribution towards that—and I believe that $2 million was put into that—in your previous response to a question from the member for Stuart, you referred to dollar commitments and therefore the total spend for private investors also coming in and jobs created as part of that.

As part of the consideration of the effectiveness of this commitment of $2 million over two years, can I get the best bang for my buck by investing in this way? I like the idea that it has been put there. I think it is good to invest in the involvement of future generations of local government people. I am not going to argue with that, but was consideration given to another opportunity within local government to invest and get a good return also for the community at large?

The Hon. G.G. BROCK: To be quite frank, this is a regional development question, but I am happy to answer it; it is administered through the Local Government Association. The 57 positions have been created by councils taking that on board. Every time I have been out there to see these young people, I see the joy on their faces because they have a full-time job in their own area. To answer your question, I believe that this is the best bang for those dollars for this particular project, bearing in mind that I am still to decide how I will allocate the rest of the Regional Development Fund.

Mr GRIFFITHS: I appreciate the minister answering questions that are slightly out of his portfolio area, but I just wanted to get that on the record. Part of the ministerial responsibility that rests with you as the Minister for Local Government relates to the Local Government Research and Development Scheme. My understanding is that the legislation controlling that requires that you, as the minister, are advised of recommendations on the expenditure within that program. I would like to confirm that that actually occurs.

The Hon. G.G. BROCK: I am advised that the Local Government R&D Scheme comes under the Local Government Finance Authority Act, which is administered by the Minister for Finance.

Mr GRIFFITHS: I am looking at the Local Government Finance Authority Act 1983, section 31A—Tax equivalents, subsection (4) where it provides:

> Amounts held under subsection (2), together with interest accrued under subsection (3), will be applied for local government development purposes recommended by the LGA and agreed to by the Minister in accordance with principles agreed between the Minister and the LGA.

You are talking about the Minister for Finance, are you?

The Hon. G.G. BROCK: Yes, that is correct.

Mr GRIFFITHS: Can I clarify then about the staff member who represents the minister on that? Is that a staff member of the Minister for Finance or a staff member of the Minister for Local Government?

The Hon. G.G. BROCK: I am advised that the Department of Treasury and Finance, through the Minister for Finance, is very at ease with the Office of Local Government being able to give advice and work through the process. Certainly, it comes under the Minister for Finance.

Mr GRIFFITHS: To clarify, I recognise that Ms Hart is an ex-officio member and is defined as being Manager, Office of Local Government; therefore, I presume that Ms Hart reports back to the Minister for Finance but does Ms Hart also report or provide a CC to you some of the relationships and decision-making of the Local Government R&D Scheme?

The Hon. G.G. BROCK: The Minister for Finance is responsible for these questions. I recommend that the member direct those questions to the Minister for Finance.

The CHAIR: The time having expired for the examination of this portion of the Auditor-General's Report, we thank the minister and his advisers for making themselves available. We thank the members for Goyder and Stuart for their questions.

Progress reported; committee to sit again.

Bills

ADOPTION (REVIEW) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 4.

The Hon. A. PICCOLO: In relation to the issue of information regarding the child's birth details, etc., I would like to clarify something. Could the minister, for my benefit, explain further what information would be available in terms of the birth certificate and any future notation which may be available to the adoptee? I understand that the original information of the child, and to the extent known the biological parents of the child, will be recorded in Births, Deaths and Marriages. In terms of an adoption, there is a capacity to then have some notations and some additional information. My question is: what information would be available to the adoptee, both of the adopted parents and the birth parents?

The Hon. S.E. Close interjecting:

The Hon. A. PICCOLO: Yes, that is right.

The Hon. S.E. CLOSE: Help me if I am not answering the question sufficiently, because we are just working out exactly the different scenarios. When a veto comes to an end, the person who is seeking the information who has been prevented, because of the placement of the veto, is then given information that is sufficient to be identifying of the other party.

It is the information that was held by the department at the point of adoption. We do not seek to find, if we have recent contact and addresses, and so on. It is simply allowing for the information that was captured at the point of adoption to be made available to the other party, which is usually not much more than a name.

The Hon. A. PICCOLO: If I could clarify, the information available to the person once the veto is lifted, for want of a better word, would be that the person would obviously have their adopted name but would also have access to their original biological name if known?

The Hon. S.E. CLOSE: Yes, that is exactly right.

Clause passed.

Clause 5.

The Hon. T.R. KENYON: I move:

Amendment No 1 [Kenyon–2]—

Page 5, lines 12 to 14 (inclusive) [clause 5(6), definition of *qualifying relationship*]—

Delete the definition of *qualifying relationship* and substitute:

qualifying relationship means the relationship between 2 persons who are living together in a union that is recognised as a marriage under the *Marriage Act 1961* of the Commonwealth or as *de facto* husband and wife;

The effect of my first amendment is to make the qualifying relationship conform to the federal Marriage Act. Because it mentions the act rather than the arrangements within the act, if the act changes at some point in the future, this will automatically change as well. It incorporates de facto husband and wife. For the moment, under the act it means that adoption will be limited to a man and a woman under the Marriage Act. Of course, if that changes, that will change, but for the moment it will mean a man and a woman.

It goes back to the original point I made in my second reading speech: it is my belief that a child deserves to have access to a father and a mother and that that is the ideal environment for them to grow up in, when a father and mother are living together and love each other and are married, ideally. It holds true to that position that I have. It is sufficiently flexible so that, if things change federally, it will change with it. I also say once again to the committee and to the minister that, in the event that policy within the department changes so as to see so many children needing adoption that the numbers of heterosexual couples seeking to adopt are overwhelmed, then I would be more than happy to come back and revisit the clause.

The Hon. S.E. CLOSE: I would like to express my lack of support for this amendment. I accept that it has been moved in good spirit and with good intentions, but I believe very firmly—and I speak now as a member of parliament rather than as the minister on this conscience matter—that we have now reached an understanding that the sexuality of a couple, the gender composition of a couple, is no signifier at all of their competence as a parent.

What we are seeking is to have the best possible parents available. We have very strong restrictions and criteria for assessing that which already exist, and they should be sufficient. The idea of preventing people from being considered for adoption simply by virtue of being two women rather than a woman and man is something that we now need to leave behind. I note that all other states have taken this step now. In my opinion, it is time for South Australia also to accept that discrimination on the basis of sexuality is not justified in the quality of the parenting the children will experience, and that is what matters.

Mr PEDERICK: I support this amendment by the member for Newland, where he talks about deleting the definition of 'qualifying relationship' and substituting:

qualifying relationship means the relationship between 2 persons who are living together in a union that is recognised as a marriage under the Marriage Act 1961 of the Commonwealth or as de facto husband and wife;

The corresponding line in the current Adoption Act 1988 states:

marriage relationship means the relationship between two persons cohabiting as husband and wife or de facto husband and wife;

Essentially, the member for Newland is bringing it back, almost word for word, to what is in the original act. I support that, and I supported this kind of amendment in my contribution, especially since we are certainly not run off our feet with children available for adoption for married couples or de facto couples. I think part of this bill does give false hope to others. With those few words, I support the member for Newland's amendment.

Ms SANDERSON: I am seeking clarification. I believe that there are two conscience votes in section 12, one being on same-sex couples adopting and one being on single person adoption. If the definition of 'qualifying relationship' changes, then we do not get to have our conscience vote on same-sex couples adopting; however, it looks as though a single person would still be okay under that section.

The Hon. S.E. CLOSE: I can offer clarification, and if parliamentary counsel needs to tackle me and correct me please do so. There are two elements to the conscience vote. There is one on whether or not a qualifying relationship encompasses a same-sex couple. At present, the act has a 'marriage relationship', and it specifically refers to that being either a formal marriage or a de facto relationship between a man and a woman. What we have done in this bill is say that there is a new term: it is not a marriage relationship, it is a qualifying relationship. That means that you qualify to be considered for being an adoptive parent.

To be in a qualifying relationship, the bill has a definition that states that it does not matter whether you are two women, two men, or a man and a woman. That is not germane, so it is irrespective of their sex or gender identity. Should anyone wish to vote against same-sex couples being considered, it needs to be at the point where we define the qualifying relationship, which is where the member for Newland has made his amendment.

When we get to section 12, this is one that enables us to have a single person be considered for adoption. There are two circumstances; one is that the person may be adopting as a single person but in fact be in a relationship with the parent of the child. That is one mechanism. They might be a

biological parent, they might be an adoptive parent, but the other person in that relationship—in a qualifying relationship, which will be either a man and a woman if the member for Newland's vote gets up, or it will be any of the three combinations if the definition in the current bill gets up—would be able to adopt.

Subsidiary to that, and where the member for Newland will have another amendment, is the idea that someone who is simply single would be able to be considered to be an adoptive parent. We can discuss that more when we get to section 12. However, to explain, section 12 is about single person adoption in the two forms and the current place is where we need to make a decision as a parliament about whether to be in a qualifying relationship, to be considered as a couple to adopt, it matters whether it is two women, two men or a man and woman.

Ms SANDERSON: As one further clarification, if a single person can adopt without being in a qualifying relationship—because you have specified that in section 12—why can we not change the definition of a qualifying relationship to be in keeping with the federal act, yet in the same way that you have added in a single person, who is clearly not in a qualifying relationship, having the ability to adopt, why could a same-sex couple not be added into that section, therefore pleasing the member for Newland's want for a 'qualifying relationship' to have the same definition and pleasing your want to have same-sex people treated separately?

The Hon. S.E. CLOSE: First of all, a couple is a couple and cannot be treated as a single person. If we are to confuse it slightly, to be talking about section 12, if you are perhaps proposing that a single person adopts a child—which they can do presently under certain circumstances such as a child with severe disabilities—then that person may in fact be a gay woman.

You are suggesting that their partner could then be able to adopt that child also, but only if their relationship fits a qualifying relationship; therefore, this is the point at which we as a parliament must make that decision. It is if there is a couple involved and both are to be the adoptive parents, not one of them but both, then we make this decision now about whether it matters if they are two men, two women or a man and a woman. With great respect, we will continue to have the discussion but I think that vote's time has come.

Ms SANDERSON: I just want to be clear. A same-sex couple still could, with this amendment, adopt but only one of their names could be on the adoption papers.

The Hon. S.E. CLOSE: Yes, there are two elements to that. Only one of them would actually be the legal parent, so if they died then the child would not have a parent unless they were able to trace biological background. Also, we have an amendment before us that would deny a single person the right to adopt unless it was under those current special circumstances, so there is no comfort for people who would like to see a loophole around given that we are discussing both, and having not voted on that we do not know what the circumstances will be. That is why I say that now is the time that we stand up and make that decision.

The CHAIR: So that members are clear, we are looking at schedule 5, amendment No. 1 in the name of the member for Newland.

The Hon. T.R. KENYON: To clarify, I am not attempting to make any comparison about ability relating to the gender and parenting. I agree with what the minister said, that gender is not a measure of ability to parent; rather, it is what is in the best interests of the child in terms of the best possible environment for them and a right for them to have a mother and a father. That is the intent of this, and I will not add anything else to that.

The committee divided on the amendment:

Ayes 16
Noes..... 27
Majority..... 11

AYES

Atkinson, M.J.	Goldsworthy, R.M.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Kenyon, T.R. (teller)	Koutsantonis, A.
Pederick, A.S.	Pengilly, M.R.	Rau, J.R.

AYES

Snelling, J.J.	Speirs, D.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Vlahos, L.A.
Williams, M.R.		

NOES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P. (teller)	Chapman, V.A.
Close, S.E.	Cook, N.F.	Duluk, S.
Gardner, J.A.W.	Gee, J.P.	Hildyard, K.
Hughes, E.J.	Key, S.W.	Knoll, S.K.
Marshall, S.S.	McFetridge, D.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Pisoni, D.G.
Rankine, J.M.	Redmond, I.M.	Sanderson, R.
Weatherill, J.W.	Wingard, C.	Wortley, D.

Amendment thus negatived.

Sitting suspended from 17:59 to 19:31.

Ms SANDERSON: I am withdrawing my amendments due to a further amendment by government.

Clause passed.

Clauses 6 to 11 passed.

Clause 12.

The Hon. T.R. KENYON: I move:

Amendment No 2 [Kenyon–2]—

Page 8, lines 28 to 33 (inclusive) [clause 12(2), inserted subsection (3)(b)]—

Delete paragraph (b) and substitute:

(b) the person is not in a qualifying relationship and the Court is satisfied that there are special circumstances justifying the making of the order.

The amendment makes some changes to remove the automatic right to be considered for single parents, but it does allow a court, or 'the' court in this case, flexibility in the case that it needs, in special circumstances, to make an order for adoption. It allows the court some flexibility but knocks out that automatic right.

My logic is exactly the same: I think that the child has a right to a mother and a father, two parents, and that that is the best possible environment. It is exactly the same logic as my first amendment and extends it to these provisions. With that, I encourage the committee to support the amendment.

The Hon. S.E. CLOSE: I speak against the amendment. In speaking against it, however, I am acknowledging with gratitude that the member for Newland has restricted his opposition to only effectively altering clause 12(2)(b)(i) and therefore has left alone the other conditions under which a person might adopt singly, that being either that they are in a relationship with the parent of the child the person singly is adopting and that in other circumstances a court might regard there being sufficient special circumstances to justify a single person adopting, as is the case currently, and there are many children who are very fortunate to be in a loving home as a result.

However, despite acknowledging that, I would prefer that the committee vote in favour of single person adoption, and I will certainly be voting in favour. The reason I will be voting in favour is that what this bill is all about and what the act is all about is the quality of the experience for the child.

If we artificially restrict who may be considered, as opposed to the criteria for their quality as parents, then we risk missing opportunities for people to provide loving and nurturing homes for children.

While the member for Hammond has frequently pointed quite rightly to the fact that very few in-country adoptions occur, nonetheless this bill is the place in which we establish the settings for the quality of an adoptive system. In my view, the lack of a relationship for a person who is genuinely dedicated to being an adoptive parent ought not in itself count them out. The criteria that are listed are clearly articulated, clearly constructed, to make sure that other elements are taken into consideration, including the capability of the person and their networks to provide a loving and supportive environment for the child and that they have sufficient material comfort to do so.

I urge the parliament to support the existing bill and, in doing so, I thank the member for Newland for offering his amendment in a respectful manner.

Mr PEDERICK: Can the minister explain the current clause 12(2)(b)(i), which provides:

(b) the person is not in a qualifying relationship and—

(i) has not been in a qualifying relationship for at least the prescribed period before the making of the order;

I am intrigued to know, if there is going to be single-parent adoption, what the prescribed period would be and why that is relevant as part of the bill.

The Hon. S.E. CLOSE: That is a very reasonable question and one I also asked when Lorna Hallahan presented her report and we started to construct the bill. The point at the heart of this is the idea of stability for the child. On the one hand, when you are talking about a qualifying couple, a couple in a qualifying relationship, you want to know that they have been together for some period of time, and that therefore there is a reasonable expectation that they will stay together, and therefore that the two parents are known quantities and that they will not disappear.

When you are talking about a single person, similarly the desire is to have someone who is in a stable lifestyle. The idea of the qualifying period being the same is that you are not talking about someone who may have had some relationships, they have been unsuccessful for whatever reason, and they may not have resulted in children, and that person then decides that in the next few months they would like to adopt a child. The idea is that they ought to have a settled pattern of existence. Those two experiences are not entirely equal. I can understand why people ask why they should have to demonstrate that they are committed to a single lifestyle, but the idea that sits behind it is a recognition of the importance of predictability and stability.

For that reason, we have captured the same length of time for being in a couple relationship, where both parents adopt, and being in a single lifestyle, where you are not likely to have or you have not had a partner with whom to have a child and therefore it is only you who is being assessed, and the quality of the relationships networks and other provisions that you are able to make for the child are known quantities. That said, in both cases anything can change almost immediately, but the idea is that at the point of time of considering adoption one is making the most reasonable assessment possible about the quality of that life and what it is likely to be like.

Mr PEDERICK: Minister, as I think you have indicated, you obviously cannot control if a single person suddenly starts a relationship a week or two after adopting a child, and the same if a married couple, a de facto couple or a qualifying couple split?

Mr PICTON: I want to add a brief comment to support the member for Newland's amendment in this section. I certainly understand where the minister is coming from. These are difficult areas to try to define and draft in legislation, although I did think that what was originally drafted there was probably, to put it mildly, a bit clunky, and certainly now having some personal experience having two loving parents is certainly an advantage.

While there is a huge number of fantastic single parents, when it comes to an adoption and something that the state is sanctioning there should be some preference for two people in a loving relationship to look after a child, although bearing in mind there will be a number of circumstances in which it would be sensible to have a single person. I think the member for Newland's amendment gives scope for the court to look at the particular circumstances that would apply in that matter. It might be a particular family member, such as an uncle or aunty, for example, who might be the best

placed person to look after that child. So, in summary, I support the member for Newland's amendment.

Ms SANDERSON: I want to put on the record the feedback I have had to my office. As to as a single person, a lot of people questioned why it would be five years, but I understand that is the requirement for a married, de facto or same sex couple, should that go through as it has in this bill, so that was the reason. Perhaps the five years could be reconsidered for everybody to make it fairer.

I note that foster carers can be single people, and the minister also mentioned that adoption was considered for single people when it involved a disabled child, which you would think would be the most difficult child to raise by yourself, so clearly we believe a single person has the capacity to raise a child. It would make no sense for them not to be able to adopt a child in any circumstances. My parents separated before I was one, so in effect I was raised by a single parent, so I do not see any problem with it at all. I go against this amendment and commend the bill as it stands.

Mr GRIFFITHS: Can I ask a question of the member for Newland? In flagging it, I support the intent of the amendment, but I am asking for some definition on what is meant by 'special circumstances'. Is there any form of precedence that can give some guidance on what that might be?

The Hon. T.R. KENYON: There is current case law. It is essentially the status quo, and there is current case law they could fall back on that would allow a court to determine what are appropriate circumstances, but there is no definition in either this bill or the current bill that would specify that in any particular place.

Mr PEDERICK: To the member for Newland: you are saying that instead of having a prescribed period, people have to go through an application to the court for your amendment to operate?

The Hon. T.R. KENYON: That is correct, and that is as it stands currently, so the status quo is being maintained.

The committee divided on the amendment:

Ayes 22
Noes 21
Majority 1

AYES

Atkinson, M.J.	Duluk, S.	Goldsworthy, R.M.
Griffiths, S.P.	Hamilton-Smith, M.L.J.	Kenyon, T.R. (teller)
Knoll, S.K.	Koutsantonis, A.	Mullighan, S.C.
Odenwalder, L.K.	Pederick, A.S.	Pengilly, M.R.
Piccolo, A.	Picton, C.J.	Rau, J.R.
Snelling, J.J.	Speirs, D.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Vlahos, L.A.
Williams, M.R.		

NOES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P. (teller)	Chapman, V.A.
Close, S.E.	Cook, N.F.	Gardner, J.A.W.
Gee, J.P.	Hildyard, K.	Hughes, E.J.
Key, S.W.	Marshall, S.S.	McFetridge, D.
Pisoni, D.G.	Rankine, J.M.	Sanderson, R.
Weatherill, J.W.	Wingard, C.	Wortley, D.

Amendment thus carried.

Mr PEDERICK: I can be corrected, but I believe that this is where it brings in same-sex adoption, which is clause 12(1)(b), which states:

…they are in a qualifying relationship and the Court is satisfied that there are special circumstances justifying the making of the order.

Could the minister explain the bit I just read out?

The Hon. S.E. CLOSE: As I attempted to explain earlier, when the member for Adelaide was asking a similar question about whether section 12 refers to same-sex and this was a point at which one could vote against it, no, it does not. The vote is on the definition of what a qualifying relationship is. We have had that vote and at this point in the committee a qualifying relationship is irrespective of sex or gender of the partners in that relationship.

This part refers only to how a qualifying relationship is then acted upon. The main import of it is that although a qualifying relationship, i.e. two people, is the foundation for adoption, there are also circumstances where only one person might be considered to adopt. The definition of 'qualifying relationship' passed just before dinner. That is what the qualifying relationship is. This only says that the couple have to have been in that relationship and living together continuously, as opposed to dating from, say, a time of marriage.

It is the next section that then gets into exceptions where you might consider having one person being allowed to adopt. Most of it, in terms of the number of words, refers to how, if you are still in a qualifying relationship but the other person is already the parent, you as the person who is not the parent can singly adopt.

In the clause that we are debating at present, and we have in fact settled that through the vote that has just occurred, the proposition had been that you could be as a single person for the same period as a qualifying relationship requires and be allowed to adopt. We have decided not to do that, but we have allowed the court to consider special circumstances. Overturning all of clause 12 would not achieve preventing same-sex adoption.

Clause as amended passed.

Clause 13.

The Hon. S.E. CLOSE: I move:

Amendment No 1 [EduChilDev–1]—

Page 9, after line 36 [clause 13, inserted section 14(6)]—After paragraph (d) insert:

and

(e) any changes to be made by the Registrar to the entry in the register of births relating to the person.

I think I explained this sufficiently at the close of the second reading.

Amendment carried.

The Hon. S.E. CLOSE: I move:

Amendment No 2 [EduChilDev–1]—

Page 10, after line 5 [clause 13, inserted section 14]—After subsection (8) insert:

(8a) In addition, nothing in subsection (7) affects the right of an adopted person in respect of whom a discharge order has been made to obtain information in accordance with Part 2A (as if the person were an adopted person).

Amendment carried; clause as amended passed.

Clauses 14 to 18 passed.

Clause 19.

The Hon. S.E. CLOSE: I move:

Amendment No 3 [EduChilDev–1]—

Page 12, after line 40—Insert:

or

(c) in the case of information relating to a person adopted before 17 August 1989—not be in the best interests of the adopted person, taking into account the rights and welfare of the adopted person and any other prescribed matter.

I would like to briefly commend the member for Adelaide for ensuring that we are, between the two amendments which have now resulted in this amendment being considered by the house, really making sure that the welfare and interests of people who were adopted prior to open adoption are protected through this phase-out of the veto by providing the chief executive with the discretion to withhold that additional information in the event that might compromise the rights and welfare of that adopted person. I note, from when the member for Adelaide spoke earlier, that what this particularly pertains to is that the child who was adopted had no legal role in the adoption in the first place and therefore requires special consideration as the circumstances alter.

Ms SANDERSON: I thank the minister for bringing this amendment through. Whilst this is not exactly what I had intended—my amendments would have allowed every child, now adult, who was an adoptee the right of veto—this seems to account for those who perhaps are most aggrieved by the change in process, and I believe there will be counselling and people available to them over the next five years to get the support they need.

I have one question: if the CE determined that the information should be released, even though the adoptee was adamant that they did not want it released and in their mind it would have a negative effect on their life, is there any board or a right of appeal or somewhere they can go if they do not get what they are hoping for?

The Hon. S.E. CLOSE: If I may forestall that, the member for Light had a very similar question and has asked me to think carefully about whether there is an appeal mechanism that is not as expensive as going to the court. What I have agreed with the member for Light, and am happy to convey to the chamber, is that as the bill passes between the houses I will sit down with the Attorney-General and work out if there is an appeal mechanism that makes sense, then we will see how that is resolved in the Legislative Council. I understand the intent of the question and will see if there is a practical mechanism.

Amendment carried; clause as amended passed.

Clauses 20 to 29 passed.

Clause 30.

The Hon. S.E. CLOSE: I move:

Amendment No 1 [EduChilDev–2]—

Page 15, after line 17 [clause 30, inserted section 40A]—Insert:

(3) If the Chief Executive informs—

(a) the birth parents of an adopted person of the adopted person's death; or

(b) an adopted person of the death of a birth parent of the adopted person,

the fact that a direction lodged under section 27B by the deceased adopted person or birth parent (as the case may be) was in effect at the time of death does not prevent the Chief Executive from—

(c) in the case of a deceased adopted person—disclosing to the birth parents information in the Chief Executive's possession relating to the adopted person; or

(d) in the case of a deceased birth parent—disclosing to the adopted person information in the Chief Executive's possession relating to the birth parent.

I believe this was explained sufficiently at the end of the second reading.

Ms SANDERSON: I would like to make a comment. I believe that this amendment was one that we had discussed. I had many people who were concerned that, with the amended bill, they might not be notified on the death of a parent or the death of a child, and I believe that the intent of this is to notify them rather than waiting the five years for the end of the veto.

The Hon. S.E. CLOSE: Correct, and I am happy to acknowledge the role that the member for Adelaide has played in ensuring that this amendment reached the chamber.

Amendment carried; clause as amended passed.

Remaining clauses (31 and 32) and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (19:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. T.R. KENYON (Newland) (20:00): I move:

That standing orders be so far suspended as to allow debate on the Death with Dignity Bill to be undertaken.

The DEPUTY SPEAKER: An absolute majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Bills

DEATH WITH DIGNITY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

Mr PEDERICK (Hammond) (20:02): I rise to speak to the Death with Dignity Bill 2016. It may come as no surprise that I will not be supporting the bill, which is a consistent stand I have taken for the whole time I have been in this place in regard to so-called voluntary euthanasia. I note that this bill is, I think, the 15th attempt in this parliament to legalise voluntary euthanasia, and I am a bit—

Members interjecting:

The DEPUTY SPEAKER: Order! There is too much noise in this chamber. I cannot hear the member for Hammond.

Mr PEDERICK: Thank you for your protection, Deputy Speaker.

The DEPUTY SPEAKER: I will always protect you, member for Hammond.

Mr PEDERICK: Thank you. What concerns me is that there have been so many attempts, yet the proponents of voluntary euthanasia do not seem to get it anywhere near right. I still do not think we are there by any manner of means and I will not be supporting the bill. I want to talk about some correspondence received from FamilyVoice Australia in relation to the bill, talking about what they believe are serious flaws in the Death with Dignity Bill 2016.

When the member for Morphett introduced this bill, he said that it had all the safeguards that he observed were missing from the member for Ashford's Voluntary Euthanasia Bill 2016. However, an examination of the bill reveals that it lacks very important safeguards. If passed, it would open the

door to serious abuse of vulnerable people, who deserve protection. Some of the bill's flaws are outlined below, and I am quoting from a letter from FamilyVoice Australia:

Since most are fundamental parts of the legislation, the Bill cannot be improved by amendment during the committee stage. It should be rejected on principle at the second reading.

In regard to clause 8—No offence to provide information etc about voluntary euthanasia:

Despite section 13A of the Criminal Law Consolidation Act 1935, or any other Act or law, a person incurs no criminal or civil liability merely by providing or publishing information relating to voluntary euthanasia; or selling or supplying material or equipment (not being a drug) that is, or is to be, used for a purpose relating to voluntary euthanasia.

Note

Section 13A of the Criminal Law Consolidation Act 1935 makes it an offence to aid, abet or counsel the suicide or attempted suicide of another.

This clause would legalise 'workshops' (such as those conducted by Dr Philip Nitschke) advising people of any age about methods they can use to commit suicide (that is, 'self-administer voluntary euthanasia' in the words of Division 3 of the Bill). Clause 8 would also legalise the sale of canisters of lethal gas and other equipment for suicidal purposes. None of the alleged safeguards in the Bill (such as the requirement that the person be of sound mind and have a terminal illness) would apply to people attending such events or buying such equipment. This clause has the potential to facilitate the suicide of temporarily depressed young people or others who are similarly vulnerable.

Section 9 Who may make a request for voluntary euthanasia

(4) (d) the question of whether a person's suffering is intolerable—

(i) is to be determined subjectively and need not meet an objective standard; and

(ii) cannot be challenged or questioned in any proceedings seeking to prevent or delay the administration of voluntary euthanasia to the person;

Since the person's claim to be suffering intolerably from an illness or treatment cannot be challenged, the bill is effectively endorsing suicide, and the 'intolerable' requirement is meaningless.

Section 9(4)(e)

in determining whether a person's death has become inevitable, it is not necessary to establish that the death is imminent nor that it will occur within a particular period.

A person could have a terminal illness such as heart disease that could kill them years down the track, but could seek euthanasia immediately if he or she subjectively claims to be suffering intolerably.

Section 11 Preliminary examination and assessment by medical practitioner

(2) If the medical practitioner reasonably suspects that—

(a) the person is not of sound mind; or

(b) the decision making ability of the person is adversely affected by their state of mind; or

(c) the person is acting under any form of duress, inducement or undue influence (including that due solely to a perception or mistake on the part of the person) in relation to their wish to request voluntary euthanasia,

the medical practitioner must refer the person to a psychiatrist for examination and assessment in accordance with section 13.

Psychiatrists are not necessarily competent to detect whether a person is adversely affected by their state of mind or acting under duress: GPs even less so. Dr David Kissane, Professor of Psychiatry at Monash University, said in a letter to SA MPs, dated 26/10/16:

'A psychiatric gate-keeping role within legislation for euthanasia does not work effectively. For example, the ROTI legislation in Darwin failed in this regard. I studied Dr Phillip Nitschke's medical records with his permission, tape-recorded research interviews with him, and reviewed the files held by the NT Coroner's Court. Together, we published these case reports in the Lancet in 1998. Pain control and symptom management was poor. Clinical depression was ignored by some psychiatrists reviewing these patients. One patient on low doses of antidepressants did not have this increased or the medication changed. These clinicians did not have the subspecialty skills within psychiatry to recognise and intervene with these patients and their families.'

Section 16 Self-administration of voluntary euthanasia:

(2) A person self-administering voluntary euthanasia may be assisted by such other persons as he or she thinks fit.

This clause would allow an acquaintance, relative or heir of a person approved for voluntary euthanasia to administer a lethal dose to the person. But no one would know if the person had earlier orally revoked the euthanasia request. If the lethal dose was administered despite the revocation, the key witness would be dead. This clause could facilitate murder in some cases.

Section 21 Cause of death:

(1) For the purposes of the law of the State the death of a person resulting from the administration of voluntary euthanasia—

(a) will be taken to have been caused by the terminal medical condition from which the person was suffering (being the terminal medical condition referred to in section 9(2)(b)); and

(b) will be taken not to be suicide or homicide.

I think there are some real concerns, and the letter goes on. I am running out of time, but I want to talk about what has happened overseas where euthanasia has been legalised. In Belgium, in 2003, the number of people going through euthanasia was 235 and in 2015 it was 2,012; in the Netherlands, in 2008, it was 2,331 and in 2015 it was 5,516; in Switzerland, in 1998, it was 50 and in 2014 it was 836; in Oregon, in 1998, it was 16 and in 2015 it was 132; in Washington State, in 2009, it was 64 and in 2014 it was 170.

They are some of the reasons, but not all of the reasons. I have a swag of other correspondence from people concerned about this bill, this legislation. A family lost a son overseas when he accessed some of Dr Philip Nitschke's equipment and suicided because he was depressed. I have real concerns about this. I think we need to respect life, respect palliative care and what it does to help people during their latter time in life. Therefore, I will not be supporting the bill.

Mr KNOLL (Schubert) (20:13): I rise to give my thoughts on the Death with Dignity Bill 2016. I do not propose to go over the speech that I went through last time. I think everyone in this parliament, as well as everyone who watched the evening news that night, realised my views on this topic. But I do want to go a little bit more this time to the substance of the bill because I think that, for those people who are on the fence about this issue, there are a number of things that we should consider that I do not think have been discussed that widely in this debate.

We hear statistics from those who are proponents of voluntary euthanasia that somewhere upwards of 70 per cent of the population wants to see euthanasia enacted, and indeed the statistics around Christians wanting euthanasia to be debated. I felt that was something I should look into and test the veracity of those claims. Certainly, the Morgan Poll, which I think was conducted in 2007, and which many people cite, asks the following question:

If a hopelessly ill patient, experiencing unrelievable suffering, with absolutely no chance of recovering, asks for a lethal dose, should a doctor be allowed to give a lethal dose or not?

I can completely understand why over 70 per cent of people said yes when answering that question. If that was what this bill was actually seeking to do, there would be more support for it, but the truth is that it is not what we are being asked to consider. In essence, the real question should be something along these lines: do you support the ending of hopeless suffering for those with a terminal illness if, even with the best safeguards, it meant that some people would have their lives prematurely ended against their ultimate desire?

I think that is much more closely aligned with what we are actually dealing with today, and I will give a number of examples of people who have put exactly those propositions to us. If South Australians, Australians, or people all over the world were asked that question, they would come up with a vastly different response from the one to what I consider to be a pretty loaded question with some emotive language designed to get an outcome. First, I would like to go to a letter I think many of us received from the head of psychiatry at Monash University, Professor David Kissane. He makes the following points:

Many patients who seek to hasten their death have underdiagnosed psychiatric disorders such as clinical depression or adjustment disorders with demoralisation underpinning their suicidal thinking. These disorders often go unrecognised. Psychiatry has a major role to play in diagnosing and treating patients.

He then goes on to make the following statement:

In the care of depressed patients—those losing hope about their future, those struggling because of their medical illness to retain a sense of the meaning and the point of their lives, those contemplating the premature ending

of their lives, those who are existentially distressed and struggling to cope—the psychosocial clinician seeking to assess and treat such patients needs to be a source of hope to them, needs to inspire confidence that more can be done, that the suffering can be ameliorating and their distress assuaged.

He then talks about the levels of depression within patients with a terminal illness and essentially makes the argument that it may not actually be the terminal illness itself causing the intolerable suffering: it may be consequential psychological harm, which is something that we on the occupational safety, rehabilitation and compensation committee have had to contemplate.

There is a strong argument that, if we were able to treat the mental health issues that come as a result of having a terminal illness, once you take those mental health issues away it is not, indeed, the actual terminal illness itself that is causing people to seek the path of voluntary euthanasia. That is an extremely important point to make, that essentially we cannot give up on treating that which can be treated because it happens to be comorbidly expressed with a terminal illness and that we can treat and help those to see hope and meaning in their lives, even as they live with the prospect of their impending demise.

This, to me, was most acutely put forward by a group called Lives Worth Living that came to speak to us last time, a group of wheelchair-bound disabled people, most of whom have a terminal illness and most of whom are human rights activists who I do not think would normally align themselves with a conservative cause. They talk about the issues they have with this bill in the following way:

> We would prefer that the South Australian parliament addressed secondary comorbidity, barriers and lack of supports experienced by people with a disability, rather than provide a mechanism for suicide because of them. Instead of safeguards, we need to be talking about preconditions, like the precondition that half of us no longer live in poverty, have good access to medical treatment and palliative care, that we can have the care and support to live a good life.

That statement encapsulates for me everything about why we cannot enact this legislation and why it is actually not really about the safeguards in this bill: it is the preconditions that exist in our broader society for those who have a mental health condition, for those who have a disability; if those two groups of people also happen to have a terminal illness, then this would be something on the table for them that they may choose for themselves in the absence of that terminal illness wish—and, according to the Death with Dignity Bill, it does not have to be in the terminal phase of that terminal illness; it can be anywhere along the stage of that terminal illness.

With those two groups of people I can see extremely clearly a group of people who will choose this for themselves who would otherwise not have in different circumstances, and they are precisely the people that we, as this parliament, should protect. They are vulnerable and they need us to help and support them. In fact, they need us to do a better job with our healthcare system, with our legal system and with the way that we value life in all its different formats. They need us to be fixing those issues before we can seek to address this bill that is before us today.

The third letter that I want to read is one that we received from a Labor member of the Legislative Council in New South Wales, the Hon. Greg Donnelly, who headed up a report into elder abuse in New South Wales. He stated:

> I understand that the South Australian House of Assembly has been debating the Voluntary Euthanasia Bill 2016 and is about to commence the Dignity with Death Bill 2016. While I appreciate that the New South Wales report referred to above specifically relates to this state I believe the issue of the real vulnerability that the aged and infirm confront, sadly highlighted in our inquiry, is germane to your parliament's considerations.
>
> I would submit that it is, as demonstrated by the New South Wales inquiry, if immediate blood relatives can rationalise for themselves what is cruel and inhumane treatment of their own parents, it is not such a stretch to join the dots and see how such behaviour relates directly to the issues of euthanasia and assisted suicide.
>
> The vulnerability we heard about and observed was not manufactured or exaggerated. It was what it was, something we all sincerely hope we will never have to experience, particularly insofar as it involves family members claiming to be acting in their best interests.

The report itself goes on to detail incidents of financial abuse in many different formats in ways that we hope will not happen but sometimes do, including coercion, using money without consent, misusing power of attorney, forcing older people's signatures, misleading them, coercing older people to become guarantors, signing over wills and power of attorney, overcharging and not delivering services—a whole host of things.

Again, this is a third group of people who I believe are vulnerable and who are likely to be caught up in this legislation against their ultimate will. They may make the decision for themselves but that true choice may be taken away from them by those around them pushing them and funnelling them towards making this choice.

In the end, I want to plead with this parliament to think about the following: the reason this bill can never be good enough is that it is not about safeguards within the bill that is the issue, it is the actions of families, it is the actions of the medical profession, it is the actions or inactions of government that, in circumstances, will herd people towards this choice.

Until we deal with those issues in our community, until there are safeguards in the broader community for the elderly, and there is proper and appropriate treatment for those with a disability and those with a mental illness, we cannot enact this legislation because we will be pushing people towards this outcome. Only after we are able to deal with these issues should we deal with a piece of legislation such as this. I will be urging my colleagues, tonight and tomorrow, to be thinking about our most vulnerable when they come to make their decision on the second reading.

Mr GRIFFITHS (Goyder) (20:24): This is one of the more challenging months I have had in my life, I must admit. Like many others, I have been contacted by a large number of people and I have been respectful of that and have ensured that I made every effort to read what I have received and reply to those people. It has been very challenging in that seemingly, while driving, my mind has suddenly been drawn to the legislation and its impacts. While waiting to go to sleep, my mind is drawn to the legislation and the impacts of it. I have been reading annual reports and, suddenly, my mind is drawn to the legislation and the impacts of it.

I can have but a small appreciation of the efforts of many others who have been the proponents of this legislation, of the commitment they have made to it and the thought they have put into it. In previous legislative debates in this area, I have voted no. I confirm that I will vote no again but I will vote yes on the second reading. I made that commitment some weeks ago because, while I have a very strong belief in life and the preservation of life, I do believe that we as a community have moved forward to at least be in a position for the debate to occur.

While I hold a strong principle in being against it, I have told the member for Morphett that the detail contained in the legislation is actually very important to me. During one of the many briefings that I and others have attended, I was rather upset when one member who does not reside in this chamber but is from the other place said, 'It's the principle; it's not the detail.' For me, it is the detail and also the principle, and I think the detail is going to consume much of the time of this place tomorrow when we come to the committee stage.

I will put on the record that the contact that has come through to the electorate office at Goyder is about 65 per cent against the legislation. The personal contact I have had from people I have known for many years—which, I must admit, might reflect my own personality—is that they are very strongly against it and they have taken the opportunity to remind me many times that they are very strongly against it.

There is a division, somewhat, within my own family. I trust the advice of my family in many things that have happened to me in my life, and there is a split between what I hold and what many others in my family hold, but it is something I believe very strongly. I have listened intently to the information sessions I have been to. This morning, for example, I have listened intently to Mr Denton on FIVEaa radio recounting a story of a person from New South Wales, which I also heard him present in one of the briefings I attended. It is very hard to listen to that without being significantly moved in terms of the discussion we are having now and the impact it will have on people's lives.

I have spoken to a man who is slightly younger than me who, I know, has faith and holds a relatively senior lay position in his church. I expected him to be strongly against it but he was unsure. We talked about it for probably half an hour. That really interested me because I expected a completely different result from him. I think there is a vast number of people in our community who are actually engaged in this now to a degree that they might not have been before.

I have felt a lot of frustration and a lack of willingness to accept poll results that have been put to me by people who have contacted me casually about this who have read that the figures of people who support it were up to 80 per cent or thereabouts. I have asked what sort of questions

were posed to them and what their age profile was. To some degree, the position they held might reflect on their age profile.

As a younger person, you feel not necessarily that you are Superman but that ill health will not be with you into the future and therefore it is an issue you do not have to deal with, but many of us do indeed have to deal with ill health. I have listened to people who work in palliative care areas who talk about it in a positive sense and others who are completely opposed to it and believe that what they do has to be supported. I know that it takes significant resources of society to fund that, but I do believe that that too is one of our responsibilities.

I do want to be a significant player in the committee debate on this issue and I know there are many others in this chamber who will be too. Because my position is not to support the third reading, I have been asked by people who are not supportive of the legislation to vote against the second reading, but I have held firm to the position I formed close to two months ago when the Hon. Steph Key's legislation was being debated.

I must say that I was frustrated that the member for Morphett chose to introduce new legislation, and I have told him this. I believe that the parliament should have continued on the course of considering the member for Ashford's legislation. I know that there were 13 pages of amendments. I am for the process of considering amendments in line with what the legislation tabled actually presents. I am not challenged by that, so it frustrates me that others seem to be and that that was a reason for another set of legislation to be introduced.

I want to recount a couple of personal stories. Someone I have known for about 25 years is not overly well, but whenever we meet we have a good chat. He told me that he and his family were very strongly against voluntary euthanasia, and have been forever, until their 30-year-old son developed cancer, which will eventually take him. Since then, in dealing with extreme pain and the health issues he has been presented with, they have formed a very different opinion.

They recounted to me a story where, six months ago, before he had medication in place properly that would give him the necessary level of pain relief, he wanted to go, but, with improvements in his medication and pain management, he has lived six months since then, and, as a family, they have experienced time with him that was not available, and I believe that that is an issue for many people. I do not criticise those who hold positions either way, but I know that, as a member of parliament, we are criticised for the positions that we hold no matter what the vote is because history will record every word we have said as individuals. In my 10½ years in this place, I must say that this is one issue that has consumed my mind more than anything.

I pride myself on being a person who can see a pathway through a challenge to see what I believe the conclusion needs to be, but on this issue I have gone off at a tangent sometimes and been unsure. I have always reflected upon the need to ensure that I am involved in the discussion that gets it right in the end. It may be that the position I hold is not supported by the majority in this place at the third reading, or indeed the second reading, depending on what the result is, but it is an example of where the eyes of many are upon us now, and it is important that we give such a serious matter the really serious debate that it deserves.

I have made sure that I have tried to listen intently to the contributions of all. I have wanted to reflect upon that. I have wanted to put into that reflection my own personal experiences. I have wanted to talk to people I know who have worked in the health industry for decades and decades about their thoughts, and they are mixed also. I want to ensure that my contribution in this place is one that reflects the personality I bring here, where it is the detail because, no matter what occurs, if this legislation is passed I feel a great responsibility to ensure that the discussion that occurs will ensure that the process is right.

I personally hope that the legislation does not pass, but I want to make sure that, if the other side, those who propose this legislation, are successful, what the people of South Australia get is a system that will give those who choose to use it and those who support them the support that they need. I am grateful for the opportunity to put, over a short 10-minute period, some thoughts that I have.

I feel challenged by that, I must say, because I know that on Friday, when I get back to where I live, there will be people who will come up to me straightaway and want either to agree with me or be against what I have decided to do, but it is something that, with my hand on my heart, I believe is best for the people I am blessed to represent. It is one of the challenges to all of us, and I look forward to the vote on this occurring and for some form of resolution to be in place.

Mr PENGILLY (Finniss) (20:34): I would also like to make a contribution to this particular bill. I listened with interest to what the member for Goyder had to say, and much of what he had to say, probably along with others in here, I concur with.

I have to say that I am heartily sick and tired of having these bills put to the house in every parliament; we see them with regular monotony. I am really disappointed that this one has been thrust upon us again, and I tell the house here and now that I will not be supporting the bill. My view is that it should be defeated at the second reading and that should be the end of it. Time will tell where it will finish, but the fact is that we do have to go through this process, and it has been decided that we will go through it this week and see where it will be get to.

I just do not support the concept of this bill going through. In essence, it becomes state-sanctioned murder as far as I am concerned. I do not think there are any two ways about it. I do not think you can ever, ever, ever get it right, despite what you want to put in the bill, what alterations are made to the bill, if there are any amendments. If this bill went through and the life of just one person was concluded because of a mistake, morally, I do not think even those in this place who support it would be comfortable with it.

Like others, I have had reams and reams of correspondence—mostly supporting euthanasia but latterly more opposing it—urging me, on both accounts, what to do. As my friend the member for Goyder said, I know many people in my electorate who support it and who would like to see it go through, but they are not the ones who stand in this place and make a decision on it. I am, and I do not need to be told how to vote or what I should do.

I have lost family members over the years—and not so latterly, either—and I have absolute confidence in the medical profession to provide palliative care. I grew up with a fellow called Lawrence Palmer, who happens to be head of palliative care at Modbury Hospital. I have all the time in the world for Lawrence. He grew up about five houses up the street from me, the son of English migrants. He is wonderful man. I had a long, long talk with Lawrence about this some years ago and he convinced me, more than ever, that by putting through legislation such as has been put up here tonight is not the way to go. He remains totally confident that palliative care and pain relief methods are now so good that we do not need to go through that.

I would like to put on the record something I received today from Professor Ian Olver, who is the director of the Sansom Institute for Health Research. I think it is worth reading his letter into the *Hansard*. He wrote:

> I am a medical oncologist and bioethicist, currently in a research position at the University of South Australia. I am not representing any group but would like to comment on the euthanasia legislation.
>
> Firstly, the reason that there has never been a push for this from most oncologists or palliative care physicians is that the vast majority of patients (over 95%) have symptoms adequately controlled as part of good palliative care. Of those who still have some symptom they may not be the most important factor as people may enjoy relationships or with counselling find something of value in the last days of their lives. The counter to suffering is not death, it is relief of suffering.
>
> The other issue is that good pain relief or withdrawing burdensome treatments towards the end of life that will not reverse the dying process but simply cause discomfort is not any form of euthanasia. Euthanasia requires the intent to cause someone's death.
>
> Finally, there are issues with the current legislation. It specifies the need for…having an illness leading to death but does not specify where on that trajectory the patient needs to be. Two-thirds of patients diagnosed with cancer today will still be alive in 5 years' time. At the time of diagnosis they may well be scared and believe that they will die soon but much effort is put into informing and counselling patients about their illness and continuing to live productive lives.
>
> My final issue is a concern that in legislating to satisfy a minority, the majority may not get the full care and counselling that they deserve in an economically rationalist society.
>
> Regards…Professor Ian Olver

It is interesting that that came in today. As I indicated a few minutes ago, people like Ian Olver and Lawrence Palmer have convinced me of the necessity to maintain the palliative care hope, in the hope of treatment in the future. If this legislation is successful, I could not live with myself if I heard of someone being put to death when it need not happen. I do not agree with that.

I have been hounded by members of the Voluntary Euthanasia Society in my own area, absolutely hounded. If that did anything, it hardened my resolve to stand up in this place and put on the record my objection to this legislation and the fact that even if this does not get through, it will come up again and again. Even if it gets through the second reading, it may not get through the third reading. Even if it happens to get through that, it may not get through the upper house.

There is a long way to go, and I know there are people in this place who are absolutely passionate about getting this sort of legislation through the house, and they have every right to do that, as they see it as a better way. I do not believe it is a better way. I was brought up to believe life was incredibly important. My father went through the Second World War and was in a RAP (regimental aid post). He went right through Kokoda and spent more time trying to save lives than he ever did trying to end lives. He told me that, and I can remember him speaking about those things, although he did not talk much about it at the time. He has been gone for 40 years now.

My core inner being does not allow me the liberty to support legislation such as this. In my view, it really is the wrong way to go for the people of this state, if it was to be successful, and, indeed, it should be cauterised. People like these palliative care doctors need to be completely understood, and people have to have—and I am not suggesting they have not, on the other side of the debate—complete and utmost respect for them, but I am absolutely fed up to the back teeth with having euthanasia legislation rammed down my throat on a seemingly endless basis.

I am even more cranky, quite frankly, over where we are with this latest bill. Members have a right to put it up, but I do not have to vote for it. I sincerely hope that, in due course, when the vote does come, members in this place do not support moving past the second reading and that we get on with the important business in this place. I do not believe it is the core business of this place to put legislation through the house that creates the right for the state to give permission for murder by default.

Mr VAN HOLST PELLEKAAN (Stuart) (20:43): I will be very brief, and I ask that anybody who is following these things closely turn to the comments that I made on a different bill on the same topic brought to us by the member for Ashford last sitting week.

I make no bones about the fact that I find this a very difficult topic. I believe in the sanctity of life and I believe in choice. I want people to have opportunities to do the very best they can do with their lives, in whatever context that might be. I accept wholeheartedly that some people, unfortunately, might be in a situation where they make a choice about what is best to do with their life which is different from the choice that others might make, but at the end of the day it is their life. I do find this a very difficult issue. I also make no bones about the fact that I lean away from voluntary euthanasia. I do not pretend otherwise.

What I really want to put on the record this evening is that I will vote in support of this bill at the second reading stage so that it has every opportunity to be improved. I will also say that I studied the member for Ashford's last bill very closely, and I could not support it. I have also looked very closely at the member for Morphett's bill, and as it stands I would not support that either. If we were asked to vote on it tonight as it is, I would not vote for it. I am not trying to be coy or lead anybody on. I lean away from this topic in general but not so strongly that I do not want to give our group of parliamentary colleagues the opportunity to improve it.

For anybody who is following this debate, whether they be campaigners on one side of the issue or the other or whether they be people in my electorate who have strong views one way or the other, I would like to put very clearly on the record the fact that I will support this bill at the second reading so that every member of parliament who would like to find a way to improve it has that opportunity, and when that has been done, we will vote on it. I will make my decision on the bill, whether it is improved or not or whatever it turns out to be, and cast my vote at that time.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (20:46): I rise to address some of the key issues with this most important measure, and I start by commending the member for Morphett for bringing this matter to the house. He and the member for Ashford, who I know care passionately about this issue, are extraordinarily genuine and have articulated their argument with a high degree of professionalism. I know they have a genuine and solid concern for the people who need this bill to assist with their end of life.

I do not think there is any doubt that a case has been made that there is a group of people who need this measure. There is no doubt that there is a group of people who are undergoing unbearable pain and suffering and who know they are going to die and who would benefit from this bill in that it would enable them to end their life with some degree of dignity. I think that case has been made. My concern with the bill, however, is unintended consequences, and my concern with the bill cuts to the definition of what is a terminal medical condition.

I think this bill is an improvement on the earlier bill, which I know has been agreed to jointly by the member for Ashford and the member for Morphett in an effort to tighten that definition. To be brutally truthful, however, as I think we all need to be on this matter, we are talking about assisted suicide. We can talk in different languages about death with dignity, we can talk on all sorts of forms, but essentially the question before the house is: when is suicide okay? As I have mentioned, I think there is a case when most reasonable people would argue that suicide is okay. We know that people often take it at their own hand to put themselves out of their misery.

Again, I cut to the question of what constitutes a circumstance that dire that suicide should be warranted and made legal by an act of the parliament. Suicide is an awful thing for anyone who has had a connection with it. I know that my family certainly has on three occasions, with close family members lost to it. There is probably not a single member in the house who has not come up against this terrible scourge of suicide. People take their lives for different reasons. Invariably, they all felt at the time they took their lives that it was worth doing, and again that cuts to the question of what constitutes 'a reasonable circumstance' to warrant the parliament agreeing to suicide.

I am certainly of the view that almost invariably suicide brings wreckage to families and to people's lives, while I recognise this small group of terminally ill people who would, and clearly do have, a very strong argument in favour. I will just explain some of, I think, the unintended consequences that flow from this. The bill says on page 7:

> (a) a person is suffering from a *terminal medical condition* if he or she has an incurable medical condition (not being a mental health condition) that will cause the person's death (whether directly or as a result of the related consequences);

It goes on, and it is there for all members to read. My issue is that that will be misinterpreted, and that there will be incrementalism in this matter.

I give as an example the issue of abortion law reform. I am a strong advocate for women's right to choose what they do with their own bodies, and a strong advocate for the law as it stands today, but I point to the process. The process was that this parliament passed a bill for abortion law reform in the early 1970s that provided for two doctors and a psychiatrist to have to have been consulted, to have agreed to certain conditions before an abortion would be agreed to, and so it went on. There were all these safeguards put into the measure.

However, within a short period of time those safeguards had been discarded by amendments to the bill, and I have a concern that, if we pass the Rubicon as a parliament, signalling to the community that suicide is okay under certain circumstances, the debate will quickly move on to the question of: what are the circumstances, when is it okay, when is it not okay?

Who are we to tell people when their life has become unbearable and that they are enduring hopeless suffering? I note that this particular bill rules out mental illness. There are a lot of people suffering extraordinary mental illness and extreme depression who would put forward a very credible argument that their life is not worth living, and some of those people resort to suicide on a daily basis. Who are we to tell them that they are not enduring hopeless and unbearable pain and suffering?

Where is that line? What will happen if we cross this Rubicon and say as a parliament to the community that suicide is okay, and in this particular bill attempt to define it, then resist an

amendment to the bill, which I am sure will be drafted within months of this bill's passing, that will seek to further loosen and free up, with some merited argument may I say, what constitutes an unbearable pain and suffering that should lead to legalised suicide? There you start to slide down a slippery slope.

There are some who would have the view that certain physical disabilities in their children have resulted in unbearable pain and suffering for their children and for the family. They might argue that this should qualify. Some would argue that medical conditions that we now regard as conditions with which we live with compassion are unbearable and that those persons should qualify, and I do not know, frankly, where it would end.

What I do know—and I have spoken to a lot of doctors and a lot of people in my community about this—is that we gauge and judge ourselves to a large degree by the compassion we show at the end of life, as we do at the beginning of life, and how we treat the elderly and how we treat those who are enduring unbearable pain and suffering partly defines who we are.

I admit to a level of cynicism as well; I am not as trusting a soul as some. There will be people who, if we pass this bill, will try to take advantage of it to facilitate the end of life for their personal gain. Families are awash with those sorts of crises in their lives on a daily basis. There will be some within the health system going forward into the future who will ask the question: how many people occupying hospital beds in our health system are at the end of life? Have they been read their rights under this act? Can we assist them to make the right decision to free up hospital beds?

People will criticise me and say that will never happen. Well, I am not as optimistic and as trusting as some. I have heard enough discussions in the 20 years I have been in this parliament to know that once you cross the Rubicon these conversations come next, so I am torn to pieces by this bill. I can see a group of people who desperately need it and I can see another group of people who could be put at extraordinary risk by it.

I am not as cynical as some of the arguments put forward by the AMA on 1 November in their letters to members of parliament where they went through some very sound arguments about the responsibility of the medical profession to save life and the difficult position that this bill would put some members in. For all of those reasons, although I commend the bill and the honourable intentions of the members who have brought it forward and who support it—and I recognise the need for it for some—I think the unintended consequences of the bill would bring suicide to a point where society is not yet ready for it.

Mr GARDNER (Morialta) (20:56): I find myself extremely challenged by this bill, as I have with similar bills that have come before it, and as I stand here I wish I had the certainty of the hundreds, and possibly thousands, of people who have contacted other members of parliament and me. I have particularly taken note of constituents in the seat of Morialta, and the house might or might not be interested to know that they fall roughly evenly in their spread of certainty that this bill is utterly necessary and contains all of the sufficient safeguards to ensure that the unintended consequences that other members have identified will come through, and half have the absolute certainty that this remains the thin end of the wedge from which thousands of vulnerable people might be put at risk down the track.

As to the arguments that are put forward, I think the member for Stuart identified the way that he is torn between having a philosophically profound belief in life and the sanctity of life and a similarly profound belief in enabling individuals to choose their own course, and I similarly have that view. My thinking about euthanasia, to put it on the record once and for all, began in this room when I had a different position in the Youth Parliament. I was sitting over in the Deputy Premier's chair and introduced a bill similar to one moved previously by the Hon. Sandra Kanck, who happens to be one of the constituents I have met with several times to talk about this and whose correspondence I have read. I moved a bill similar to hers.

This comes on the back of my parents who, my mother being a nurse and my father being a proud and strong-minded libertarian, always said to me that the state cannot tell people what to do. My mother, as a nurse, instilled in me the profound belief in safeguards. While she supported euthanasia, as did my father, as a nurse she believed that the safeguards were important because she had a scepticism of a primary diagnosis that might potentially not take seriously the mental health

conditions that somebody might have or indeed a doctor who might not take seriously the need for a second opinion.

That bill that I moved in the Youth Parliament, and similarly my comments in previous debates, have always had these litmus tests for me as to whether a bill was sufficiently safeguarded. It has always been challenging for me. I have been open to the principle, but the bills themselves I have not necessarily been comfortable with.

During the 2010 election campaign, I was at a public forum with the then member for Morialta, Lindsay Simmons, and some other candidates, and we were asked about this issue. It was one of the ones that raised the greatest level of interest. Lindsay Simmons put on the record at that point, as she had previously, her profound opposition to ever supporting a euthanasia bill.

I told the story that I told to the house in my previous contribution in 2011 of my grandfather's profound wish to have his suffering relieved and my philosophical support for allowing euthanasia legislation to go through that I had at the time. However, I also identified that I had never seen a bill that I was entirely comfortable with. In sitting on the fence in that way, I did not mean to shirk the criticism that would come and, in sitting on the fence on this bill at any time, I do not try to please everyone. In fact, I find that I please nobody by doing so. I am honestly putting forward my views, which are quite deeply concerned on this matter.

In 2011, John Hill's bill went through a second reading. I moved amendments in the third reading, and I have talked about those in the past; anyone can read the *Hansard*. In 2012, the late Bob Such introduced a bill, and I voted for the second reading because I thought it was important to have the debate go on. I know that at that stage I received hundreds of letters. The bill failed, obviously, but I received hundreds of letters from constituents, spurred on by the Speaker, who in his role identified it as being useful to write to my constituents. I think he had a petition of several hundred of my constituents to let them know that I had voted for it, because he thought it would be a good political way to identify that they should not support me.

I also note that the Labor Party put out two or maybe three pieces of correspondence—I have heard about a third, although I have not seen it—during the last election. One of them had some pictures of buildings that were being built by the government and the second one was a letter from my opponent in Morialta, which again contained that *Hansard* of me voting for a previous euthanasia bill and identified that she would never vote for it.

The only direct mail I saw from the Labor Party in the last election in Morialta was, in fact, a pitch to voters who were concerned about euthanasia, who opposed euthanasia, not to vote for me, and we saw a 7 per cent swing to the Liberal Party in Morialta. I do not link the two because, while this has very profound meaning for many constituents, I think there are many other things that drive people to vote for who they vote for. They can choose whatever they like, and I certainly respect those who choose not to vote for me based on whatever I do in this bill.

I should identify that in 2012 I responded to constituents who wrote to me on this issue, and this basically maintains the position that I took throughout the last period. This letter was obviously adapted depending on what people individually wrote, but this sums up most of what I said:

Thank you for taking the time and trouble to write to me regarding the recent Euthanasia vote in the House of Assembly.

I appreciate that the position I took on 14 June is one that you disagree with, and while I don't expect to be able to convince you that I made the right decision in relation to that vote, I would like to explain my position and the circumstances surrounding that vote.

It has also come to my attention that…the Member for Croydon, has circulated some information that does not present all the relevant facts. I am unsure of whether you received a copy of his correspondence, but either way I feel it is worth putting my views on the record again.

The vote on 14 June was on the second reading of a Bill put forward by Bob Such to allow voluntary euthanasia, but limited to 'patients who are in the terminal phase of a terminal illness who are suffering unbearable pain'. The Bill included strict safeguards against coercion and abuse, and was limited very strictly to those patients for whom our current palliative care arrangements do not provide any earthly comfort.

In voting on the 'second reading' of this Bill, I should also confirm that this was not the final stage of the Bill. Once a Bill passes its 'second reading', that means that it is able to be discussed in detail. Members may examine the

Bill clause by clause, and ask questions of the proponent. In this way, the Bill gets examined at length allowing for greater community debate as well, as this process usually takes several months for bills such as this. I and a number of Members who voted for the Bill at the second reading did so with the intention of engaging broadly with their electorates over the subsequent months to inform how they would vote on the 'third reading'—which is the actual vote as to whether a bill can go to the Legislative Council and potentially become a law, or not.

To put this into context, last year…the Labor Member for Ashford—introduced a euthanasia bill that had none of the restrictions or safeguards of this one. Neither Michael Atkinson nor anyone else voted against it at the second reading. After it passed the second reading, there was considerable further debate in the Parliament and the community for more than six months. I spoke against that Bill, and I would have voted against it had it come to a vote before the new Premier prorogued the Parliament (wiping clean the Parliament's agenda).

I have attached a copy of that speech for your interest. It also reflects exactly the views I put forward when asked about this issue at the only public debate in Morialta prior to the last election, along with the other local candidates.

[The member for Croydon's] letter suggests that I 'will go on voting for euthanasia as long as he is your local representative'—indeed he describes such a bill's passage as my 'aim'. He should know better.

I sought to enter public life to work for a more prosperous future for our state, so that when…I have grown children there will be no question in their minds that they want to make their futures here in South Australia rather than interstate or overseas. I have never had any interest in being a radical social reformer.

I voted for us to have a further discussion and debate in the community about what we can do for those patients who are in unbearable, agonising pain, and who are in the terminal phase of terminal illnesses. Such a debate would have included the views of medical specialists, ethicists, religious leaders, patients' advocates, and anyone else who had a view.

I hope that this explanation, and the attached speech, has given you some useful background and context to this situation. It is up to every elector to choose the basis upon which they determine who they will vote for, and if you feel that you cannot support me, then I respect that position. However it would be a shame for such a decision to be made without all of the facts being presented, hence my correspondence today.

[Please contact me if there is anything else I can help with.]

We have had that debate that I talked about over the past months. This is a bill that is presented as if it is in final form. I do not propose to support it at the second reading on this occasion. I know that will upset many people in my community, but I also identify to those who will always oppose euthanasia bills that I do not propose to say that I will never support a bill in the future. I will always consider bills on their merits, and in this case that is also made more difficult by the fact that my own feelings on the philosophy, the position of the principle of the bill, are very torn. I regret that I do not have longer to further explain that view, but I want to put it on the record for my constituents to hold me to account.

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

At 21:07 the house adjourned until Wednesday 16 November 2016 at 11:00.

Answers to Questions

HILLS LIMITED

In reply to **Mr TARZIA (Hartley)** (24 February 2016).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Minister for Manufacturing and Innovation has provided the following advice:

1. $1.5 million

2. When Hills Limited indicated their intention to withdraw from operating the Innovation Centre, they were meeting the KPIs outlined in the agreement. The government is recouping unspent funding. Hills are providing a report on the amount of unspent funding and then will be invoiced for this to be repaid.

LYELL MCEWIN HOSPITAL

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (8 March 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): Northern Adelaide Local Health Network (NALHN) operates as one health service providing a full range of public hospital services to residents of the north and north-east suburbs across the Lyell McEwin and Modbury Hospitals. Both hospitals have emergency departments (EDs) which are managed by emergency medicine specialists capable of providing emergency assessment and management of all patients presenting to them.

There are various reasons why an ambulance may be redirected to another hospital. For example, ED presentations across the system and consequently, ED capacity, fluctuates from time to time and is not always predictable.

Where presentations are high at one hospital, and where clinically appropriate, ambulances may take a patient direct to an ED in which an emergency assessment can occur as soon as possible. Any decision to direct ambulances from one site to the other is based on clinical need and ensuring that patients receive the best care and the care that they need in a timely manner.

The dedicated ambulance located at Modbury Hospital continues to transport patients to Lyell McEwin Hospital, well within the predicted volume ranges and the majority of patients are being transferred from Modbury directly to an inpatient bed at Lyell McEwin Hospital, therefore not impacting ED presentations.

Estimates Replies

GRANT EXPENDITURE

In reply to **Mr SPEIRS (Bright)** (28 July 2015).

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The following provides details on grant programs administered by the Department of the Premier and Cabinet for 2014-15 and the forward estimates:

Grant Program	Amount $000s 2015-16	Amount $000s 2016-17	Amount $000s 2017-18	Amount $000s 2018-19	Amount $000s 2019-20
Promotion of the State	2,079	1,932	1,978	2,028	2,078
Special Appeals and Minor Grants	190	406	416	426	437
Premier's Community Initiatives Fund	736	256	263	269	276
TOTAL	3,005	2,594	2,657	2,723	2,791

The following provides information with regards to grants of $10,000 or more:

Recipient	Amount $	Purpose	Grant Agreement (Y/N)
Peregrine Corporation Pty Ltd	7,500,000	Supporting the establishment of the Tailem Bend Motor Sport Park.	Y
Brand South Australia	1,457,000	To promote South Australia; promote, manage, implement, administer and safeguard the state's brand and increase its value; and promote confidence and pride in the state's creativity, innovation and industriousness.	Y

Recipient	Amount $	Purpose	Grant Agreement (Y/N)
South Australia Health and Medical Research Institute	200,000	To enable SAHMRI to execute the recommendations contained in the Thinkers in Residence report 'Building the State of Wellbeing'.	Y
Engine Room SA	200,000	To further the work of the Engine Room in supporting South Australian businesses.	Y
Connecting Up Inc.	120,000	Supporting the ongoing management of the connecting up online initiative.	Y
Intercultural Adelaide	98,000	Supporting Intercultural Adelaide events.	Y
Master Builders Association of South Australia Inc.	80,000	Supporting the Building Ideas Campaign, 2015.	Y
Playford Memorial Trust Inc.	76,875	Funding for scholarships.	Y
Flinders University	75,000	Supporting the Hellenic Centre.	Y
Power Community Ltd	60,000	Supporting the Power Community Youth Program.	Y
Greek Orthodox Parish of Saint Demetrios, Salisbury	50,000	Construction of community hall.	Y
Arts SA	40,000	Funding for Wakefield Press.	Y
Department for Health and Ageing	30,000	Supporting the Premier's Healthy Children's Menu initiative.	Y
South Australian Sports Federation Inc.	20,000	Supporting the KPMG South Australian Sport Hall of Fame and the 2014 KPMG Celebration of South Australian Sport.	Y
Anglicare South Australia Inc.	20,000	Supporting Anglicare's 'One Community' online platform.	Y
Carols by Candlelight (SA) Inc.	12,000	Supporting the Carols by Candlelight.	Y
Alexandrina Council	10,000	Supporting the Strathalbyn Suicide Pre/Postvention project.	Y
D3 Digital Challenge	10,000	Access untapped knowledge and talent in the community, by offering aspiring digital entrepreneurs an opportunity to co-design with the South Australian Government.	Y
The Adelaide Youth Orchestras Inc.	8,000	Supporting the David Tonkin Memorial Scholarship.	Y
Greek Orthodox Archdiocese of Australia	7,500	Supporting the 2015 Blessing of the Waters Glenelg Greek Festival	Y
Northern Area Community and Youth Services Inc.	5,880	Supporting the North on Target project.	Y
Greek Orthodox Community of the Nativity of Christ, Port Adelaide and Environs Inc.	5,000	Supporting the 2015 Semaphore Greek Festival.	Y
Prophet Elias, Greek Orthodox Parish of Norwood and Eastern Suburbs	5,000	Supporting the 2015 Norwood Greek Festival.	Y
Kornar Winmil Yunti Aboriginal Corp.	5,000	Supporting the 2014 Flame of Change Unifying Support Awards Ceremony.	Y
Summertown and Districts Emergency Fire Services Inc.	5,000	Upgrade and maintenance of the fire service facility.	Y
Department for Education and Child Development	3,348	Funding for membership to the Reggio Children, Cnetro Lonis Malaguzzi Foundation *($72,000 incurred in 2013-14).*	Y
Lions Club of Hahndorf and Districts Inc.	2,300	Premier's Community Service Awards recipient.	Y
Zonta Club of Adelaide Torrens Inc.	1,100	Premier's Community Service Awards recipient.	Y
Panther Club Inc.	1,000	Supporting the 2014 Southern Community Christmas Carols.	Y

Recipient	Amount $	Purpose	Grant Agreement (Y/N)
Sturt Street Primary School	900	Premier's Community Service Awards recipient.	Y
Bonnie Stewart	900	Premier's Community Service Awards recipient.	Y
Rachael High	900	Premier's Community Service Awards recipient.	Y
Rotary Club of Tailem Bend Inc.	800	Premier's Community Service Awards recipient.	Y
Soroptimist International Eastern Districts of Adelaide Club Inc.	800	Premier's Community Service Awards recipient.	Y
Rotary Club of Prospect Sunrise Inc.	800	Premier's Community Service Awards recipient.	Y
Lions Club of Mount Gambier.	800	Premier's Community Service Awards recipient.	Y
Rotary Club of Regency Park Inc.	800	Premier's Community Service Awards recipient.	Y
Zonta Club of Adelaide Hills Inc.	800	Premier's Community Service Awards recipient.	Y
Rotary Club of Mobilong Inc.	800	Premier's Community Service Awards Recipient.	Y
Rotary Club of Henley Beach Inc.	500	Premier's Community Service Awards Recipient.	Y
Berri Barmera District Health Advisory Council Inc.	450	Funding for a community appreciation wall.	Y
Zonta Club of Adelaide Inc.	300	Premier's Community Service Awards recipient.	Y
Soroptimist International of Adelaide Inc.	300	Premier's Community Service Awards recipient.	Y
Rotary Club of Prospect Inc.	300	Premier's Community Service Awards recipient.	Y
Rotary Club of Murray Bridge Inc.	300	Premier's Community Service Awards recipient.	Y
Lions Club of Mount Gambier Inc.	300	Premier's Community Service Awards recipient.	Y
Rotary Club of Adelaide Light Inc.	300	Premier's Community Service Awards recipient.	Y
Activate Community Inc.	10	Supporting with building maintenance *($10,920 incurred in 2013-14)*.	Y
TOTAL	10,119,063		

SOUTH AUSTRALIA'S STRATEGIC PLAN

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised:

When South Australia's Strategic Plan was launched in 2004, the government committed to release a public report every two years on progress against the targets.

The progress report was developed by the Audit Committee, which was established as an independent advisory body, with much assistance from the Department of the Premier and Cabinet.

Four progress reports were released between 2006 and 2012. After that time, the functions of the Audit Committee were subsumed by the Department of the Premier and Cabinet, following its abolition under the government's boards and committees reform in 2014.

As a consequence, the progress report was discontinued. Progress against the targets continues to be monitored by the Department of the Premier and Cabinet through an annual review and where data is available, the results are published on the website.

The latest review on progress against the targets occurred in February 2016, with updates published on the Strategic Plan website between March and April 2016. The next review will commence in January 2017.

The government is actively driving and monitoring progress against the 10 economic priorities.

The Economic Development Cabinet Committee, which I chair and includes senior ministers and advisers from the Economic Development Board, is charged with implementation of the 10 economic priorities.

It oversees a six monthly review of progress against the objectives and the maintenance of a dashboard on economic.priorities.sa.gov.au that is updated as new data relevant to the priorities becomes available.

MINISTERIAL STAFF

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (28 July 2016). (Estimates Committee A

The Hon. J.W. WEATHERILL (Cheltenham—Premier): I have been advised that:

The increase in FTEs mainly reflects a revised staffing structure. No additional funding was required for this revised structure as the additional costs were funded from within the office's existing budget.

A total budget of $1.938 million has been allocated for 14 media advisers in 2016-17. This reflects 27 per cent of the total office budget.

It is noted that the 15 media advisers reported at estimates includes one adviser who is currently on extended leave and not included in the 2016-17 Budget.

ATTRACTION AND RETENTION ALLOWANCES

In reply to various members (28 July 2016). (Estimates Committee A)

The Hon. J.W. WEATHERILL (Cheltenham—Premier): Attraction, retention and performance allowances as well as non-salary benefits paid to public servants and contractors within the Department of the Premier and Cabinet (DPC) (excluding Shared Services SA, Service SA and Office for the Public Sector):

(a) 2014-15:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount	End Date
DPC	MGR FIN PERFORMACE & STRATGEY	MAS301	Retention $	$16,028	20/8/2015
DPC	SENIOR TECHNICAL ANALYST	ASO704	Retention $	$11,387	29/11/2015

(b) 2015-16:

Dept/Agency	Position Title	Classification	Allowance Type	Allowance Amount	End Date
DPC	MGR FIN PERFORMACE & STRATGEY	MAS301	Retention $	$16,028	20/8/2015
DPC	SENIOR TECHNICAL ANALYST	ASO704	Retention $	$11,387	29/11/2015
DPC	INDUSTRY DEVELOPMENT MANAGER	ASO803	Retention $	$22,050	31/8/2016
DPC	PRINCIPAL ADVISER	ASO704	Retention $	$20,000	17/2/2017

Note: Two retention allowances expired and were not renewed in 2015-16, and two employees with allowances transitioned to DPC through a Machinery of Government transfer and have since left the department.

GRANT EXPENDITURE

In reply to various members (28 July 2016). (Estimates Committee A)

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

The following provides details on grant programs administered by the Department of the Premier and Cabinet for 2015-16 and the forward estimates:

Grant Program	Amount $000s 2016-17	Amount $000s 2017-18	Amount $000s 2018-19	Amount $000s 2019-20	Amount $000s 2020-21
Promotion of the State	1,932	1,978	2,028	2,078	2,130
Special Appeals and Minor Grants	406	416	426	437	448

Grant Program	Amount $000s 2016-17	Amount $000s 2017-18	Amount $000s 2018-19	Amount $000s 2019-20	Amount $000s 2020-21
Premier's Community Initiatives Fund	256	263	269	276	283
TOTAL	2,594	2,657	2,723	2,791	2,861

The following provides information with regards to grants of $10,000 or more:

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Brand South Australia	1,500,000	To promote South Australia; promote, manage, implement, administer and safeguard the state's brand and increase its value; and promote confidence and pride in the state's creativity, innovation and industriousness.	Y
Department of Social Services	1,064,090	South Australia's contribution towards a national campaign to reduce violence against women.	Y
The University Of Adelaide	908,172	Funding for the Early Childhood Data project.	Y
Department of State Development	698,000	Supporting the Centre for Business Growth.	Y
One Community SA	500,000	Supporting the Community Advocacy campaign.	Y
South Australia Health and Medical Research Institute	345,000	To enable SAHMRI to execute the recommendations contained in the Thinkers in Residence report 'Building the State of Wellbeing'.	Y
Royale Adelaide Club Pty Ltd	300,000	Funding for the Qingdao International Beer Festival.	Y
Australia Day Council Of South Australia	153,750	Supporting core business activities.	Y
Foundation For Hellenic Studies	150,000	Supporting the Hellenic Centre.	Y
Department for Communities and Social Inclusion	120,000	Supporting the D3 Digital Challenge.	Y
Australian Science Media Centre	110,000	Supporting the Australian Science Media Centre.	Y
Master Builders Association of SA	80,000	Supporting the Corporate Marketing Agreement 2016.	Y
Playford Memorial Trust Inc.	79,000	Funding for scholarships.	Y
Power Community Ltd	60,000	Supporting the Power Youth Program.	Y
Port Adelaide Football Club	50,000	Supporting the campaign to end violence against women.	Y
Don Dunstan Foundation	50,000	To assist in celebrating the 40th anniversary of the decriminalisation of homosexuality in South Australia.	Y
Regional Development Australia	50,000	Supporting the Bioenergy Connect Fund.	Y
Coworking South Australia	50,000	Funding to establish the association and promote co-working.	Y
Adelaide Fringe Inc.	50,000	Supporting the expansion of the Honey Pot marketplace program.	Y
SA Health	45,450	Supporting the Premier's Healthy Children's Menu initiative.	Y
One Mandate Media Pty Ltd	37,500	Supporting the Boundless Plains to Share campaign.	Y
Conservation Council SA	33,000	Supporting the Electric Car-Share Demonstration project.	Y
Knowledge Plus Pty Ltd	30,000	Supporting the 'Fund My Idea'—Metro programs.	Y
Plan B Art Projects	30,000	Supporting the Fund My Idea Metro programs.	Y

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Portraits of Australians	25,000	Support for the Let us be up and doing exhibition.	Y
Australian Science Media Centre	20 000	Supporting the D3 Digital Challenge.	Y
Fujitsu Australia Ltd	20 000	Supporting the D3 Digital Challenge.	Y
Cartland Law Pty Ltd	20,000	Supporting the D3 Digital Challenge.	Y
RSPCA	20,000	Supporting the Royal Society for the Prevention of Cruelty to Animals.	Y
Arts SA	20,000	Financial support to the managers of the artist run studio space and arts incubator.	Y
The University of Adelaide	20,000	Supporting the Dr Duncan Memorial Scholarship.	Y
YWCA Adelaide	16,434	Supporting the Young Women's Christian Association of Adelaide Incorporated.	Y
Wakefield Press Pty Ltd	15,000	Financial assistance to reprint the South Australian book, City Street, Progressive Adelaide 75 years on.	Y
Incendiosa Pty Ltd	15,000	Supporting the Real Men Project—South Australian Public High School Trial 2016.	Y
Down Syndrome SA Inc.	13,000	Supporting the Fund My Idea Metro programs.	Y
Breakfastbellies Inc.	10,000	Supporting the Fund My Idea Metro programs.	Y
Sandpit Media Pty Ltd	10,000	Supporting the D3 Digital Challenge.	Y
Yup Yup Labs Pty Ltd	10,000	Supporting the D3 Digital Challenge.	Y
Switch Operation Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge	Y
Enecon Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
Sustain SA	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
Australian Clean Tech Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
Bisteg USA, LLC	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
Clement Vehicles Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
Peat Soil and Garden Supplies	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
INO8 Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
My Carpools.com Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
EcoCaddy Pty Ltd	10,000	Funding for the Adelaide to Zero Carbon Challenge.	Y
TOTAL	6,828,396		

ALDI

In reply to **Mr KNOLL (Schubert)** (28 July 2016). (Estimates Committee A)

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Department of Treasury and Finance advises that no financial incentives have been provided to ALDI by the state government to begin trading in South Australia.

TEACH OUT PROGRAM

In reply to **Mr PISONI (Unley)** (29 July 2016). (Estimates Committee A)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised of the following:

As at 18 August 2016, there were 679 TAFE SA students involved in some form of a transition process which may involve the teaching out of their currently enrolled qualification. Not all are necessarily involved in a transition process as a result of a course closure.

Consistent with Australian Skills Quality Authority (ASQA) Standards, TAFE SA establishes individual training plans for each affected student to support completion of their training within South Australia. There are no students travelling interstate as part of their teach out arrangements.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (1 August 2016). (Estimates Committee A)

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries):

1. The approved total cost of ownership for EPAS was $421.5 million covering the years spanning from 2011-12 to 2020-21. The approved estimate for benefits/offsets over that same period was $435.6 million. These benefits included cost reductions from no longer having to pay licence fees for decommissioned legacy systems.

The latest cost estimate provided to the minister and to cabinet, in December 2015, for the total cost of ownership was $450.6 million. This was referred to in the Auditor-General's Report to parliament on 30 June 2016 (see page 11 of that report).

The latest estimated benefits/offsets, per review in January 2016, was $283.2 million over the 10 year period. This was referred to in the Auditor-General's Report to parliament on 30 June 2016 (see page 13 of that report).

2. As at 30 June 2016, the actual spend on the EPAS Program since its inception was $214.7 million out of the $421.5 million budget.

3. This leaves $206.7 million of the approved total cost of ownership budget remaining which includes $47.2 million of the program's $49.2 million contingency. There is no program contingency allocated for this year. The total EPAS budget allocated for 2016-17 is:

a. Capital project budget of $30.9 million

b. EPAS/SA Health operating budget of $23.8 million

4. Yes, this is reflected in the reduction in estimated benefits/offsets

5. EPAS can capture Department of Veterans' Affairs details, including card number and card colour, services covered, and indication if the patient is an ex-prisoner of war.

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (28 July 2016). (Estimates Committee B)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide): I have been advised:

The Department of Treasury and Finance has confirmed that it will be collecting information on the utilisation of TVSPs in the public sector as part of the 2015-16 year-end process.

CHRIS 21

In reply to **Mr KNOLL (Schubert)** (28 July 2016). (Estimates Committee B)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide): I have been advised that:

The project costs for the upgrade of the payroll system were approved in two stages, as it was necessary for some work to be undertaken in order to quantify the full costs to the government. The costs approved in 2014 and incurred for the first part of the project were $11.4 million. Approval in 2015 for full implementation was for the total project cost of $22.2 million (including the initial $11.4 million).

HOMESTART FINANCE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (29 July 2016). (Estimates Committee B)

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): I have been advised of the following:

The board minutes of 17 May 2016 reflect the fact that the board discussed a media article in the Sunday Mail of 15 May 2016 entitled 'Treasurer homes in on lender'. 'The Board Chair noted the right of the government to review HomeStart's business as it saw fit, but in the absence of confirmation of the speculation associated with the article, it was business as usual for HomeStart.

I am advised there is no record of any further discussion of the scoping study prior to the announcement in the budget in July 2016.

CLIMATE CHANGE

In reply to **Mr PEDERICK (Hammond)** (1 August 2016). (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Climate Change has received the following advice:

A report on the operation of the act must be prepared every two years. Under section 7(5) of the act, every alternate report requires an assessment by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) on the extent to which the targets under the act are being achieved.

The last CSIRO report was received in 2013. For the 2015 section 7 report, the CSIRO report was not required.

MARINE PARKS

In reply to **Mr PEDERICK (Hammond)** (1 August 2016). (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I am advised:

From 1 October 2014 to 30 June 2016, 290 vessel patrols of marine park sanctuary zones have been recorded.

From 1 October 2014 to 30 June 2016, 3828 shore patrols have been conducted. Sixty-one (61) aerial patrols have also been conducted.

Hours per week are not recorded.

WATER ENTITLEMENTS

In reply to **Mr WHETSTONE (Chaffey)** (1 August 2016) (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Water and the River Murray has received the following advice:

1. The sale of the water entitlements was not a tagged trade.

2. All relevant NRM levies apply to the entitlements.

ADELAIDE HILLS DAMS

In reply to **Mr WHETSTONE (Chaffey)** (1 August 2016) (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Water and the River Murray has received the following advice:

From 1 January 2016 to 1 August 2016, the total natural inflow into the Mount Lofty Ranges reservoirs was 88.9 gigalitres (GL).

MOUNT BOLD RESERVOIR

In reply to **Mr WHETSTONE (Chaffey)** (1 August 2016) (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Water and the River Murray has received the following advice:

At any given time the proportion of pumped water versus natural inflow water held in any reservoir depends on rainfall, natural inflow from groundwater and rainfall response and pumping programs which are set to minimise power costs while maintaining minimum emergency storage levels. By way of example:

From 1 July 2016 to 1 August 2016, the total inflow into Mount Bold storage was 26.64 GL. All of that 26.64 GL was natural inflow and no inflow was pumped from the River Murray. In the same period 5.4 GL was extracted for consumption.

In comparison, from 1 July 2015 to 1 August 2015, the total inflow into Mount Bold storage was 7.57 GL. Of that 5.22 GL was natural inflow and 2.35 GL (or 31 per cent of total inflow) was pumped from the River Murray. In the same period 4.62 GL was extracted for consumption.

ENVIRONMENTAL ASSESSMENTS

In reply to **Mr WHETSTONE (Chaffey)** (1 August 2016) (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Sustainability, Environment and Conservation has received the following advice:

The breakdown of how much was spent on environmental assessments by location during the 2015-16 financial year is as follows:

- Hendon assessment area—$177,118
- South Eastern Edwardstown assessment area—$372,103
- Glenelg East assessment area—$192,204
- Beverley assessment area—$603,952

A breakdown of what indoor air testing has been undertaken at residential or commercial/industrial properties is as follows:

- Hendon—The EPA has tested indoor air at 1 commercial property within the Hendon assessment area.
- South Eastern Edwardstown—The EPA has tested indoor air at 2 industrial properties within the South Eastern Edwardstown assessment area.
- Glenelg East—The EPA has tested indoor air at 2 residential properties within the Glenelg East assessment area.
- Beverley—The EPA has tested indoor air at 10 residential properties in the Beverley assessment area.

TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to various members (1 August 2016) (Estimates Committee B)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Sustainability, Environment and Conservation, the Minister for Water and the River Murray, and the Minister for Climate Change has received the following advice:

Information on TVSP's can be obtained from the Auditor-General's Annual Report to Parliament. There is no budget over the forward estimates and any packages offered are to be funded within existing agency budgets.