

## HOUSE OF ASSEMBLY

Thursday, 1 December 2016

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

### *Bills*

#### **TOBACCO PRODUCTS REGULATION (VAPORISERS) AMENDMENT BILL**

##### *Introduction and First Reading*

**Mr TARZIA (Hartley) (10:32):** Obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

##### *Second Reading*

**Mr TARZIA (Hartley) (10:33):** I move:

That this bill be now read a second time.

We want to prevent the sale of e-cigarettes to children. Recently, I gave notice that the Tobacco Products Regulation (Vaporisers) Amendment Bill of 2016 would be introduced in this place. If the government supports the legislation, the sale of e-cigarettes online or by phone will also be outlawed.

The move comes in response to many concerns raised by health professionals, and also across the wider spectrum, that were endorsed by a cross-party parliamentary Select Committee on E-Cigarettes. These new laws, if supported, will not only shield children from the risks of e-cigarettes but also support the long-term campaign against tobacco smoking.

We note that the report of the select committee was tabled on 24 February 2016, yet the South Australian Labor government has delayed this much-needed legislative change. I believe that it is imperative that we protect our children from harm. We need to make sure that e-cigarettes do not act as a gateway to tobacco smoking. These laws if supported, which I hope they will be, will be an important part of harm minimisation in our community, so I call on the government to support them. I look forward to working with the community and health professionals to ensure that these laws pass and that our children are protected.

Members may recall that the government set up a committee to investigate the regulation of e-cigarettes. There has already been extensive research undertaken into the effects of e-cigarettes on individuals and the public at large. The final report of the select committee was tabled in this house on 24 February 2016 by the government, and 20 of the recommendations were supported by the government.

We know that tobacco regulation in South Australian law is quite comprehensive. Part 3 of the Tobacco Products Regulation Act 1997 (TPRA) already restricts the supply, sale and promotion of tobacco products, including to minors. However, the definition of 'tobacco product' under section 4 of the act is quite broad. The definition does not require that the product contain nicotine to be considered a tobacco product, but it does not mention e-cigarettes specifically.

In the committee on July 2015, I asked Ms Marina Bowshall, who was at the time acting state director of Drug and Alcohol Services South Australia:

To your knowledge, are there any states which have e-cigarettes covered in the tobacco products regulation act or the equivalent?

Ms Bowshall responded, 'Queensland now has that in place,' to which I replied, 'And that's working well in Queensland?' She responded, 'Yes, that's how I understand it.' So, for some time, this has

been taken very seriously interstate, and I implore the state government to look at the examples of what has happened there and learn from them.

A press release was put out on 1 September 2015 by Gareth Ward, the Parliamentary Secretary for the Illawarra and South Coast in New South Wales. He announced that 'new laws banning the sale of electronic cigarettes to children came into effect in New South Wales today', and that 'the Public Health (Tobacco) Act 2008 was amended in June that year, creating restrictions on the sale to minors'. So, this has been in place there for a while. They banned the sale of e-cigarettes and accessories to and on behalf of minors.

They obviously consider this very important in order to protect the health of young people and children. They have moved to address community concerns regarding e-cigarettes because they understand that, as we have heard evidence on the committee, they can act as a gateway to tobacco smoking for children. A simple amendment to the TPRA that explicitly states that e-cigarettes and other similar products are tobacco products for the purpose of the entire act is in my humble opinion, as we have seen an interstate examples, the most prudent and efficient legislative change that the parliament can make.

I have written to the Attorney-General, Independent members of the house and also many stakeholders. I have asked the Attorney and the Independents to carefully consider the legislation, and I seek and welcome any feedback they have before they respond. I have strong reason to believe that the Minister for Mental Health and Substance Abuse, or her office, has evidence of practices in the area of e-cigarettes and e-cigarette trade, and some of these practices, she and her officers know, are unlawful at the moment. The time to clean this up is now.

We know that the committee responded and tabled its recommendations in February this year. Here we are in December—no legislation from the government, whereas interstate they sought to amend this much sooner. Further, I have written to various professional organisations from the health and non-health sectors seeking their feedback, and I look forward to hearing that in due course.

In terms of the bill itself, the act will come into operation six months after the day on which it is assented to by the Governor. That will allow for an ample education campaign, if that needs to happen, for individuals, businesses and health groups. The bill defines 'personal vaporiser' and includes 'personal vaporiser' in the definition of what is classified as a tobacco product. It is simple but effective legislation that gives effect to many of the select committee's recommendations.

Obviously, some of the committee's recommendations can be implemented by changing legislation; others require federal intervention, and I acknowledge that. Others will also require change that cannot be implemented by legislation. However, I think this is a step in the right direction, to clean up what is at the moment a completely unregulated industry.

We have seen evidence both inside and outside the committee that minors are using these e-cigarette devices. I have also had evidence given to me in my office that young people are using these devices and a lot of the time we do not know exactly what is going into them, but we do know that they can be used as a gateway to tobacco. I think we all agree that we do not want our children smoking tobacco if we can avoid it all costs.

In March 2016, I received a letter addressed to me—from Dr Amanda Rischbieth, the Chief Executive of the Heart Foundation in South Australia; David Bedson the Chief Executive of the Asthma Foundation SA; and Joe Hooper, Chief Executive Officer of the Australian Medical Association South Australia—in relation to recommendations from the select committee on e-cigarettes. The letter states:

We are particularly pleased that the recommendations [from the committee] aim to protect children and non-smokers from second-hand e-cigarette vapour. Limiting their use in adults will also serve to de-normalise their use.

I look forward to hearing more from organisations, very credible organisations in the health profession like the Heart Foundation, the Asthma Foundation and the AMA, as well as many others, various industry groups and the government. I thank parliamentary counsel for assisting in putting the bill together. I note that this is the fourth bill I have now brought before the house because I believe that

we have a role to play in opposition. We have a role to play, that when the government ignores pertinent problems in our society we do what we can to improve the legislation.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I am going to have to protect the member for Hartley. Everyone needs to understand that he needs to be heard in silence.

**Mr Pederick:** Chuck them out.

**The DEPUTY SPEAKER:** The member for Hammond is saying, 'Chuck them out.' If you gave me something different to work with, I might think about it.

**Mr TARZIA:** As I said, this is the fourth bill that has now been put before the house by me, the first one being to improve freedom of information laws; the second one was in relation to cleaning up sentencing for drug traffickers; the third related to cleaning up the judgement area in courts; and now this bill on e-cigarettes. I commend the bill to the house and look forward to government support.

Debate adjourned on motion of Hon. P. Caica.

### **CRIMINAL LAW (SENTENCING) (HOME DETENTION) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 3 November 2016.)

**Mr VAN HOLST PELLEKAAN (Stuart) (10:43):** If there are no other speakers, I will—

**The DEPUTY SPEAKER:** The member for Newland is on his feet, I just cannot see him through the member for Schubert.

**The Hon. T.R. KENYON (Newland) (10:43):** I move:

That the debate be adjourned.

**The DEPUTY SPEAKER:** Is that seconded?

**Mr VAN HOLST PELLEKAAN:** No.

**The DEPUTY SPEAKER:** A division is required.

The house divided on the motion:

Ayes .....	19
Noes .....	14
Majority .....	5

#### **AYES**

Bedford, F.E.	Bignell, L.W.K.	Brock, G.G.
Caica, P.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hamilton-Smith, M.L.J.	Hughes, E.J.
Kenyon, T.R. (teller)	Key, S.W.	Koutsantonis, A.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

#### **NOES**

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W.	Griffiths, S.P.	Knoll, S.K.
McFetridge, D.	Pederick, A.S.	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A. (teller)
van Holst Pellekaan, D.C.	Whetstone, T.J.	

## PAIRS

Bettison, Z.L.  
 Goldsworthy, R.M.  
 Mullighan, S.C.  
 Williams, M.R.

Pisoni, D.G.  
 Hildyard, K.  
 Wingard, C.  
 Weatherill, J.W.

Digance, A.F.C.  
 Pengilly, M.R.  
 Odenwalder, L.K.  
 Marshall, S.S.

Motion thus carried; debate adjourned.

**CHILDREN'S PROTECTION (INFORMATION SHARING) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 September 2016.)

**Ms SANDERSON (Adelaide) (10:51):** I rise to support the Children's Protection (Information Sharing) Amendment Bill 2016. This is an extremely important bill with regard to the collaboration between agencies involved in the child protection system. As noted in the recent Select Committee on Statutory Child Protection and Care in South Australia in 2015, the child protection system is not merely the lead agency with statutory responsibility to respond to notifications of abuse and neglect, the South Australian child protection system is a complex web of government and non-government institutions, organisations and agencies, each with a specific and equally important role to play.

In addition to the lead agency, there are many other government and non-government organisations that provide a range of services, from early intervention programs aimed at family preservation through to out-of-home care. There are health institutions that provide assessment and treatment services for abused and neglected children and a myriad of agencies that intersect with the lead agencies, such as domestic violence services, drug and alcohol services, and services for homeless children and youth. There are services for children and families involved in the justice system, for the specific needs of Aboriginal children, and for children with mental health concerns (such as CAMHS).

These and many others make up the South Australian child protection system, and it goes without saying that information sharing between these agencies is crucial for the system to function. Information sharing is, indeed, a stated requirement of the State Ombudsman's Information Sharing Guidelines for promoting safety and well being, since information sharing is fundamental to effective referral, service planning and case management.

Despite this, in 2016 commissioner Nyland found that significant obstacles to information sharing persist, that information sharing between agencies is often poor and that there was a silo approach to service delivery. Similar sentiments were also stated in the later review in 2003, the Mullighan royal commission into Children in State Care 2008, the Select Committee on Statutory Child Protection and Care in South Australia in 2015 and numerous annual reports from the Child Death and Serious Injury Review Committee.

The Child Death and Serious Injury Review Committee has expressed concerns about information sharing in the child protection system over many years. Over the nine-year period between 2005 and 2014 the committee identified consistent themes that contributed to negative outcomes for children; one of those recurring themes was the need to seek out and share information from other agencies—as in information sharing—and for interagency collaboration.

The committee's review of six seriously injured children in the northern suburbs in 2013 raised, once again, the critical need for effective interagency communication. It was the committee's view that had all agencies got together and asked the right questions early in the investigation the children's circumstances would have been seen as imperative.

Still, in 2015-16, commissioner Nyland found that a consistent theme in evidence before the commission was that many agencies continued to fail in information sharing. Commissioner Nyland also found that there was a persistent culture that privileges privacy and confidentiality over the need

to share information to the relevant health, safety and wellbeing of children. In light of these findings, recommendation 242 of the Nyland report is that the South Australian government:

Amend the Children's Protection Act 1993:

- (a) to permit and, in appropriate cases, require the sharing of information between prescribed government and non-government agencies that have responsibilities for the health, safety or wellbeing of children where it would promote those issues; and
- (b) to require prescribed government and non-government agencies to take reasonable step to coordinate decision making and the delivery of services for children.

The Children's Protection (Information Sharing) Amendment Bill 2016 aligns with recommendation 242 of the Nyland report in making provisions for both government and non-government agencies associated with the South Australian child protection system to share prescribed information and documents in the foremost interests of the child's safety and wellbeing.

Further to this, the bill also requires that the responsible ministers of the two significant pieces of legislation relevant to child protection—the Children's Protection Act and the Family and Community Services Act 1972—will ensure consistent and coordinated decision-making. This children's protection amendment bill furthers the mandatory requirement that information is shared between all agencies involved in the child protection system, and most importantly it privileges the best interests of the child over the current culture of privacy, confidentiality and poor collaboration. I commend this bill to the house.

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

### **CHILDREN'S PROTECTION (GUARDIANSHIP) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 3 November 2016.)

**Ms SANDERSON (Adelaide) (10:57):** I rise to speak on the Children's Protection (Guardianship) Amendment Bill 2016 and to support this bill. It will provide a long-awaited legislative mechanism to ensure that foster and kinship carers of South Australian children on long-term guardianship orders can progress the transfer of guardianship from the minister to the carer through the Other Person Guardianship. This bill aligns with recommendations 153, 154 and 155 of the Nyland report. Recommendation 153 is that the South Australian government:

Amend the Children's Protection Act 1993 to enable carers to apply to be appointed an Other Person guardian where children who are subject to long term orders have been in their care for a minimum of a period of two years, or such lesser period as the court in its absolute discretion determines is appropriate in the circumstances.

Recommendation 154 is:

Amend the Children's Protection Act 1993 to provide that biological parents who oppose an application for the appointment of an Other Person Guardian bear the onus of proving to the court on the balance of probabilities why the order should not be made.

Recommendation 155 is to establish an independent assessment panel to consider applications for Other Person Guardianship in accordance with certain procedures. Currently under section 38(1)(d) of the act, the Youth Court can appoint up to two people, other than the Minister for Child Protection, to be the legal guardian or guardians of a child.

An order transferring guardianship under section 38(1)(d) means that foster or kinship carers of a child become their legal guardians or Other Person Guardian. However, whilst provisions for the transfer of guardianship from the minister to foster and kinship carers already exist under the Children's Protection Act, the uptake is minimal in comparison to the numbers of children in state care and also when compared with other Australian jurisdictions.

Guardianship orders being transferred from the minister to foster carers and kinship carers in 2013-14 year in South Australia was less than 5 per cent compared to 10 per cent in Western Australia and the ACT, around 17 per cent in Queensland and Tasmania, and just under 25 per cent in Victoria and New South Wales. That was from the AIHW child protection report 2013-14.

Moreover, whilst the number of South Australian children on long-term guardianship orders (GOM18) continues to escalate, commissioner Nyland found that applications for OPG have declined. This is despite all applications for OPG between 2011 and 2014 being granted. As at 30 September 2016, there were 3,311 South Australian children living in out-of-home care under care and protection orders.

Of these 3,311 children, there were 1,294 in foster care, 1,467 in kinship care, 321 in residential care, 187 in commercial care and 42 were living independently. Of the total number of children in state care at 30 September, 483 were on short-term guardianship orders for 12 months, with 2,587 on long-term orders to the age of 18. We currently have 2,587 children on long-term care and protection orders to the age of 18 that need stability and permanency in their alternative placement.

Whilst some of these children will exit care primarily through ageing out, they will quickly be replaced by many of the 483 children currently on 12-month orders who will not return to their families. There are many reasons put forth as to why the transfer of guardianship from state to Other Person Guardianship is important, not the least of which is providing both the child and the carers with a sense of permanency.

For the child, the permanency principle recognises that children and young people need a sense of identity, belonging, stability, continuity of relationships and emotional attachment. Simply put, emotional attachment develops when the child's needs are met which, unfortunately, for many children in state care they have not been. Three preconditions for attachment are continuity, which involves the carer's constancy and repetition of the parent-child interactions; stability, which requires a safe environment where the parent and child can engage in the bonding process; and mutuality, which refers to the interactions between the parent and child that reinforce their importance to each other.

For the carer, permanency is also critical to their ability to fully commit to a child in their care. Commissioner Nyland noted the challenge of foster carers committing themselves to the care of a child who could be removed by the agency at any point. One carer who provided evidence to the commissioner, who had cared for her now six-year-old foster child since he was three weeks old, described herself as living with the sword of Damocles hanging above her head. The fear that the child can be removed from the foster or kinship carer at any time stops those bonds developing, and sometimes fully developed attachments can be abruptly severed, making foster-parents unable to function.

Through Other Person Guardianship, it is hoped that children will develop a stronger sense of belonging and personal identity by being connected with a family that they can call their own. The transfer of guardianship from the minister to the carer demonstrates the guardian's permanent commitment to the child, recognising the child as part of their family and promoting feelings of safety and security.

Other Person Guardianship therefore addresses the needs of both the child and the caregiver who, through the transfer of guardianship, can get on and build a life together with minimal intrusion by the state. The making of an OPG order acknowledges the contribution the carer has made to the child's life. It grants them greater decision-making capacity and responsibility than that which can be exercised by simply being a foster or kinship carer. It also removes the stigma of a child being labelled as someone in state care.

Perhaps most importantly, however, as commissioner Nyland points out, Other Person Guardianship provides a greater degree of certainty that the child will remain with the foster or kinship carer over the long term, thereby assisting the carer to make a long-term commitment in which they can permit themselves to love and care for the child unreservedly. I commend the bill to the house.

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

## **LIMITATION OF ACTIONS (INSTITUTIONAL CHILD SEXUAL ABUSE) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 September 2016.)

**The Hon. T.R. KENYON (Newland) (11:04):** I move:

That the debate be adjourned.

The house divided on the motion:

Ayes ..... 19  
Noes ..... 15  
Majority ..... 4

**AYES**

Bedford, F.E.	Bignell, L.W.K.	Brock, G.G.
Caica, P.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hamilton-Smith, M.L.J.	Hughes, E.J.
Kenyon, T.R. (teller)	Key, S.W.	Koutsantonis, A.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

**NOES**

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W.	Griffiths, S.P.	Knoll, S.K.
McFetridge, D.	Pederick, A.S.	Pengilly, M.R.
Sanderson, R.	Speirs, D.	Tarzia, V.A.
Treloar, P.A. (teller)	van Holst Pellekaan, D.C.	Whetstone, T.J.

**PAIRS**

Bettison, Z.L.	Pisoni, D.G.	Digance, A.F.C.
Goldsworthy, R.M.	Hildyard, K.	Marshall, S.S.
Mullighan, S.C.	Wingard, C.	Odenwalder, L.K.
Williams, M.R.	Weatherill, J.W.	Redmond, I.M.

Motion thus carried; debate adjourned.

**STATUTES AMENDMENT (CHILD MARRIAGE) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 24 March 2016.)

**Ms COOK (Fisher) (11:09):** I rise today to speak on behalf of the government in response to the Statutes Amendment (Child Marriage) Bill 2016. I will say up-front that we are opposing the bill and I will explain the reason why. The bill proposes to amend the Children's Protection Act 1993 and the Criminal Law Consolidation Act 1935 to enable the court to make orders to protect a child on reasonable grounds if it suspects that a child or children will be removed from the state to be coerced into a child marriage.

The government, of course, is opposed to the practice of child marriage. This is not the reason that we are opposing the bill. The practice is totally out of step with standards, and we expect that respect towards and the protection of children in our society will meet certain standards. It is appalling to think that children are forced into these arrangements. Personally, it makes me feel sick to think about the pain and terror and sadness that victims must go through. It is not on that basis that we oppose this bill.

In South Australia, the government is working very hard to ensure that all forms of discrimination and abuse against women and children are eliminated. As a progressive and civilised society, Australia is striving to lead the world in its child protection and quality agenda, which includes education and support for change of culture in other nations. Tradition in culture is very important, but it must be that practices are lockstep with community expectations of a modern, equal and respectful society.

The proposed amendments to the Criminal Law Consolidation Act would introduce criminal offences for bringing or arranging to bring a child into South Australia or removing or arranging to remove a child from South Australia with the intent of causing the child to be married. The offences impose a maximum penalty of 15 years' imprisonment for a basic offence and 19 years' imprisonment for an aggravated offence. An offence is aggravated when the offender knows that the victim is under the age of 14 years. The provisions do not apply if an order under section 12 of the commonwealth Marriage Act 1961 is in force.

This section provides for a court to authorise the marriage of a minor who is at least 16 years old. Without such an order, it is against the law for a person under the age of 18 to be married in Australia. The Commonwealth Criminal Code already contains offences relating to forced marriage, both when they involve a child and when they involve a person over the age of 18. Indeed, the commonwealth provisions cover a broader range of conduct associated with forced marriage. They already cover the specific situations described by the member for Adelaide in her second reading speech.

The proposed amendments to the Children's Protection Act seek to insert new sections 26C and 26D. Proposed new section 26C enables the court to make orders for the protection of the child, and new section 26D sets out procedural matters in relation to an application for an order. The Children's Protection Act is currently under review, as members in this place would know. It will be replaced with a new act as a result of the recommendations made by the Child Protection Systems Royal Commission. While the government is absolutely opposed to the practice of child marriage and finds it appalling, the proposed amendments to the Children's Protection Act are opposed on the basis mentioned.

**Ms SANDERSON (Adelaide) (11:13):** I rise to first express my disappointment that the government will not be supporting this bill. I think it is a very important piece of legislation. Whilst the government obviously agrees in principle, as the member for Fisher indicated, on the evidence I think we need to do something further. There have been recent television shows and exposés on this very important ongoing issue, and I will just read some of the information.

There is a federal law, and the criminalisation of forced marriage came into effect in 2013. Since forced marriage was criminalised in March 2013, the Australian Federal Police have received over 100 referrals of forced marriage. Eleven of those were in the 2013-14 financial year, 33 in the 2014-15 financial year and 69 within the 2015-16 year, so education is not stopping this issue. It is ongoing and it is increasing.

The Australian Federal Police have investigated 20 matters of suspected forced marriage in Australia from January 1 to September 30 this year: eight were in New South Wales, seven in Victoria, four in Queensland and one in South Australia. Eleven of these investigations involved persons under the age of 18. 'No charges or convictions have been recorded out of these investigations at this time,' an AFP spokesperson said. They continued:

Forced marriage matters can be particularly challenging to investigate and prosecute for a number of reasons. Investigations are lengthy and complex, prosecutions rely heavily on victim testimony, but victims and witnesses can be reluctant to give evidence due to fear of reprisals and shame and the clandestine nature of the crime type results in apprehension by witnesses and victims in making initial contact with authorities.

There do not appear to be any statistics released by SA Child Protection Services or SAPOL regarding child brides, although services in New South Wales have recently released a shame file of some of the cases of child marriage that are very confronting and possibly worthy of noting. In the shame file, some of the cases that have been reported by teachers, principals, counsellors, medical staff, police and social agencies in New South Wales between July 2014 and April 2016 include:



- a nine year old disclosed that she was returning to Afghanistan and the reporter had concerns she would be forced to marry;
- a nine year old being forced by a mother to return to Pakistan to get married;
- a 10-year-old Indonesian girl who feared under-age marriage and female genital mutilation;
- a 12-year-old girl told she would have to marry her father's cousin when she turns 13;
- a 13-year-old Indonesian girl's parents were arranging marriage to a cousin;
- a 14 year old was travelling to Lebanon to marry an older male friend;
- a 14 year old of Lebanese background promised to a cousin in Lebanon;
- a 15-year-old Lebanese girl forced by her parents to marry a cousin when she turns 18;
- a 14-year-old Pakistani girl told of sexual abuse and threats of marriage;
- a 14 year old girl was self-harming because her father had arranged for her to be married;
- a 16 year old disclosed that she married the father of her unborn child in an Islamic ceremony;
- a 16-year-old Iraqi girl disclosed physical abuse by the father who had arranged a forced marriage;
- a Turkish 16 year old disclosed that her family was arranging for her to marry a cousin in Turkey;
- a Lebanese 16 year old to be married under Sharia law; and
- a 17-year-old girl disclosed that she was married under Sharia law.

The AFP encourages victims of human trafficking, or those who have information regarding human trafficking, to contact the AFP. Although it was criminalised in 2013, this is still a huge issue and, just as we amended the Children's Protection Act in relation to genital mutilation, I think it is still extremely important that we do all we can to stop this happening in our state.

The bill that I am proposing would prevent a party or parties from taking a child from our state. The child's passport would be held and, if appropriate, examination or interview of the child. As we have heard from the AFP, in order to prove the case, it is extremely difficult. We need an instant and immediate measure that will protect our children. Whilst the education of communities here and overseas goes on, more must be done, and I compel the people in this house to please support this bill.

The house divided on the second reading:

Ayes ..... 15  
 Noes ..... 19  
 Majority ..... 4

#### AYES

Bell, T.S.  
 Gardner, J.A.W.  
 McFetridge, D.  
 Sanderson, R. (teller)  
 Treloar, P.A.

Chapman, V.A.  
 Griffiths, S.P.  
 Pederick, A.S.  
 Speirs, D.  
 van Holst Pellekaan, D.C.

Duluk, S.  
 Knoll, S.K.  
 Pengilly, M.R.  
 Tarzia, V.A.  
 Whetstone, T.J.

#### NOES

Bedford, F.E.  
 Caica, P.

Bignell, L.W.K.  
 Close, S.E.

Brock, G.G.  
 Cook, N.F.

## NOES

Gee, J.P.	Hamilton-Smith, M.L.J.	Hughes, E.J.
Kenyon, T.R. (teller)	Key, S.W.	Koutsantonis, A.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

## PAIRS

Goldsworthy, R.M.	Digance, A.F.C.	Marshall, S.S.
Hildyard, K.	Pisoni, D.G.	Bettison, Z.L.
Redmond, I.M.	Weatherill, J.W.	Williams, M.R.
Odenwalder, L.K.	Wingard, C.	Mullighan, S.C.

Second reading thus negatived.

**ELECTORAL (PRISONER VOTING) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 19 May 2016.)

**The Hon. P. CAICA (Colton) (11:24):** I am speaking today, ma'am, on the private member's bill, the Electoral (Prisoner Voting) Amendment Bill 2010 and, as you would be aware, currently prisoners are able to vote in South Australian government elections. On 19 May 2016, Mr van Holst Pellekaan MP, shadow minister for correctional services, introduced the Electoral (Prisoner Voting) Amendment Bill 2016 into the House of Assembly, which proposes to change this.

The bill seeks to amend the Electoral Act 1985 to disqualify from voting at state government elections those prisoners who are serving a sentence of imprisonment of three years or more. In my view, and in the view of the government, the bill is unnecessary. It would achieve very little and would be a backward step. It is estimated that the change would impact on less than 0.1 per cent of the voting population.

You may recall, although I know you were not here, Deputy Speaker, that in 1976 the South Australian parliament passed legislation with bipartisan support, I might add, to remove the restrictions on prisoner voting that were in the South Australian Constitution Act 1934. There seems to be no strong policy rationale for shifting from the bipartisan position adopted back then. Introducing restrictions on prisoner voting rights does not correspond with other policy priorities of the Attorney-General's Department which focus on restoring and rebuilding community connections.

I acknowledge also the work and the position of the Minister for Correctional Services with respect to a concerted effort to address recidivism through the programs he has put and is going to put in place. Restrictions on prisoner voting rights raise issues about fairness and compatibility with human rights. Any restrictions would likely have a disproportionate impact on Aboriginal and Torres Strait Islander people—another matter that the Minister for Correctional Services, along with his colleagues interstate, are attempting to address.

Further, and finally, such restrictions would have a disproportionate impact upon Aboriginal and Torres Strait Islander people, as I said, and for that reason and the others I have outlined, I will be opposing this bill.

**Mr VAN HOLST PELLEKAAN (Stuart) (11:26):** It will not surprise anybody here that I am very disappointed to hear the government's position. This bill seeks to help South Australia catch up with the rest of the nation. It brings South Australia in line with other states and territories and the commonwealth. We are lagging behind in this area, and it is a great shame that the government does not want to bring South Australia into the 21<sup>st</sup> century in this regard.

As members would know from my opening speech, when I brought this bill forward to the chamber, this is a principle that is accepted all across the nation. Different states and territories have chosen different lengths of time: some have chosen that a person sentenced to imprisonment for five years or more would be disqualified from voting, and in other places it is a one, two or three-year sentence whereby they would be disqualified from voting. The principle is held everywhere. It is three years in the commonwealth.

It seems very straightforward to me that if a person is convicted of a crime so serious that that person is sentenced by a court to three or more years in prison, then that person loses a wide range of rights and liberties, and one of those should be the right to vote in elections; one of those should be the right to vote in elections for members of parliament who will make laws. If a person breaks the law so seriously that they are sentenced to prison for three years or more, to me it is common sense that they should lose the right to vote for the people who will make those laws.

The member for Colton, on behalf of the government, said that this would affect only a very small proportion of the population, and in that respect he is correct. However, a principle is not about how many or how few people are affected by it: if it is right it is right and if it is wrong it is wrong. Very few people commit murder, yet we have some very clear laws and very clear sentences for murder. To me, while it would affect a very few people, that is completely irrelevant and that is not how we make laws in this state: we make laws based on a principle.

The member for Colton also said on behalf of the government that this would disproportionately affect Aboriginal and Torres Strait Islander people. While he did not say it, I think the clear implication is that because, unfortunately, those people make up an unacceptably high percentage of the population of people who would be affected by this law, if that was the case. I understand what he is saying on behalf of the government, but again I reject that as a reason not to vote for this bill.

If a person is convicted of a crime so serious that he or she is convicted to a sentence of three or more years in prison, then regardless of whether that person is a man or a woman, Aboriginal or non-Aboriginal, adheres to a religion or does not adhere to a religion, whether that person be rich or poor, barely 18 or at the end of their life, regardless of where that person falls in all the different demographics, if they have committed the crime this should apply to that person.

I understand the two reasons the government has given. I reject both of them. I am very disappointed that the government has decided not to support this bill, which I think is a very straightforward, common-sense approach. Nonetheless, I commend the bill to the house.

The house divided on the second reading:

Ayes ..... 16  
Noes ..... 18  
Majority ..... 2

#### AYES

Bell, T.S.  
Duluk, S.  
Knoll, S.K.  
Pengilly, M.R.  
Tarzia, V.A.

Brock, G.G.  
Gardner, J.A.W.  
McFetridge, D.  
Sanderson, R.  
Treloar, P.A.

Chapman, V.A.  
Griffiths, S.P.  
Pederick, A.S.  
Speirs, D.  
van Holst Pellekaan, D.C.  
(teller)

Whetstone, T.J.

#### NOES

Bedford, F.E.  
Close, S.E.  
Hamilton-Smith, M.L.J.  
Key, S.W.  
Picton, C.J.

Bignell, L.W.K.  
Cook, N.F.  
Hughes, E.J.  
Koutsantonis, A.  
Rankine, J.M.

Caica, P.  
Gee, J.P.  
Kenyon, T.R. (teller)  
Piccolo, A.  
Rau, J.R.

## NOES

Snelling, J.J.

Vlahos, L.A.

Wortley, D.

## PAIRS

Goldsworthy, R.M.

Digance, A.F.C.

Marshall, S.S.

Hildyard, K.

Pisoni, D.G.

Bettison, Z.L.

Redmond, I.M.

Weatherill, J.W.

Williams, M.R.

Odenwalder, L.K.

Wingard, C.

Mullighan, S.C.

Second reading thus negatived.

*Motions***INTERNATIONAL DAY OF PERSONS WITH DISABILITIES**

**Dr McFETRIDGE (Morphett) (11:35):** I move:

That this house recognises 3 December as the International Day of People with Disability and celebrates the achievements of those with a disability and recognises the contribution they make to our communities.

It gives me great pleasure to move this motion. Today is the last day of the parliament for this year, so it is a fitting day to make sure that we do remember that tomorrow is the International Day of People with Disability—or Persons with Disabilities, as is the new title.

The background to the International Day of Persons with Disabilities is quite a long one now. The United Nations International Day of Persons with Disabilities was first celebrated on 3 December 1992, and it is a celebration held right around the world now in many countries. The theme for this year's international day is 'Achieving 17 goals for the future we want'. This is all part of the United Nations trying to build a sustainable and inclusive society.

The number of people in Australia with a disability is almost half a million, according to the NDIS figures. Here in South Australia, we are expecting about 33,000 people to come onto the NDIS, and that does not completely represent people with a disability, if you look at the categories under the United Nations classification of people with a disability. The need to make sure we celebrate the day is so important because what we are really looking at is the ability of people who have some limitation, some challenges in their life, to overcome those challenges. As parliamentarians, we need to make sure we are getting the best we possibly can for those people who are faced with challenges every waking day.

The 17 sustainable development goals the United Nations has listed for this year's targets are no poverty; zero hunger; good health and wellbeing; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation and infrastructure; reduced inequalities; sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; and partnerships to achieve the goals. One of those goals, in particular, is very close to home here—that is, life below water.

Recently, a couple of South Australians received recognition and awards during the 2016 National Disability Awards in Canberra, and one of those, Maurice Corcoran, received the Lesley Hall Leadership Award. I am sure that Maurice is well known to everybody in this place and certainly to people who have anything to do with the disability sector. Maurice has been an advocate for people with disabilities for many years. In 2006, he was made a Member of the Order of Australia for his sustained service to people with disabilities and for contributions to the development of national standards for accessible public transport.

Maurice played a role in the development of the National Disability Strategy and has worked tirelessly to break down barriers, increase recognition and challenge issues facing people with disabilities. He is passionate about access to public transport for people with disabilities, and from 1994 to 2000 he was the national disability representative on the national task force on accessible

public transport standards and the federal Attorney-General's steering committee on accessible public transport. Maurice has received national awards from the Human Rights and Equal Opportunity Commission for his work on developing transport standards, and he is still working very hard for all the people in South Australia, particularly those with disabilities.

The United Nations goal 14 was 'life below water', and this year another South Australian who received an award at the National Disability Awards was Peter Wilson. I have got to know Peter Wilson over the last 12 to 18 months. He is one of the most passionate fellows I have ever met.

Pete had a motorbike accident a number of years ago and he has overcome his disabilities. He is also a passionate scuba diver, and because of his hard work, determination and sacrifice—because he has put a lot of his own money into developing a particular project for South Australians which is a unique project in the world, being copied nationally now with Peter's input—Peter won the Excellence in Inclusive Service Delivery Award for his Determined2. Initially, it started as Determined2 Dive and now it is Determined2, so it is determined to do lots of things.

Pete started out with this idea of getting people who have disabilities—and in some cases severe disabilities, high-level quadriplegics, for example—into swimming pools, into water, where they could put on wetsuits and scuba gear and go diving. This sounds almost impossible for somebody who has severe high-level quadriplegia, but with the cooperation of the Royal Adelaide Hospital and many other people, Peter has had numbers of participants come into this program, and as a result of what he has done he was one of the award winners at the national awards.

I am going down there very shortly actually. To my shame, I have not done it already, so I am going down very shortly to the Adelaide aquatic centre to participate in one of Peter's sessions where he takes people into the water. I do not think I am speaking out of turn to say that the Hon. Kelly Vincent is one of the people who participates in this program. Along with his other workers, Peter takes people with all forms of disabilities into the swimming pool with their scuba gear on. If you want to go onto their Determined2 website, have a look at some of the videos.

The people who have been confined to wheelchairs for many years in some cases are able to experience freedom when they become weightless in the pool and then are able to move under their own power. Some almost walk again. It is quite a moving experience to see what Peter has done. To see that his specially designed immersion therapy program is now being recognised nationally, and being talked about internationally, is something we should all be proud of in South Australia.

The need to continue to provide all efforts we can in this place to support people with disabilities is something I think everybody recognises. I remember standing on the stage at Novita with Premier Weatherill a couple of years ago and saying that if you cannot be bipartisan about disabilities, what can you be bipartisan about? It should really be multipartisan because I think every party, every individual and every Independent in this place is a strong supporter of allowing people with disabilities to achieve their maximum goals.

The changes that are coming up with electronic implants and wi-fi implants to overcome spinal lesions provide such an exciting future for people with disabilities; that is why we need to make sure we celebrate days like tomorrow on the International Day of People with Disability and recognise the fact that there are still challenges for them and still challenges for us. This is an important day, and I hope that tomorrow morning as many members of this place as possible can be out the front here at 10am for the start of the march down to Victoria Square.

There is a celebration at Victoria Square with the various groups that are involved with the disability sector. Peter Wilson and Determined2 will be down there. If you have a chance, go down and have a look. It is a great thing, and I hope that every member in this place does what I think they will do and have done in the past and that is continue to support people with disabilities.

**Ms WORTLEY (Torrens) (11:43):** I join the member for Morphett in recognising the 24<sup>th</sup> International Day of People with Disability and its importance in promoting awareness and action in our communities to support the dignity, rights and wellbeing of people with disability. The international day, celebrated on 3 December each year, is a United Nations sanctioned day to raise awareness and celebrate and recognise the achievements and contributions of people with disability

in all aspects of political, social, economic and cultural life. It also raises awareness about disability issues more broadly across the community and ultimately supports the development of an inclusive Australian society.

Each year, the United Nations announces a theme to provide a focus for considering how to address barriers to inclusion in society, including those relating to the physical environment, information and communications technology, and attitudes. This year's theme, 'Achieving 17 goals for the future we want', reflects the United Nations 2030 Agenda for Sustainable Development, which include 17 sustainable development goals. The sustainable development goals are broad in order to drive global development with a focus on promoting mainstream inclusion of people with disability. Themes relevant to the disability agenda include:

- the achievement of inclusive and equitable quality education and the promotion of lifelong opportunities for learning;
- the creation of full, productive and equitable employment;
- ensuring inclusive, safe and sustainable towns and cities; and
- the promotion of the importance of social, economic and political inclusion of all members of the global community.

Building on the principle of leaving no-one behind, the new Agenda for Sustainable Development emphasises a holistic approach to achieving sustainable and equitable development for all citizens. The 2016 international day coincides with the 10-year anniversary of the adoption of the UN Convention on the Rights of Persons with Disabilities, to which Australia is a signatory. In the past decade, we have seen major disability reform in Australia, including the development in 2010 of the National Disability Strategy 2010-2020.

The strategy aims to ensure that mainstream services, programs and infrastructure are responsive to the individual requirements of people with disability, as well as improving outcomes in specialist disability services. The state Labor government is committed to implementing the NDS to ensure equitable access and inclusion for all citizens. The Department for Communities and Social Inclusion is playing a key role in facilitating the implementation of the strategy and is leading the introduction of disability access and inclusion plans across state government departments, statutory authorities and local government.

These plans align with the national strategy and aim to improve outcomes for people with disability across a range of areas, including education, employment, justice, health and community inclusion. Organisations are urged to be creative and incorporate best practice and innovation rather than simply complying with relevant legislation and standards. Examples of the good work we are doing in South Australia include the ongoing improvement of our public transport services, with the bus fleet now 88.5 per cent accessible.

In addition, a comprehensive review of way-finding and information provision at the Adelaide Railway Station has resulted in new signage, the display of access information on station monitors and the provision of sighted guide assistance. The Office for Recreation and Sport has been active in promoting equity in sport through a YouTube video, entitled 'Inclusion—where do I stand?', and inspirational posters. These resources are designed to break down the perception that including people with disability is just too hard.

The arts have always strived to be inclusive, as exemplified by the Adelaide Festival program improvements to ensure performances, venues and services are accessible to the broadest possible audience. The Festival provides audio versions of event information, large text programs, Braille maps, website information about interpreted performances, assisted hearing and audio described performances, relaxed performances, touch tours, battery recharging points and Companion Card provisions.

DCSI developed a free mobile phone app, called BlueBays, to identify and share information about accessible parking spaces. This tool was developed as a response to community feedback that the provision of parking information would help people plan their journeys with greater confidence and independence. BlueBays won the South Australian Spatial Excellence Award 2016

in the people and community division. These steps towards a fully accessible South Australia are only a snapshot, and I would like to acknowledge the ongoing commitment of all the other agencies in progressing their plans to ensure that the design of all premises, services and information is accessible.

Local government is also highly committed and active with this agenda. Local government representatives are engaged with the development and promotion of the NDS, and the Australian Local Government Association recently launched a new resource to promote cultural change and provide practical information and examples of good practice in social inclusion. The Disability Inclusion Planning—a Guide for Local Government provides valuable information and ideas not only for local councils but also for businesses aiming to broaden their customer base.

The international day also provides an opportunity to celebrate individual achievements. With 20 per cent of the population identifying as having a disability, this represents a wealth of talent and skills. There are many South Australians whose accomplishments are worthy of mention, but this year there are a few I would particularly like to acknowledge. Congratulations to Paralympian Karni Liddell, who was named the 2016 Patron of the International Day of People with Disability. Karni competed at the 1996 Atlanta Paralympics and the 2006 Sydney Paralympics, winning swimming bronze at both. I would also like to congratulate the nine South Australian athletes who achieved exceptional success at this year's Rio Paralympics.

Two South Australians were also honoured at the 10<sup>th</sup> National Disability Awards as part of the International Day of People with Disability celebrations for 2016. Maurice Corcoran AM won the Lesley Hall Leadership Award for his advocacy work for people with disability for over 30 years. In 2006, he was made a member of the Order of Australia for his sustained services to people with disability and contribution to the development of the national Disability Standards for Accessible Public Transport. Maurice also played a key role in the development of the National Disability Strategy and has worked tirelessly to break down barriers, increase recognition and challenge issues facing people with disability.

I would also like to commend Determined2 for winning the Excellence in Inclusive Service Delivery Award for the immersion therapy program, which allows people living with disability, injury or a medical condition to enjoy a controlled scuba diving experience and freedom of movement in a weightless environment. There is much to be celebrated at this year's International Day of People with Disability and much still to be achieved. I look forward to continuing to work together as a state and a nation to continue improving opportunities and lives for people with disability.

**Mr DULUK (Davenport) (11:51):** I just want to make a short contribution with regard to this motion:

That this house recognises 3 December as the International Day of People with Disability and celebrates the achievements of those with a disability and recognises the contribution they make to our communities.

The International Day of People with Disability has been celebrated annually around the world since 1992. It is important that we acknowledge this day and join in those celebrations recognising the achievements of those with a disability and the contribution they make to our communities. I welcome this year's theme, 'Achieving 17 goals for the future we want'. The theme reflects the adoption of 17 sustainable development goals to address the three dimensions of sustainable development (environmental, economic and social) and form a key part of the United Nations' global development agenda.

Closer to home, it is an opportunity to reflect not only on the contribution that those South Australians living with a disability make to our community but also on the support we provide those living with a disability to ensure that they are able to participate in, and make a wonderful contribution to, our society. Unfortunately, when we reflect, at times it is not a particularly good record when it comes to supporting those with a disability. The state government continues to fail to meet the community needs of some of the most vulnerable members of our community, and disability representation in South Australia is quite poor. Of course, we all know about the lack of disability services in so many key areas.

Organisations representing disabled persons receive little to no government funding. A quick look at the unmet needs data illustrates the frightening neglect of those living with a disability in this

state, with services lacking in disability respite care and disability accommodation, especially for younger people with a disability, who are regularly placed in aged-care facilities as there is not enough supported accommodation available to them. People in this house will know that I have a particular interest in epilepsy. It is a key disability that affects many South Australians. The Australian Bureau of Statistics defines a person with a disability as someone who has:

...a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities.

Epilepsy is a disabling condition. Federally, the Department of Social Services recognises epilepsy as a disability when it cannot be controlled with medication. Across Australia, epilepsy is recognised as a disability in every state bar one: our own state. Sadly, for those living with epilepsy in South Australia, our state Labor government is the only state government in Australia that does not recognise epilepsy as a disability.

Epilepsy can be debilitating. There can be regular seizures, sleepless nights and the inability to work full time, to care for themselves or their children, and an eternal fear of the unknown. Every part of your life and that of your family is impacted when you are living with epilepsy. I have previously raised the importance of recognising epilepsy as a disability. If we were to recognise it as a disability in South Australia, it would give those living with epilepsy access to additional support services through the NDIS, access that would provide considerable relief, especially to families with school-age children who live with chronic epilepsy. The lack of support from the South Australian Labor government is felt every single moment in the lives of those living with epilepsy and their families.

I urge the state government to do more for people living with epilepsy and for the more than 20 per cent of South Australians who indicate that they have a disability. This government's record in protecting and championing our most vulnerable members of society has been very poor. South Australians should not have to wait another 18 months before that can all change; I would like to see the government step up to the plate now and recognise epilepsy as a disability and ensure that our disability services in South Australia are adequately funded. I strongly encourage the Minister for Disabilities to take urgent action to address the endemic failings of the disability services in this state.

Finally, on a lighter note, I would also like to take this opportunity to congratulate all our Paralympic athletes, in particular those who competed at the Rio Paralympics this year. Their persistence, dedication and ability to overcome adversity is a testament to their character and a wonderful example for us all.

I had the pleasure of attending the welcome home parade for our Paralympians from Rio, celebrating the achievements of these outstanding athletes. I was fortunate to meet with Brayden Davidson, our gold medallist in the long jump, and young Liam Bekric, who competed at his first Olympic Games at the age of just 15. They are both truly remarkable young men. I wish all those participating community events, including tomorrow's Disability Pride Parade, an enjoyable celebration.

**Mr HUGHES (Giles) (11:56):** I also rise to support this very worthy motion. In so doing, I reflect on a part of my life when I worked with people with disabilities. For about eight years of my life I worked primarily in the workers compensation field. As part of that work, we provided services for people who through birth or accident or disease were referred to at the time as traditional clients.

One of the most satisfying elements of that particular work was assisting people to gain a greater degree of independence or, better still, entry into the workforce, and in some cases the open workforce. We assisted a number of people to get supported employment with mainstream employers. It was deeply rewarding to see the transformation in a person's life when they were able to achieve that sort of outcome.

Not long before I was elected, I had the pleasure and honour of meeting two people in my electorate with a profound disability. They are twins Cyanne and Zia Westerman. Recently, I was able to provide some assistance for the twins and, in order to provide that assistance, I received some information about what it is like to live their life. As an able-bodied person I can stand up here and talk about policy, about the gaps in policy, the current unmet needs, but I think it is more important that the words of two people with a deeply lived experience be read into *Hansard* to give people an



insight into the daily challenges that some people in our community face. Cyanne and Zia sent me some words; they call it 'A simple day in the life of Cyanne and Zia'. These are their words:

Cyanne and I share a distinct feature. We are redheads. You may have seen us zooming around the shops or sitting at a cafe drinking coffee with our wonderful carers. The people who are close to us know we have a bright outlook on life with a great sense of humour. They also know the type of disability we have. However for those of you who don't know, we live with a condition called Limb-girdle Muscular Dystrophy type 2i. It is a rare physical condition that affects the muscles.

Living with Muscular Dystrophy isn't hard it is the relying on other people to live a life that is the most hardest and frustrating of all. Cyanne and I don't like telling people the ins and outs of our private life, but in the last couple of years we have begun to share our world. How will things change for the better if no-one knows your story? No-one will know the daily struggles; one that everyone overlooks because it is the most simplest for them but the most troubling for us.

Our daily life is a timed schedule from the moment we open our eyes in the morning to the moment we close our eyes at night. It is not our choice to live this way, but it is the only one if we want to get out of bed in the mornings. The disability system seems to think that it is okay for people with disabilities to have the same timed schedule every day for the rest of your life. Our amazing mum has fought for the care we have today, even though it is still not enough.

At 7am, we have two carers come in to get us out of bed, go to the toilet, showered and dressed. Telling you that sounds easy, of course it is, because it is just words. We have had many carers turn away because it is too hard or confronting for them, never mind what it does to our emotional state. Our carers have a no lift policy so that entails lifters like you see at the hospital and the aged care homes. It took me years to finally accept the fact that I have to use these things for the rest of my life. I know what it is like to walk and not to have to deal with lifters and carers—a normal life, I should say—so adjusting to a whole different side of life was extremely hard. I still struggle to adjust on some days.

It takes nearly an hour each for Cyanne and I to get ready in the mornings. This also depends if we need to wash our hair and which carers we have. Then at 10am we go to the toilet. We do this two more times a day at 2pm and then at 6pm, including when we go to bed at 9.30pm. The simple task of going to the toilet takes, what, 2-5 minutes? Well, for me it is roughly 25 minutes. And that is a huge chunk out of my day, especially when you add all the times up of showering, going to the toilet and going to bed. Who the hell can pee on a timed schedule? I don't drink a lot during the day because I don't want to spend the next hour or two needing and waiting to go to the toilet. I don't get to enjoy spending late nights watching movies or writing because the carers are here at 9.30pm to put us to bed. I have tried asking the system to have carers 'on-call' from certain times during the day/night, but I am not allowed to because of all the red tape, as they say.

The service provider, where my carers are employed from, say they need two weeks notice if we want to go anywhere. How can one live a life two weeks advanced? You simply just can't. What angers me is that they organise carers in a days notice or that we have to keep reminding them that they have forgotten to put the times on the roster for when we want to get out. They then complain that we make 'too many changes to the roster' and then I feel like I am the bad guy for trying to live a normal life. It is not my fault for constantly pointing out their mistakes. Leaving the house is no simple task. We have to basically reschedule our whole day just for a couple of hours of being out in society. I can't stay out for too long because there is nowhere for us to go to the toilet due to the lack of facilities and equipment that we need.

So what happens when the service provider forgets to cover someone's shift? Well, no-one turns up. We either lay in bed frustrated as hell or we sit in our wheelchairs busting to go to the toilet waiting for that second worker to arrive. We have to ring the service provider and wait for them to find someone to come in if they are available. It may take 10 minutes or 45 minutes. It doesn't matter. We have to wait. This screws our whole day because we can't get that missing time back. We can't simply say, 'Oh, only one carer turned up let's skip going to the toilet today.'

We have the same female carers that return to our home, as it is a lot to train and teach new people, and I don't just let anybody see me naked. In the past we have basically been told to shut up and accept whoever comes through the door and that we should be thankful that we have any care at all or go to in aged care home to get 24 hour care that we need, but of course our mum was there to make things right. A lot has changed since then and we have people that are more respectful of our rights, but we still have a long way to go. Having carers come and go every day is extremely hard because they are in our personal life with no privacy of our own. It is also heart-breaking when they move on because you sometimes don't hear from them again or if they do keep in contact it is just not the same because you don't see them everyday. Meeting new carers is challenging because you don't know if they are going to stay or find it too hard and leave without any warning. We have had people say, 'See you tomorrow,' but they never return. It is never easy.

Every aspect of our lives is either a struggle to make people understand our situation or a fight to try to make people see that we need the help, not just because we want it. Take our two electric doors at home for an example, we had to pay a couple thousand each because the disability system sees the doors as a luxury.

I could go on because this is really worth reading. The challenges these two fantastic people face are amazing, but they get out there and live life to the full nonetheless.

**Dr McFETRIDGE (Morphett) (12:07):** I would like to thank all members for their contributions because I know that every member in this place will do everything they can to support people in South Australia with disabilities to achieve the maximum of their ability.

Motion carried.

#### **AUSTRALIA CHINA FRIENDSHIP SOCIETY**

**Mr TARZIA (Hartley) (12:07):** I move:

That this house—

- (a) congratulates the Australia China Friendship Society on celebrating its 50<sup>th</sup> anniversary in 2016;
- (b) acknowledges the significant work and commitment of the Australia China Friendship Society's committee and volunteers, past and present, who continuously work towards building and promoting a friendship between the peoples of Australia and China; and
- (c) acknowledges the importance of their establishment and the society's attempts at bringing to the Australian public a greater knowledge and understanding of China's rich cultural heritage.

China is obviously Australia's largest trading partner and Australia is China's sixth largest trading partner. China is obviously an enormous market for our commodities and also for our goods and services, and we are richer as a nation because of the good Chinese people who have come to Australia and call Australia home.

I would like to thank sincerely the Australia China Friendship Society of South Australia for their work in celebrating their 50<sup>th</sup> anniversary, which I believe was in February 2016. They held an event for this at the very popular Chinese restaurant Ming's Palace. A variety of people on both sides of the chamber attended the dinner, and they were certainly pleased to do so, to commemorate such an occasion. Various other dignitaries also attended, including the very popular Governor of South Australia, His Excellency Hieu Van Le, and Mrs Van Le.

I would like to especially thank the executive, particularly the executive president, for all its work and for doing such a good job. The 2016 executive president is June Phillips. Vice president, Ann Ferguson OAM, is also the Mayor of Mount Barker. The vice president is Chris Mutton and the secretary is Graham Bennett. Helen Bannock, Shane Strudwick and Daniel Ong are committee members. The tour secretary is Pat O'Riley and past president and life member is Mike Willis. The past national president and life member is Geoffrey Stillwell.

Obviously, we are extremely grateful for the good work the group does creating links between the two nations and sharing common interests, and they do this with an array of activities. They conduct exhibitions and from time to time they conduct lectures, they show films and hold social functions. They also promote and attend linked events between the two countries. They certainly help not only to stimulate but also satisfy South Australian people's interest in China in the past but also in the present and the future.

They also spread knowledge about what is happening, not only in South Australia but also in China, in a range of areas, be it food, tourism, trade, education, language, medicine, music or art and craft. They talk about the very important sister state relations such as Shandong Province, and they have a very important program that helps their members to keep in contact with as many elements of China and South Australian relations as possible. I commend the good work that they do, and I commend this motion to the house and I hope that the government supports it.

**Mr PEDERICK (Hammond) (12:11):** I rise to speak to the motion by the member for Hartley:

That this house notes—

- (a) congratulates the Australia China Friendship Society on celebrating its 50<sup>th</sup> anniversary in 2016;
- (b) acknowledges the significant work and commitment of the Australia China Friendship Society's committee and volunteers, past and present, who continuously work towards building and promoting a friendship between the peoples of Australia and China; and
- (c) acknowledges the importance of their establishment and the society's attempts at bringing to the Australian public a greater knowledge and understanding of China's rich cultural heritage.

I was one of the members who, on 25 February, participated in the 50<sup>th</sup> celebration dinner at Ming's restaurant along with His Excellency the Governor, Hieu Van Le, and his wife, Lan Le. It was a great celebration of 50 years of collaboration. I acknowledge longtime friends of China Pat O'Riley and June Phillips, both from Murray Bridge, and certainly Brian O'Riley, who has since passed, who was also a very keen friend of China and did a lot of work in that regard.

I urge people who have the opportunity to go on one of the Confucius trips—as the member for Hartley, the member for Heysen and I did most recently—and I know other members from this place have gone in the past. If you have never been, it is the best way to look at this amazing culture. You are hosted in an excellent manner and go right around Qingdao; whether it is in Shandong Province or Shanghai, Beijing, the Great Wall, it is a fascinating experience and we were made very welcome.

A bit is said at times about the slowdown in China's growth. When you look at it perhaps in percentage terms, it has slowed down, but it is still growing at a remarkable rate. Many of the buildings we saw, which there were probably small cities, had 20 or 30 cranes in one location building multistorey apartment blocks for people to live in. They are certainly taking a focused approach. It is a bit like we are doing in some areas here at Port Augusta with Sundrop Farms, for example, and with the work done around Virginia with horticulture and the giant glasshouses. They are looking at that concentrated production so that they can utilise their land much more efficiently.

There are so many opportunities in China and we need to embrace them. I know that there are many wine companies. Certainly, Beston Foods has recently purchased the milk factories at both Jervois and Murray Bridge, and I commend them for the unique export work they are doing with branded products. With the brand lock system that has been put in place, they can fight back against counterfeiting, and do it really well, and people can download the QR code and track where the product came from or find out if in fact it is genuine. That is something that really needs to be taken into account, that they certainly do great work going into the market.

Golden North Ice Cream has also got into the market. I note and congratulate them for winning an award at the Food Awards the other night here in Adelaide. They have done great work dipping their toes into the China market, and they have really only done so to the ultimate potential, but unless you dip your toes into a market like that you never know quite where the potential could be with the many millions of people who live in that country. They are certainly having a red hot go, and there are many other countries that are doing it, too.

As with any of our trade, we have to support our free trade agreements, and trade is two-way. There is debate at times about Chinese investment here in Australia, but we also have many billions of dollars worth of investment over there. We are a country that has been built on foreign investment and, yes, we do have to monitor it, but I think that especially in agriculture we need capital. That was something we learnt during the select committee into sustainable farming, where people said, 'Yes, we love to farm, but we are starved of capital.' We certainly need that to be stronger into the future.

I certainly commend the work of the Australia China Friendship Society, and it is something we must keep doing because it is a very important two-way trade location. There are so many businesses that are getting on board and getting on with that trade. In fact, at Tailem Bend, with the export hay facility there, they have a Chinese lady who works with their group and helps market their product into the many dairies in China. I think that is an ideal way, that you have someone on the ground to help you navigate and get the deals done, especially with the obvious language barrier at times.

I had the privilege only the other night of going to the opening of the cellar door on Kensington Road of the Schubert Estate winery from Marananga in the Barossa. I was invited because not only are they my constituents but the Chapman family, Andrew Chapman—

**An honourable member:** Were you invited?

**Mr PEDERICK:** Absolutely. Tom and Wendy Chapman furnished me with an exclusive invitation to go to that function. It was great to see the collaboration where obvious Chinese co-investment has come into that estate and opened up more doors for more export into China of our

fabulous wine. We get plenty of opportunities in this state to drink good wine, and there is no reason that we should not export it interstate and to the world because we have the best state and the best country for growing wine. It was a great event and I wish them all the best. They do not have a cellar door up in the Barossa, and this is their access into the populus of Adelaide and beyond.

I commend the work of the Australia China Friendship Society. I know there is a delegation coming out from China next week, and I will have the opportunity to catch up with some of them. There are also some industry people catching up with them, including Ingham's and Thomas Foods, who are both major players in my electorate. Thomas Foods employs over 2,000 people, and Ingham's is opening up its grow-out facility at Yumali, not very many kilometres from my home at Coomandook. It is supplying a lot of employment right now with the building of those grower sheds for chickens, and will supply many jobs into the future. However, it is not just that: a new feed mill will also go in near Murray Bridge in the future to supply the ever-growing chicken industry.

I commend Pat O'Riley and Regional Development Australia for helping set up that meeting for next week and the displays of our produce that will be shown to our Chinese visitors. This is what we need to do continuously, to market to our food to the world, because we can be the delicatessen to the world. We can grow enough food here to feed about 80 million people, so we do need to export and we do need to foster those relationships, just as the Australia China Friendship Society does. I commend their work.

**Mr WHETSTONE (Chaffey) (12:21):** I rise to make a small contribution to support the member for Hartley's excellent motion to congratulate the Australia China Friendship Society for celebrating its 50<sup>th</sup> anniversary in 2016. The South Australian branch of the Australia China Friendship Society has played an important role in bringing greater awareness and understanding of China's rich cultural heritage and in promoting the friendship between this state and China. I know that the society hosts and attends many exhibitions, lectures, films and social functions promoting and attending many Chinese-linked events, and I have been part of some of those initiatives, particularly with the Confucius Institute.

The trip over to China was a great awareness-raising and cultural trip to understand the cultural ways and means the Chinese people live by. It was also about having a much greater understanding that, if we are going to be an export partner, if we are going to strengthen our export ties, we need to understand what priorities the Chinese have and we need to understand their people, their businesses, the government, their cultural beliefs and how we need to sit side by side and how we are going to take advantage of that.

The more we understand about them the more respect we gain, and that is very important in this day and age, particularly understanding cultural beliefs, understanding behaviour and what they do and do not like. There is no point trying to convert a nation of people who are, essentially, not receptive to a number of factors, particularly when we are trying to understand culture and the best way to get a foot in the door and be part of a very lucrative, booming economy.

What we need to do here in South Australia is better understand how we can create trust, and trust is the number one issue here, particularly with the friendship society. What China has presented to South Australia, being its largest trading partner—and its significance cannot be understated—is that China makes up almost 20 per cent of the total share of our exports to a value of about \$2.1 billion. In dollar terms, that equates to about \$1,000 per head of population here in South Australia in benefits to our economy, and I would like to think that over the next five years, under a South Australian Liberal government, we could double that.

We have seen for too long this government making promises, bandying about all sorts of numbers, and they only deliver false hope in many instances, so I think it is important that we set realistic targets. We cannot totally rely on outbound/inbound missions. Businesses need to be able to go over there and create that relationship of trust that the Chinese hold as a priority.

If they are going to put our food in their mouths and foster their children to grow with our food and not have some of the concerns about food safety particularly, what we offer here is exactly what the Chinese are looking for, and that is that they can trust the people they are dealing with. They can trust the people who are growing their food, and I think it is very important that we have those people over here on our shores visiting farms.

It is okay to have government relationships, government bureaucracy, ministers shaking hands and playing gunboat games, but they need to get out there. The motto I used to use when I exported to China, South-East Asia and northern Asia, right across the world, was that the trust to be gathered was about my family growing food for your family. In exchange, that relationship needs to be about trust but it is about showing them the trust, showing them where the food is grown, the blue skies, the clean river, our unpolluted soils and unpolluted waterways. That is what it needs to be, and the friendship society is doing a great job gaining that trust.

The state government has been working towards that. I think they have lost their focus a little on gaining that trust because for most people in society in today's terms, there is some trust with politicians but there is not enough, so we need to go out to farms, the pack houses, manufacturing, value-add industries and show them where it all takes place so that they can have a better understanding. Again, they can work away with that trust.

As I have said, South Australia has a 30-year sister state relationship with Shandong province, and I think that has been an outstanding success. The 10-year average annual growth in the value of South Australian merchandise exports into China has been about 13.3 per cent, and that is outstanding growth, and there is much more growth to be had. Again, we have seen areas of benefit in our trading relationships, and I think we need to be looking at expanding that. We need to be looking at ways we can value-add with what we are doing because we have to trade with high-value products.

We are not competitive when it comes to labour, as you have seen with the car industry and a lot of manufacturing in South Australia. With mainstream manufacturing, we are not able to compete, but we are able to compete with the high-end high-value precision manufacturing that not every country in the world is capable of achieving. Key areas of trade with China are agribusiness, food, wine, resources, energy, health, aged and disability care, services for liveability, tourism, education, arts and culture.

As of July of this year, South Australia had around 7 per cent of all Chinese students studying in Australia. This is an increase since 2013, but South Australia still languishes behind in the national average, so South Australia's footprint when it comes to the Chinese student population is still well behind. As I understand it, we are about 7.1 per cent of the nation, or a little under, but what we are seeing at the moment is that South Australia's overall education footprint is a little over 4 per cent. It is important that we grow, it is important that we put levers in place so that we can show that we are a great place for students to come to visit and for study and to bring their families with them so that they can be great ambassadors for Adelaide when they go home and portray Adelaide and South Australia as a great destination for the Chinese.

China is embracing a new model of economic growth under President Xi Jinping, with attention being placed on structural reforms and environmental protection. China is transitioning from a period of uninhibited investment and expansion to a modern advanced economy, with heavy investment in upgrading the quality of education, innovation, research and development. A stronger focus will be placed on quality urbanisation and environmental initiatives to include the establishment of a green development fund and promotion of our clean production.

As I have said, this relationship needs to be fostered and enhanced. We cannot sit back and just say what a wonderful job we are doing; we need to strive for more. We need to strive to create better relations into China. We need to strive to create better ties and more trust, as that is the way we are going to grow our economy. A number of our businesses have been successful in building a relationship with China, including Food SA. Catherine Sayer has been a great advocate for food, horticulture and agriculture in South Australia, and I commend her for the great work she has done.

South Australian producers are predominantly small to medium enterprises and often family owned. As I said, we need to be nimble and we need to be able to change direction if need be to accommodate the demands in China. Again, I congratulate the partnership, I congratulate the Australia China Friendship Society and I commend this motion to the house.

**The Hon. T.R. KENYON (Newland) (12:31):** I rise to speak in support of the motion. This year, the South Australian branch of the Australia China Friendship Society celebrates their 50<sup>th</sup> anniversary. For five decades, the South Australian branch of the Australia China Friendship

Society has been a cornerstone of building and improving the relationship that Australia shares with China. The society was not born off the back of China's promise of trade and China's significant economic growth; in fact, it was created to break barriers and forge relationships.

Fifty years ago, at a time when the White Australia policy was in place and when any relationship with China was misunderstood and opposed by—let's not go into that—the Australia-China Friendship Society had the foresight to lobby—

**Mr Pengilly:** Who wrote that, Tom?

**The Hon. T.R. KENYON:** I was going to add it in, actually, but I decided not to—just remember who opposed it at the time, who criticised the Prime Minister when he went to China, just remember that.

**Mr Bell:** Don't respond to interjections, please.

**The ACTING SPEAKER (Hon. P. Caica):** I will determine who does and doesn't.

**The Hon. T.R. KENYON:** When prime minister Whitlam went to China in 1972, let's remember who opposed it.

*Members interjecting:*

**The ACTING SPEAKER (Hon. P. Caica):** I will have a bit of order, please; come on.

**The Hon. T.R. KENYON:** Fifty years ago, at a time when the White Australia Policy was in place and when any relationship with China was misunderstood, the Australia China Friendship Society had the foresight to lobby the commonwealth government for the diplomatic recognition of the People's Republic of China, which happened in 1972. The founders of the society were visionary, and in 1985 a delegation of the society, led by Mr Jeff Emmel, was invited to the Shandong Province. Upon their return, they brought home the message of partnership, which eventually led to South Australia and Shandong becoming sister states in 1986.

The Australia China Friendship Society plays a key role in non-governmental diplomacy that continues to inform and strengthen our international ties. Friends, members and supporters of the society gathered at Ming's Palace restaurant on Thursday 25 January 2016 to formally recognise the instrumental Achaemenes of this group. The Hon. Zoe Bettison MP, Minister for Multicultural Affairs, attended this celebration and said that it is groups like the Australia China Friendship Society that have been and continue to be at the forefront of understanding the bonds we share and the vital relationship South Australia has with China.

I, too, add my thanks and applaud the work of the society's president, June Phillips, past president Mike Willis, and their secretary and treasurer, Graham Bennett. Activities such as cultural art exhibitions in Murray Bridge and Mount Gambier, specialised tours to China, scholarships to the Shanghai Normal University, annual youth camps in Shanghai and study tours that have resulted in sister school relationships are all evidence of the proactive and important work of the society.

With a history and culture that dates back many centuries, understanding China ultimately helps us understand ourselves. The South Australian community is home to over 15,000 people born in China, and over 16,000 people speak Mandarin at home. Our state is also home to a large number of ethnic Chinese from countries other than China, including more than 5,700 from Hong Kong, Singapore and Taiwan. We have seen that there has been some change in the relationship in Hong Kong in the last few years.

The Chinese community has made an enormous contribution to our state, both economically and culturally. The society breaks down barriers between our nations, whether they are real or perceived, to foster a relationship that is beneficial for all. We on this side of the house, and I think all in this house, congratulate the South Australian branch of the Australia China Friendship Society for their 50 years of tireless work in bringing Australia and China closer together. The government therefore supports this motion.

**Mr PENGILLY (Finniss) (12:35):** I rise to make a small contribution on this motion. I congratulate the member for Hartley on bringing it into the House of Assembly. It is appropriate; the Australia China Friendship Society does a lot of good work and should be encouraged. I note with

interest the goings-on that are reported back to this side of the house, and I can only add my congratulations to those who are heavily involved.

Sometimes it seems to me there is a sudden view that we have just established relations with the Chinese people, and it is simply not true: it goes back a long way. I stand to be corrected, but if history serves me correctly the mighty South Australian warship, the HMAS *Protector*, actually went to China to assist during the Boxer Rebellion. That was when South Australia had its own Navy. I think I am correct in that but, as I said, I stand to be corrected.

Of course, the Chinese were also early goldminers and came to Australia during the gold rush. Chinese people came ashore in the South-East of South Australia and made their way through to the Victorian Goldfields. Whether they were illegal or illegal, it has probably been a bit too long to go back over that. The former lord mayor of Darwin was a Chinese-Australian. I can remember at the time—and I am going back three or four decades—that there was widespread commentary throughout Australia in the papers, including *The Advertiser*. He was the first Chinese-Australian elected to that sort of position in Australia.

In my own electorate, we are having influences from the ongoing rebuilding of our relationship with China. Chinese investment is growing in all sectors. What some people forget is that we simply do not have enough capital in Australia to do things. We do not have that capital, and we have always grown on overseas investment, whether from the UK, Japan, the US, or wherever, so Chinese investment is part and parcel of that. It will continue to grow. Gordon and Daisy—I am not sure of their proper names—come down to Kangaroo Island for several months a year and have made large investments in the island and continue to do so. I look forward to a continuance of a good relationship and building on that, and I congratulate the member for Hartley.

**Mr TARZIA (Hartley) (12:38):** Once again, I thank the society for all of their good work, and I also thank members for their contributions this morning. I commend the motion to the house.

Motion carried.

**Mr BELL:** Mr Acting Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

#### **MEARES, MS ANNA**

**Ms WORTLEY (Torrens) (12:39):** I move:

That this house congratulates and recognises the achievements of Anna Meares as the most successful female track cyclist of all time.

The state government congratulates world champion cyclist Anna Meares on her incredible achievements in cycling and on rewriting history by becoming the most successful female track cyclist of all time. Anna is one of Australia's most successful athletes and track cyclists and is the first Australian woman to win an Olympic track cycling title.

On Sunday 22 February 2015, the then 31-year-old Australian won an historic 11<sup>th</sup> rainbow jersey in the keirin at the Track Cycling World Championships in Paris, at France's new national velodrome. When she arrived at the Track Cycling World Championships in Paris, France, Anna was on par with French cyclist, Felicia Ballanger, each with 10 world senior track titles. Anna was selected for four events at the world championships—team sprint, 500-metre time trial, keirin and sprint—which is an extremely challenging program for any rider.

In Paris, Anna competed in her four events, with her final event proving to be the charm. Having claimed bronze in the team sprint and silver in the 500-metre time trial at the start of the competition, she went on to a convincing victory in the keirin to claim her 11<sup>th</sup> world title. In her last race of the championships, Anna beautifully demonstrated a perfect race in the keirin final and made history as the most successful female track cyclist.

Having won 27 world championship medals over the years, including 11 gold medals, Anna claimed her first gold as a junior in 2001 and her first senior title in 2004, both in her favourite event, the 500-metre time trial. She was the first woman to ride a sub 34-second time in the 500-metre time

trial and then broke her own record by becoming the first woman to ride the 500-metre time trial in under 33 seconds.

Anna Meares' cycling career has for more than 20 years gone from strength to strength. Anna is the only woman in the world to win medals at the Olympic Games in all four sprint disciplines. She has twice been crowned Australian Cyclist of the Year and is an 11-time world champion across four different events. A five-time Commonwealth Games champion, she was given the honour of being the flag-bearer for the Glasgow 2014 Australian Commonwealth Games team.

At the 2016 Rio Olympic Games, Anna was named Australian team captain and at the opening ceremony carried the Australian flag. It is difficult to imagine a more fitting athlete to fill the inspirational role of representing Australia on the world stage and leading young athletes into competition. Across four Olympics, Anna has won six medals in individual track cycling events, making her the most successful Australian cyclist of all time:

- At the 2004 Athens Olympics, she won gold in the 500-metre time trial and bronze in the sprint.
- In 2008 at the Beijing Olympics, after a life-threatening accident seven months earlier that could have ended her career, she won a silver medal in the sprint.
- In 2012 at the London Olympics, Anna brought home gold in the sprint and bronze in the team sprint.
- This year, at the 2016 Rio Olympics, Anna claimed bronze in the women's keirin.

She has won more Olympic medals than any other Australian cyclist. No other Australian has medalled in individual events in four consecutive Olympic Games. When it comes to determination and commitment to succeed in her goal of being the best, Anna stands head and shoulders above all others.

Following her success at the London Olympics, Anna took a break from cycling to reassess her future in international cycling competitions. Thankfully for Australia, the decision was to continue, and she went on to win gold and silver in her comeback year at the Glasgow Commonwealth Games in 2014. Through her performance on the track in Rio, she became the first female to win a medal in every track sprint event at the Olympic Games and the only athlete to win a medal in four consecutive Olympic Games. Hers is a stunning achievement, and we congratulate Anna on her incredible success, not just in Rio but across four Olympics.

In a long list of awards Anna has received, it is worth highlighting that on Australia Day 2005 Anna was awarded a Medal of the Order of Australia for service to sport as a gold medallist at the Athens 2004 Olympic Games. In 2011, she was awarded the Australian Institute of Sport's Athlete of the Year Award and Female Athlete of the Year in 2014. She has also been named *The Advertiser* and Channel 7 Sports Star of the Year four times.

South Australia has proudly embraced Anna as one of its own after she moved here in 2004. In 2012, the state opened the Anna Meares Bike Path in Adelaide to honour her even then impressive achievements. Anna was born in Queensland, and this year the Queensland government announced that it will honour Anna's incredible athletic legacy by naming the velodrome built for the 2018 Gold Coast Commonwealth Games, the Anna Meares Velodrome. Anna officially opened the velodrome, located at the Chandler Sleeman Sports Complex, on 12 November.

Anna Meares is one of Australia's favourite sporting heroes and one of the most talented athletes in the world. In her cycling career, she has achieved consistent excellence and incredible longevity. Anna's ability and determination are reflected in her unparalleled records in the velodrome. While her athletic skills, strength and commitment are exceptional, it is Anna's character that has won her legions of fans across the globe.

Anna is a remarkable and inspirational person outside her sport in her attitude, her spirit and her achievements. She is also an accomplished author and has penned her own autobiography, *The Anna Meares story: the fighting spirit of a champion*. She is an engaging and inspirational speaker, having given numerous talks about sportsmanship, success and the power of the mind over body. Anna says:



Success is not about staying undefeated, it's about how you handle the defeats—that's what makes a true champion on the track and off it.

She gives her time in the wider community through serving as an ambassador for the Little Heroes Foundation for children with serious illnesses and helps to raise funds and awareness of the charity and to encourage and inspire children and their families who are facing their greatest personal test. Anna is also an ambassador for the national Breast Cancer Foundation, the Port Adelaide Football Club and the Santos Tour Down Under, amongst many others.

The incredible courage she demonstrated in the period after the serious accident she suffered seven months before the 2008 Beijing Olympics, when she fought so hard to rehabilitate herself physically and mentally to be able to compete at the highest level, was nothing short of remarkable. After seven months of determined and painful efforts to recover from a serious back injury, she was rewarded with a silver medal at the Beijing Olympics.

Anna has been a true example of inspiration. In frank and open discussions about her feelings about the pressure she has experienced as a result of her own level of high achievement, and about how she faces vulnerability in competing at the highest level on the world stage with the eyes of the nation and the world's media upon her, she is generous and shows us that even the world's best have times when confidence can falter.

Anna's grace, integrity, determination, resilience and fighting spirit are everything admirable that we as Australians wish to see in our heroes. When we think of our heroes, we remember those who inspired us with their integrity and who had the courage not to accept defeat. Anna is a woman who has shown us through her incredible achievements, often in very trying conditions, that she expects the very best of herself.

On Sunday 16 October 2016, Anna Meares, legend of Australian sport, whose name and legacy will long be remembered around the world as one of Australian cycling's greatest athletes, announced her retirement from the sport. Her many achievements have garnered worldwide admiration and she is now a vital part of our nation's collective sporting history.

It is with the greatest of pleasure that we follow Anna as she pursues her newest challenge, and the state government, along with South Australians, look forward to following Anna Meares' continued success. On behalf of South Australians, it is with great pride that we thank her for her great contribution to Australian sport and cycling and congratulate her on being the world's most successful female track cyclist. We wish Anna our very best as she pursues new opportunities beyond her achievements as one of our most decorated and loved athletes.

**Mr WHETSTONE (Chaffey) (12:49):** I, too, rise to support the motion. I have been absolutely honoured to meet Anna Meares on a number of occasions. In my role as shadow minister for sport, I am privileged to go along to many of the great sporting events and dinners in South Australia to celebrate the great achievements of some of our decorated sports stars. Those dinners bring together the outstanding success of all athletes in Australia—Commonwealth and Olympic games champions, world champions, state champions and Australian champions.

This motion is about celebrating one of the true legends of sport in the world—Anna Meares OAM. She has had an outstanding career, and her no-frills attitude to success is truly an exceptional achievement. She is a Queenslander, but we South Australians consider her as one of us. She widely acknowledges that South Australia is now her home. It is indeed recognised that she is one of the greatest female cyclists ever to walk on the planet. I think that is a lot for others to strive to achieve. Anna has said, 'I've lost more races than I've won. You cannot have nor appreciate success without defeat,' and I really think that sums up Anna: she is humble, she is professional and she is a great person.

To have sat down and had a conversation with her was a true privilege. That conversation showed me the type of person she is and the reason she is a successful superstar on the track. The Anna Meares Velodrome, which has just been built on the Gold Coast for the 2018 Commonwealth Games, recognises her achievements and is a small testament to what she has contributed to cycling not only as a champion but also as a mentor and a great South Australian. Young cyclists and sportspeople—not just girls and women—and all sporting stars look up to her and acknowledge her great achievements.

She is a great and wonderful athlete, and also a great role model and an inspiring person, and talking to her reveals her calm nature. I have spoken to her during the off season and during event training, and you can always see a sparkle in her eye when she is getting ready for competition, but she still has a sparkle in her eye during the off season. She also has the ability to turn off and use her time very wisely when she is either getting ready or in a period of rest or rehabilitation. Her horrific crash, when she fractured vertebrae in her neck, has been very well documented. For her to rehabilitate, get back on the bike, get back out there and show outstanding courage is another great accolade for who she is.

Her story has been documented widely. Anna started cycling at the age of 11. She based her want for cycling and success on Cathy Watt, who competed in 1994 at the Commonwealth Games. Amongst the honours Anna has received are the Centenary Medal, in 2003, and the Order of Australia Medal, in 2005 at the age of 20, which is just outstanding. She was the first woman to win gold for Australia in track cycling at the Olympics, and she was also the winner of the Australian Cyclist of the Year in 2008 and 2012. She was the People's Choice Cyclist of the Year in 2008 and 2011, nudging out Cadel Evans, another great Australian cyclist.

There are many accolades for Anna Meares. She was the AIS Athlete of the Year in 2007 and 2011, the Australian Elite Female Track Cyclist of the Year in 2004, 2006, 2007, 2008, 2009, 2010 and 2011 and the list just goes on. That is testament to people recognising her for what she is: a true champion. Anna Meares is one of Australia's favourite sporting heroes.

I go to many schools to give talks on all sorts of issues and subjects, but many times I have spoken to the young about achieving in sport, participating in sport, and the camaraderie and friendships that are created. Not every sporting person or athlete is able to achieve greatness, but our young aspiring sportspeople reflect on who they would like to be most. In many cases, particularly in those school visits, people talk about the great AFL players, the great athletes that we have, but many have come to me and said that Anna Meares is someone they aspire to be.

She came from a normal uninfluenced background and everything she has done was done through sheer determination and hard work. What she has achieved is through want; it is through having good people around. At present, her former coach Gary West is, sadly, suffering from motor neurone disease. That is a very, very sad state of affairs. It is great to see that Anna Meares, having announced her retirement after the Rio Olympics, is now pursuing betterment for her coach Gary. She is now raising money to advance ways of preventing and curing MND. That is testament to the sort of person she is.

Obviously, she achieved greatness and it was fitting that going into the 2016 Rio Olympics she was recognised by being our opening ceremony flag-bearer. However, she was more than that: she was a great ambassador and a great mentor and a great leader for the team. I have spoken to a number of South Australian Olympians who were over there and they were captured by Anna's professionalism, her inspiring manner in the athletes' village, and the way that she approached her Olympic teammates and the inspiration she gave them.

Much has been said about Anna, but I would like to acknowledge that South Australia has a great champion in Anna Meares. She has retired, but I am sure that her legacy will live on. She will be an inspiration to the young as she is an inspiration to every South Australian. Anna Meares, you are a true champion. I commend this motion to the house.

**The Hon. T.R. KENYON (Newland) (12:58):** I have said this before, and I have said it to Anna, but I will say it again here on the public record: I would like to thank Anna for her contribution to Australian sport and Australian cycling, but mostly I would like to thank her for being a role model for my children, particularly for my daughter but also for my sons. Her example of hard work and determination to come back from adversity and her mental and physical resilience are outstanding for all of us but particularly for children. I really appreciate her providing that example to my children, who had the great privilege of meeting her. I thank her for it and wish her well in the future.

**Ms WORTLEY (Torrens) (12:59):** I thank members for their contribution.

Motion carried.

*Sitting suspended from 12:59 to 14:00.*

*Petitions***PEDESTRIAN SAFETY**

**Ms SANDERSON (Adelaide):** Presented a petition signed by 409 residents of South Australia requesting the house to urge the government to take action to significantly improve pedestrian safety at the intersection of Glover Terrace and West Terrace and urge that an overpass be constructed across West Terrace for pedestrian use and changes be made to the traffic light signals, the slip lanes be removed and the speed limit reduced at the intersection to ensure the safety and wellbeing of all who use it.

*Parliamentary Procedure***ANSWERS TABLED**

**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 Minister for Health (Hon. J.J. Snelling)—

Central Adelaide Local Health Network—Annual Report 2015-16  
Central Adelaide Local Health Network Health Advisory Council Inc.—Annual Report 2015-16  
Country Health SA Local Health Network Inc.—Annual Report 2015-16  
Health and Ageing, Department of—Annual Report 2015-16  
Maternal, Perinatal and Infant Mortality in South Australia—Annual Report 2015-16  
Northern Adelaide Local Health Network—Annual Report 2015-16  
Northern Adelaide Local Health Network Health Advisory Council Inc.—Annual Report 2015-16  
SA Ambulance Service—Annual Report 2015-16  
SAAS Volunteer Health Advisory Council—Annual Report 2015-16  
Southern Adelaide Local Health Network—Annual Report 2015-16  
Southern Adelaide Local Health Network Health Advisory Council Inc.—Annual Report 2015-16  
Women's and Children's Health Network—Annual Report 2015-16  
Women's and Children's Health Network Health Advisory Council Inc.—Annual Report 2015-16  
Regulations made under the following Acts—  
Health Practitioner Regulation National Law (South Australia)—Midwife Insurance Exemption

By the Minister for The Arts (Hon. J.J. Snelling)—

JamFactory Contemporary Craft and Design Inc.—Annual Report 2015-16  
National Aboriginal Cultural Institute (Tandanya)—Annual Report 2015-16  
South Australian Film Corporation—Annual Report 2015-16  
State Opera of South Australia, The—Annual Report 2015-16  
State Theatre Company of South Australia—Annual Report 2015-16  
Windmill Theatre—Annual Report 2015-16

By the Treasurer (Hon. A. Koutsantonis)—

Distribution Lessor Corporation—Annual Report 2015-16  
Essential Services Commission of South Australia—Annual Report 2015-16  
Generation Lessor Corporation—Annual Report 2015-16  
Southern Select Super Corporation—Annual Report 2015-16  
Transmission Lessor Corporation—Annual Report 2015-16  
Treasury and Finance, Department of—Annual Report 2015-16

By the Minister for Finance (Hon. A. Koutsantonis)—

Funds SA—Annual Report 2015-16  
Local Government Financing Authority of South Australia—Annual Report 2015-16  
Motor Accident Commission—Annual Report 2015-16  
South Australian Parliamentary Superannuation Scheme—Annual Report 2015-16  
State Procurement Board—Annual Report 2015-16  
Super SA Board—Annual Report 2015-16

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

Australian Energy Market Commission—Annual Report 2015-16  
Technical Regulator—  
Electricity Annual Report 2015-16  
Gas Annual Report 2015-16

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

South Australian Tourism Commission—Annual Report 2015-16

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

Australian Children's Education and Care Quality Authority—Annual Report 2015-16  
Botanic Gardens and State Herbarium, Board of the—Annual Report 2015-16  
Coast Protection Board—Annual Report 2015-16  
Education and Care Services Ombudsman, National Education and Care Services Privacy and Freedom of Information Commissioners—Annual Report 2015-16  
Education and Early Childhood Services Registration and Standards Board of South Australia—Annual Report 2015-16  
Environment Protection Authority—Annual Report 2015-16  
Environment, Water and Natural Resources, Department of—Annual Report 2015-16  
Native Vegetation Council—Annual Report 2015-16  
Pastoral Board—Annual Report 2015-16  
South Australian Water Corporation—Annual Report 2015-16  
South Eastern Water Conservation and Drainage Board—Annual Report 2015-16  
Technical Regulator—Water Annual Report 2015-16

By the Minister for Education and Child Development (Hon. S.E. Close) on behalf of the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Community Road Safety Fund Revenue and Expenditure—Annual Report 2015-16  
Correctional Services, Department for—Annual Report 2015-16  
South Australia Police—Annual Report 2015-16  
South Australian Fire and Emergency Services Commission—Annual Report 2015-16

By the Minister for Education and Child Development (Hon. S.E. Close) on behalf of the Minister for Housing and Urban Development (Hon. S.C. Mullighan)—

Renewal SA—Annual Report 2015-16  
Riverbank Authority—Annual Report 2015-16  
South Australia Housing Trust—Annual Report 2015-16

By the Minister for Disabilities (Hon. L.A. Vlahos)—

South Australian Community Visitor Scheme—Disability Services—Annual Report 2015-16

By the Minister for Mental Health and Substance Abuse (Hon. L.A. Vlahos )—

Chief Psychiatrist of South Australia—Annual Report 2015-16  
Controlled Substances Advisory Council—Annual Report 2015-16  
South Australian Community Visitor Scheme—Mental Health Services—Annual  
Report 2015-16  
South Australian Mental Health Commission—Annual Report 2015-16

*Ministerial Statement*

**POWER OUTAGES**

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:04):** I seek leave to make a ministerial statement.

Leave granted.

**The SPEAKER:** I will endeavour to make sure that no matter how much the Treasurer provokes the opposition, they will not be allowed to interject.

**The Hon. A. KOUTSANTONIS:** Thank you once again, sir, for your wisdom; we would be lost without it. I wish to update the house about the power outages that occurred in South Australia overnight. At about 1 o'clock this morning, South Australia disconnected from the National Electricity Market (NEM) but continued to operate as a separate entity.

The Australian Energy Market Operator (AEMO) has confirmed that the separation of South Australia was due to an issue on the Victorian transmission network impacting flow via the Heywood interconnector to South Australia. A Victorian smelter was also disconnected from the electricity supply as a result of the fault. The exact cause of the fault is not yet known, but is currently being investigated. About 220 megawatts was lost, impacting about 200,000 South Australian customers for approximately one hour while systematic load shedding occurred to reinstate the loss of frequency and protect the system.

AEMO advises that it directed BHP, the state's largest energy user, to reduce its power consumption to preserve security in the system. Arrium also scaled back energy use and utilised on-site generation to help maintain a safe operating level. We are not aware of any of the state's large industrial users completely without power during the event. As BHP chief executive Andrew Mackenzie has stated, federal policymakers must grapple with the current situation, as a matter of urgency, to reduce emissions and provide secure, affordable, dispatchable and uninterrupted power.

I can inform the house that in the minutes leading up to the separation of the National Electricity Market we had approximately 880 megawatts of thermal generation and 125 megawatts of wind. This included Pelican Point and four units at Torrens Island. Customers in South Australia had power restored at about 2.15am, and just after 5am the state's entire power network was reconnected to the national grid.

To ensure AEMO can manage rapid changes in power system frequency in the short term, the government recently imposed a new regulation. It requires ElectraNet to provide advice to AEMO to help them maintain the expected rate of change of frequency of the South Australian power system in relation to the non-credible, coincident trip of both circuits of the Heywood interconnector when the power system is in a secure operating state or at below three hertz per second.

We have also taken a number of steps towards ensuring the national electricity framework adequately provides reliability and security of the power system as it transitions to a carbon-constrained future.

*Members interjecting:*

**The SPEAKER:** The members for Florey and Fisher will not distract the house from the Treasurer's ministerial statement about a very important matter.

**The Hon. A. KOUTSANTONIS:** This includes a package of four rule changes to the Australian Energy Market Commission which seek to offer flexibility to AEMO to manage security as the generation mix changes. We are working closely with Australia's Chief Scientist, Dr Alan Finkel,

who is tasked with developing a national reform blueprint which will outline a national policy, legislative reform and rule changes required to maintain the security, reliability and affordability of the National Electricity Market as it transitions to a cleaner future. Mr Finkel will address next week's national COAG with preliminary findings from his initial investigations.

This work is vital to ensuring our NEM is brought into the 21<sup>st</sup> century to better integrate renewable energy sources and deliver reliable, base load power while meeting Australia's international climate change commitments.

**The SPEAKER:** I call to order the leader, the member for Chaffey and the member for Mount Gambier, who interjected during that non-provocative ministerial statement.

*Parliamentary Committees*

**PUBLIC WORKS COMMITTEE**

**The Hon. P. CAICA (Colton) (14:11):** I bring up the 557<sup>th</sup> report of the committee, entitled Christies Beach High School Special Options.

Report received and ordered to be published.

**PUBLISHING COMMITTEE**

**The Hon. J.M. RANKINE (Wright) (14:12):** I bring up the report of the committee for the second session.

Report received.

*Question Time*

**POWER OUTAGES**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12):** My question is to the Minister for Mineral Resources and Energy. Does the minister stand by his comment that he is comfortable with the reliability and security of electricity supply in South Australia in light of recent blackout events and the fact that AEMO is forecasting reserve shortfalls this very month?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:12):** Yes, and there is—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Well, I have to say that I take it with a great deal of irony that members opposite who sold our assets—

*Mr Marshall interjecting:*

**The Hon. A. KOUTSANTONIS:** That's right—predatory monopoly practices have nothing to do with higher energy prices. To add insult to injury, they want to ban the extraction of the very commodity we use to generate electricity and then they say it's all our fault. We didn't sell our assets, and we encourage and incentivise the mining of gas and we support renewables. The only commodity they support for the generation of electricity is coal, and unfortunately for us we don't have very much of it. But of course, when it comes to gas and incentivising gas, they are against it.

I have to say the guilty party in this entire debacle of the privatisation of our assets is members opposite. As much as they hate to be reminded, we are only 17 years into a 100-year contract that has locked in monopoly power to the people who own our electricity assets. What we are attempting to do is break up that monopoly, and we are doing it with renewable energy and we are trying to get more gas generators to South Australia. But members opposite, they hate gas and they hate renewables.

All they want is Victorian coal. That's all they want. They don't want us to be energy independent. They don't want us to have alternatives. All they want to do, to this very day, is defend those decisions that they made when they privatised our assets to people who now control our

electricity generation. Rather than apologising to the people of South Australia for selling our assets, to this very day they still think it was a good idea.

*Members interjecting:*

**The SPEAKER:** I call to order the members for Stuart, Hammond, Morphett, Hartley, Adelaide, Davenport and Morialta, the Minister for Agriculture and the Minister for Health. I warn the members for Mount Gambier, Chaffey, Hammond and the leader. I warn for the second and final time the member for Hammond, who has much to celebrate with the redevelopment of Murray Bridge racecourse. The leader.

### POWER OUTAGES

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** My question is to the Minister for Mineral Resources and Energy. Is the rationing of electricity by load shedding an acceptable outcome for South Australian families and South Australian businesses?

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is warned.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:16):** Mr Speaker, I wonder if the Leader of the Opposition would ask the same question of the Hon. Josh Frydenberg, because this is a national rule, and I have to say, if it is a criticism of me—

**Mr Marshall:** That is bizarre.

**The Hon. A. KOUTSANTONIS:** Again, the Leader of the Opposition says things which are inaccurate. Load shedding is a policy across the country and, of course, we have seen occurrences in Victoria, Queensland and New South Wales where load shedding has occurred. If the Leader of the Opposition is advocating a policy that we don't load shed and we don't put the system back into balance, is he then saying that every single time there is a disruption at a generator—

**The SPEAKER:** Point of order.

**Mr PENGILLY:** Sir, I ask you to rule on whether the Treasurer is debating the matter.

**The SPEAKER:** Well, at least the member for Finniss does come to the point of order with clean hands.

**Mr Pengilly:** At this stage.

**The SPEAKER:** Yes, quite. I will listen carefully to see that the Treasurer does not debate the question.

**The Hon. A. KOUTSANTONIS:** If it were not for load shedding, the advice that I have seen would mean that we couldn't put the system back into balance, which is what every major jurisdiction uses. AEMO uses load shedding throughout the country to balance systems. If we didn't do it, you would see system blacks more regularly. If that is now the policy of the Liberal Party, they should actually say so, because an event in Victoria caused the shutdown of the interconnector which took—

*Mr Marshall interjecting:*

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

**The Hon. A. KOUTSANTONIS:** Did you hear how he faded out at the end? He just fades out at the end. He did that in 2014: he just fades out at the end. What happened last night was there was an event in Victoria and AusNet, the Victorian owners of their grid, don't know exactly what occurred. The Victorian smelter was also taken out. We are not sure if there was some physical disruption or some imbalance within the Victorian system. That system was then attempting to infect the South Australian system. The operator then immediately shut off the interconnector.

Because the interconnector was closed off, the system needed to be in balance because we were 200 megawatts short, because we were taking 200 megawatts across the interconnector. Thankfully, we had 880 megawatts of thermal base load generation from South Australia in the

system, of a 1,400 megawatt demand. We had 100 megawatts or so of wind power, which was very useful at the time as well. What the market operator was able to do was balance the system through load shedding.

Load shedding is not ideal, but the alternative is horrific. What the Leader of the Opposition doesn't understand in his question is that the alternative to load shedding is that we have a system black. If the other solution is that I build more base load generation, in a privatised market that members opposite created, and the government goes into direct competition with privately owned generators, they will retaliate.

How will they retaliate? Very simply. Unless we build enough thermal generation that is government owned to take care of all the state's needs, there will be rolling blackouts across South Australia every single day. That is what they do not understand opposite, because they do not understand the system that they have created.

All roads lead back to one problem: we don't control our generators, we don't control our transmission lines, we don't control the poles and wires that we built with our money. They have ceded our sovereignty to foreign owners and now they complain when they use monopoly practices against us. Quite frankly, they should apologise.

**The SPEAKER:** I won't accept the point of order from the member for Morialta, whatever it is, because he was interjecting in the most offensive manner immediately before rising to take a point of order. The leader.

#### POWER OUTAGES

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20):** My question is to the Minister for Mineral Resources and Energy. Does the minister acknowledge that, with the withdrawal of Hazelwood, AEMO is forecasting sustained breaches of reliability standards in South Australia from 2019?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:20):** No doubt the withdrawal of Hazelwood will cause problems in the Victorian market. Thankfully for us, we have an abundance of gas resources. There is also a generator at Pelican Point which is only being utilised to nearly half its capacity. When Hazelwood exits the market in March, I expect that ENGIE, who have positions in the market to cover, will attempt to bring that on, and we are going to do everything we can to help them bring that on.

Of course, when they bring it on, they are going to need cheap, reliable gas supplies, and we are going to do everything we can with our companies here in South Australia that do an exceptional job of mining gas in the Cooper Basin and in our other basins to make sure that they have cheap, affordable gas. What puts that at threat? Moratoriums on gas.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** You can hear the groans of reality hitting home. There is a very simple equation that South Australians need to contemplate: more gas means cheaper gas, cheaper gas means cheaper power, a Liberal government means less gas.

**The SPEAKER:** The member for Finniss.

**Mr PENGILLY:** I will try again on a point of order: the Treasurer is debating the issue, sir.

**The SPEAKER:** I uphold the point of order. Is the Treasurer finished?

**The Hon. A. KOUTSANTONIS:** Yes.

**The SPEAKER:** Splendid. Leader.

#### POWER OUTAGES

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22):** My question is to the Minister for Mineral Resources and Energy. How will breaches of reliability standards, such as the



loss of frequency events that occurred in September and again last night, impact local businesses and households?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:22):** I think what the Leader of the Opposition has raised is a very good point, which the chief executive of BHP Billiton raised today: there is a lack of national leadership on this issue. I will read out his statement:

Olympic Dam's latest outage shows Australia's investability and jobs are placed in peril by the failure of policy to both reduce emissions and secure affordable, dispatchable and uninterrupted power.

The challenge to reduce emissions and grow the economy cannot fall to renewables alone.

This is a wake-up call ahead of the COAG meeting—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** He is not calling for more coal, like members opposite— and power supply and security must be top of the agenda and urgently addressed.

What BHP and Mr Mackenzie have grappled with is that there is a failure of national leadership and that coal is not the answer. Coal is not going to be the answer for Australia's future security needs of reliable base load energy; it is going to be gas. Gas is a transitional fuel. What Mr Mackenzie is calling for is a market mechanism to incentivise base load reliable gas-fired generation that will reduce emissions and give us base load energy.

What members opposite don't realise is that coal-fired generation does not belong in the 21<sup>st</sup> century; it just does not. The Prime Minister himself has signed the Paris agreement, which must see us decarbonise our electricity system, and to decarbonise our electricity system we need base load transitional fuels to replace it. The only thing that will replace base load coal is base load gas.

The only policies in place that will incentivise base load gas is a national energy intensity scheme and that is what we will be arguing: not for more coal-fired generation but for more base load gas generation. Members opposite trying to ban gas to hang on to MacKillop and to hang on to Mount Gambier are going to put South Australians at risk of higher power prices.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** The shouting and bleating of members opposite shows the realisation that their policies are a failure. Privatisation was a failure. Their gas policies are a failure. They have no renewable policies and it's a failure. It's a failure of leadership, and every major business community in this state, yesterday and the day before, called on the Leader of the Opposition to show some leadership. Indeed, they have said it's a lack of leadership from the Leader of the Opposition.

Gas is the future of the transition to renewable energy. What does Tom Playford think about looking down on a party that is privatising assets he built that gave us energy security, and they sold them to foreigners. They sold them offshore. They sold them offshore so shareholders in Hong Kong and in China can benefit from higher prices in South Australia, rather than the taxpayer.

## GAS INDUSTRY

**Mr VAN HOLST PELLEKAAN (Stuart) (14:25):** Supplementary: given that the Treasurer said in his answer that 'more gas means cheaper gas', does he disagree with the report of the Natural Resources Committee that was tabled on Tuesday that finds that domestic prices for gas are now linked to the international market and are not expected to return to previously low levels?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:26):** Again, I will explain what's going on to the shadow minister who, quite frankly, given his support of the moratorium, if he had any principles, he would resign, but why let principles get in the way of a career? What's occurring is that a lot of the gas producers who built the GLNG export facilities in Queensland locked in prices on the basis of the cost of a barrel of oil at print. As the cost of oil is dropping, so is their sale price for gas.

That is very different from the domestic sales of gas here, which are on the spot market, which we know are considerably higher than they are at GLNG. What is occurring is, because of the investments and the contracts that these companies have written, they have a guaranteed sale price linked to the cost of a barrel of oil. But in domestic gas use, obviously there are other forces at play, and those other forces at play are demand.

What we are seeing, perversely, is a shortage of domestic gas which means more expensive gas, because most of the gas they are extracting out of our fields is going for export. Because it is going for export, there is less gas to provide to the domestic market, so the price is higher. But there is not sufficient gas in that domestic market to raise sufficient revenues to go out and explore and drill more holes for more gas to have a more liquid market. That is why we have had to intervene with our PACE gas program.

I will tell you what does the most damage to gas production in this state: moratoriums, moratoriums on the basis of no science, no committee report, and no evidence—pure base politics simply because the Liberal Party are losing their base. They are worried about Nick Xenophon, they are worried about the Greens, so what do they do? They ban gas exploration. They ban the mining of gas, and when you ban the mining of gas, you increase power prices. When you increase power prices, you make South Australia less affordable to invest in. Quite frankly, the opposition have no credibility whatsoever on this issue.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28):** My question is to the Minister for Health. When did the government first become aware of the water cooling system issue at the new Royal Adelaide Hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:28):** Earlier in the year.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28):** Can the minister explain to the house why he did not lodge a defect notice on the issue until October of this year?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:28):** The process is that a cure plan was provided to the government from SAHP. The cure plan did not address the issues with regard to the redundancy issues around the chilling issue, and that's why it was rejected.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28):** Can the minister outline to the house what the time frame was from the identification of the defect to the report of the defect?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:29):** I am happy to have a look to see what the time frames are, but let me make it very clear: we had the opposition yesterday saying that this was all just a massive ruse, this was just because the government didn't have EPAS ready, and this was why the government was holding up the move in. Then, lo and behold, on the front page of *The Advertiser*, 'Oh, goodness me, it wasn't EPAS; it was something that is a serious issue,' and haven't the opposition looked stupid? Haven't the opposition looked unbelievably stupid?

They have spent the last two weeks taking the side of the builders and the big boys from New South Wales, saying that we should just give in, that we should go weak at the knees, that we should take a hospital that wasn't ready, and then suddenly they realise, 'Well, actually, the government has a pretty good reason for not moving into the hospital. Maybe it would be dangerous to move into the hospital after all.' Don't they look silly?

*Ms Chapman interjecting:*

**The SPEAKER:** The deputy leader is called to order.

**ROYAL ADELAIDE HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30):** Supplementary: what rectification is the government seeking for this defect and how long will it take to be completed?

*The Hon. T.R. Kenyon interjecting:*

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

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:30):** The rectification is that we need a chiller system which has full redundancy so that, if the chiller system breaks down, there is another system that can completely back that up so that we are not in the situation where we would have to evacuate the hospital. That is what we are seeking.

Regarding the time frames to do that, we have some advice that it would be a matter of months, not years or anything like that. It would be a matter of months to be able to rectify the situation, but the sooner SAHP just gets on with it the sooner we can get into the hospital and the sooner we can start paying the quarterly service payments. It is in everyone's interest for SAHP to stop messing around and trying to quibble over a few million dollars to get this hospital ready.

I know what the opposition would do. Stephen Wade was outside the courthouse every single day of the trial saying, 'The minister is just dragging us into a legal quagmire. What I would do is just give in. I would move into an unsafe hospital.' That's what would happen if the Liberal Party were in government. Well, that's not what this party is going to do. That's not what this government is going to do. Our first priority is always the safety of patients. We are never going to compromise on that and, unlike the opposition, we are never going to be bullied by some spivs from New South Wales who are trying to get us to take a hospital that's not safe.

*Mr Gardner interjecting:*

**The SPEAKER:** The member for Morialta is warned.

**ROYAL ADELAIDE HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32):** My question is to the Minister for Health. Given that the water cooling system issue is not one of the defects before the Supreme Court, what processes are underway to determine what needs to be done?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** It was part of the rejection of the cure plan.

**ROYAL ADELAIDE HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32):** Can the minister perhaps provide an explanation to the house about the difference between a default and a defect?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** What is before the Supreme Court, and what the Supreme Court has been hearing over the last few days, is around a jurisdictional question of the roles of the independent certifier and the independent expert. Both of those are pretty technical legal matters, but they do go to the very heart of the protection the contract provides to taxpayers, the importance of getting these things fixed in a timely manner and the protection of the rights of the government under the contract. That's what that is about.

Yes, there are some defects that form part of that. The chiller system is not one of them, but of course the result of the court case will then have ramifications for the government's position with regard to all the other defects that need to be fixed. That's why the court case is important. That's why I am not just going to give in the way the opposition would were they to be in government. That's why I am going to stand up for the rights of South Australian taxpayers.

We have a very strong contract. It does protect the rights of taxpayers. If anyone is in any doubt as to why there is so much agitation on the part of SAHP, you just have to realise that it's because this is costing them a bucket of money and they want to try to extract themselves from their

problems. They want the taxpayer to bear the cost that should truly be borne by them. Well, I won't have any part of it.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33):** Supplementary: the minister has made it clear that the Supreme Court is not considering the water cooling defect. What process has he put in place to resolve this issue?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:34):** As I said, it's the cure plan. It's the rejection of the cure plan, which the opposition said we should never have done.

*Mr Marshall interjecting:*

**The Hon. J.J. SNELLING:** The cure plan—

*Mr Marshall interjecting:*

**The SPEAKER:** The leader will cease interjecting.

**The Hon. J.J. SNELLING:** The cure plan that we had been provided did not provide in any adequate way the resolution of the issue with regard to the chiller, among other issues—the chiller is just one of them, but it did not provide that. That was one of the principal reasons why the government rejected the cure plan. The opposition have been criticising us for that over the last three weeks. Mr Speaker, you just have to scratch your head and wonder what this state would be like if this bunch of clowns were actually taking the difficult decisions you need to take as a government.

**The SPEAKER:** The minister is called to order.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35):** Supplementary, sir: can the minister confirm to the house that the cure plan actually is meant to address the defaults, not the defects? Can we just get a straight answer?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:35):** The cure plan is meant to address all the issues that the government has that need to be rectified before I am prepared to move to the hospital.

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is on two warnings.

**The Hon. J.J. SNELLING:** The cure plan needs to address all of the issues that need to be fixed before we are prepared to move into the hospital. Call them what you want, I don't care. The bottom line is: I want these things fixed. They are the responsibility of SAHP to fix. Taxpayers aren't going to fork out for it, and I'm certainly not going to move into that hospital before those issues are fixed.

#### ROYAL ADELAIDE HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35):** Supplementary: can the minister provide clarity that he is expecting defaults on this project to be addressed via the cure plan?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:36):** There's nothing more I can add. I have made myself as clear as I possibly can: these things need to be fixed. The Leader of the Opposition thinks he's being clever somehow, but he really does not understand the issues whatsoever, or pretends not to understand. He has dug himself into one awful hole because he has been out there barracking for the builder for the last three weeks, telling the people of South Australia that we should just take whatever, roll over to the stiffs from Sydney and let our tummies be tickled.

That would be the approach the Leader of the Opposition would take. He has all the fortitude of a jellyfish. I will not put up with that. We need a hospital that is safe, and we certainly are not going to be paying extra money to get what that contract provides for.

#### PATIENT CARE

**Ms COOK (Fisher) (14:37):** My question is to the Minister for Health. Can the minister inform the house about our government's plans to ensure that patients have shorter stays in hospital as well as better quality care?

*Members interjecting:*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:37):** Don't you just love the fake laughter? It's not just a fake face, it's fake laughter. Can I thank the member for Fisher for the question. We are modernising our health system so that it meets contemporary clinical standards and practice and provides the best quality health care for South Australians. We want our health system to provide consistent quality care that is equal to or better than comparable health systems across both Australia and internationally.

We know that South Australia has the highest average length of stay in our hospitals and more beds per capita than any other Australian state. I have made no secret that we want to reduce length of stay of our patients close to the national average so that our patients can get the care they need and get home to loved ones as quickly as possible. Clinical evidence tells us that being in hospital for longer than needed can be detrimental. Shorter stays in hospital also free up beds, allowing us to deliver more services to more people.

Under Transforming Health, improvements like faster access to diagnostics, removal of blockages to discharging patients and earlier access to allied health are all ensuring our patients only stay in hospital while they need clinical treatment and care and are not sitting in hospital beds waiting unnecessarily. For example, in the south the average waiting time for our patients to be seen by an aged-care assessment team was around five days at Noarlunga and more than eight days at the Flinders Medical Centre and the Repat.

Now, our patients are returning home or to a residential facility much sooner than previously, with the latest data showing almost 100 per cent of these assessments are completed in less than two working days, due to improvements that our clinicians have made. Medical advances in innovations, like keyhole surgery, new medications and state-of-the-art technology, have significantly improved recovery times, meaning that the time our patients spend in hospital has reduced dramatically.

Once we have fully implemented our dedicated elective surgery centres more procedures, that were previously done and provided as overnight or multiday surgery, will be undertaken as day cases, bringing us in line with contemporary clinical practice and resulting in higher surgery output. I have previously noted that Noarlunga Hospital has already undertaken almost 40 per cent more day and 23-hour surgery when compared with last year, and we want this to increase further.

We need fewer acute multiday beds because people are staying in hospital for shorter periods of time or receiving their care in different settings. Through Transforming Health, there will be improved access to rehabilitation services so our patients can recover from an acute episode and get home sooner. There will be more health care in the home and other community care services, meaning that our patients will be able to be discharged from hospital safely and sooner than ever before and will have access to a team of health professionals.

Since we started implementing Transforming Health, we have already seen positive results. South Australian patients are spending, on average, seven hours less in metropolitan hospitals despite more presentations than ever before. The improvements we have seen mean that our patients are staying an average of two days less in hospital for hip fracture surgery compared with last year. This shows that our patients are getting to theatre more quickly, recovering faster and getting home sooner. This is only a small sample of the improvements we're making to patient care through Transforming Health which will continue to see patients move faster through our hospital system, meaning shorter hospital stays and better quality care for all South Australians.

### PATIENT CARE

**Dr McFETRIDGE (Morphett) (14:41):** Supplementary: given the minister's answer, why is South Australia the only state to have experienced a fall in absolute numbers of elective surgeries, and why has it done so for the last two years?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:41):** I am very pleased to get that question from the member for Morphett. The member for Morphett only needs to have a look at the select committee report in the other place, chaired by the Hon. Stephen Wade, which agreed with the government's position and quoted approvingly the position of the Royal Australasian College of Surgeons that agreed with the government's position of streaming elective and emergency surgery—an absolutely critical point and a critical reform that we are in the process of making through Transforming Health.

When we have dedicated elective surgery centres at Modbury Hospital, Noarlunga Hospital and The Queen Elizabeth Hospital, we will see vast improvements in those elective surgery rates. We have already seen significant improvements as we continue to roll out those reforms. You don't need to take my word for it: speak to the Hon. Stephen Wade. He understands this issue because he was there. He sat on the select committee and he listened to what the Royal Australasian College of Surgeons said and approvingly quotes in that report that it said that we need to streamline our elective and emergency surgeries, and I am confident that we will see improvements.

The other point I should make is that we are not only improving but we are also building additional theatre capacity at Noarlunga Hospital with additional—

*Members interjecting:*

**The SPEAKER:** The member for Schubert is called to order.

**The Hon. J.J. SNELLING:** —operating theatres, and that is going to further improve the amount of elective surgery that we're going to put through the Noarlunga Hospital. We're going to continue to see improvements. What would those on the other side of the house do?

*Members interjecting:*

**The Hon. J.J. SNELLING:** They would do nothing. They would preside over a system that was basically stuck in the 1950s where no change had been made. Their vision is barely beyond Florence Nightingale for the way a modern health system should work. They have to catch up with contemporary thinking and not say, 'Let's just take the ambulance chaser approach to health policy.' They have to put in a bit of time and take to the next election an actually serious policy to the people of South Australia so that the people of South Australia can make a reasoned judgement about who has the better health policy. At the moment, what we get from the opposition is nothing other than base ambulance chasing and nothing else.

### SOUTH AUSTRALIAN ECONOMY

**Ms HILDYARD (Reynell) (14:43):** My question is to the Premier. Can the Premier outline what he sees as some of the highlights for South Australia in 2016?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:44):** I thank the honourable member for her question. Well, 2016 has been a year of delivery and achievement for the South Australian community—

*Members interjecting:*

**The SPEAKER:** The deputy leader is warned.

**The Hon. J.W. WEATHERILL:** —led by the South Australian government.

*Members interjecting:*

**The SPEAKER:** The member for Schubert is warned.

**The Hon. J.W. WEATHERILL:** There were 10,000 jobs created in the last 12 months or 15 months.

*Members interjecting:*

**The SPEAKER:** The member for Chaffey is warned a second time.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** There have been falls in unemployment. This year's budget, incentivising business to employ more people—

*Members interjecting:*

**The SPEAKER:** The member for Mount Gambier is warned a second time.

**The Hon. J.W. WEATHERILL:** —through the Jobs Accelerator Grant—

*Members interjecting:*

**The SPEAKER:** The member for Davenport is warned.

**The Hon. J.W. WEATHERILL:** For the last six months, 1,700 businesses creating—

*Members interjecting:*

**The SPEAKER:** The member for Goyder is called to order.

**The Hon. J.W. WEATHERILL:** —3,500 jobs. Twelve new submarines—

*Members interjecting:*

**The SPEAKER:** The member for Schubert is warned a second time.

**The Hon. J.W. WEATHERILL:** Our tourism sector—

*Members interjecting:*

**The SPEAKER:** The member for Hartley is warned.

**The Hon. J.W. WEATHERILL:** —4,000 jobs created over two years. Qatar, a new airline, is coming into South Australia. Later this month, China Southern is coming into South Australia, and Lonely Planet is indicating that we are one of the top—

*Members interjecting:*

**The SPEAKER:** The member for Davenport is warned for the second time.

**The Hon. J.W. WEATHERILL:** —five regions in the world to visit this year. We are the state that does better than anyone else in relation to events. From our major art festivals to the Clipsal 500, the Tour Down Under, the fashion festival—all bringing tourists to South Australia. In November, we created our first new mine in this state in the last five years through the opening of Carrapateena. We are investing in education: half a billion dollars in our—

*Members interjecting:*

**The SPEAKER:** The Premier will be seated.

*Members interjecting:*

**The SPEAKER:** Indeed. The next member to interject during the Premier's answer will depart under the sessional order, and if it is more than one, so be it. Premier.

**The Hon. J.W. WEATHERILL:** The good bits are coming up, so they might be able to hear these. We are keeping our commitment to keep building South Australia. It still sends a shiver down their spine when they hear that. Projects like the Torrens to Torrens, the Darlington, the Northern Connector and the Torrens junction are all being delivered in 2016. Our nation-leading biomedical precinct continues to grow. We have announced new plans for the old Royal Adelaide Hospital site, a new tram line in the city and, of course, a plan to fix the Oaklands crossing. We are rolling out the massive modernisation of our hospital system that we have just heard about—

*Mr Pengilly interjecting:*

**The SPEAKER:** The member for Finniss will depart under the sessional order for the remainder of question time.

*The honourable member for Finniss having withdrawn from the chamber:*

**The Hon. J.W. WEATHERILL:** —from the Minister for Health. Of course, we are doing that most important thing, which all leaders should do, which is to stand up for South Australia. Whether it is our shipbuilding projects, our automotive workers, our steel workers in Whyalla or that most important natural and economic asset, our River Murray, we will continue to fight and avoid being duded by Canberra. Of course, in a few moments' time we will be making an important apology—

**Mr Bell:** Is this his valedictory speech?

**The SPEAKER:** It is the member for Mount Gambier's valedictory for today. He will depart under the sessional order for the remainder of question time.

*The honourable member for Mount Gambier having withdrawn from the chamber:*

**The Hon. J.W. WEATHERILL:** —having passed significant legislation and important changes to remove discrimination in our state laws. And of course just this week we have committed \$432 million towards that most important task of all: keeping our children safe. All of this has been achieved at the same time as returning our budget to surplus.

There is a growing awareness in South Australia that we are making the transformation in the South Australian economy, which has been hard fought for and hard won, and I must say that it has been despite the headwinds that have been imposed upon us by a federal Liberal government that chased Holden out of this state and by a federal Liberal government that dithered over our defence contracts and has led us into the valley of death.

So, despite all of those things, there have been 15 consecutive months of falls in unemployment. This is an extraordinary achievement. I think the people in South Australia are beginning to understand that these positive signs are taking hold. The plan is working, and what we do need—

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is warned a second and final time.

**The Hon. J.W. WEATHERILL:** —is those opposite joining with us, not acting against us.

**Mr VAN HOLST PELLEKAAN:** Point of order, sir: the Premier has just started debating the question.

**The SPEAKER:** Well, it has taken a very long time. He is almost finished.

**Mr VAN HOLST PELLEKAAN:** I have been listening carefully.

**The SPEAKER:** I will listen carefully to what the Premier has to say.

**The Hon. J.W. WEATHERILL:** I just ask for a little bit of time on while I thank all of those who have assisted us in this house. The Minister for Government Business will do this more formally a little later on, but everybody in this house, especially during late sittings, is greatly assisted by all of those who transcribe our words, all of those who support us on a daily basis, all of the clerks who allow the smooth running of this house, and a Speaker who attempts to keep order despite all of the provocations. I even offer the hand of friendship to those opposite who, from time to time, cooperate with us—except of course the deputy leader.

**Ms CHAPMAN:** Point of order, sir: my point of order is that time has expired, but he has run out of the list.

**The SPEAKER:** The Speaker has discretion to grant time on, like a soccer referee.

**The Hon. J.W. WEATHERILL:** I was just attempting to hand out some compliments—

**The SPEAKER:** The valedictory speeches will be later.



**The Hon. J.W. WEATHERILL:** —to all those here, including those opposite, but it seems they are not in a mood to hear such things.

**The SPEAKER:** No, they are not.

#### **FOSTER CARER AND KINSHIP CARER PAYMENTS**

**Ms SANDERSON (Adelaide) (14:50):** My question is to the Minister for Education and Child Development. Can the minister explain—

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The Treasurer is called to order.

**Ms SANDERSON:** —why she has restricted the extension of foster carer payments to those caring for people who are studying full-time or in apprenticeships, given that many young people in care are unable to work or study full-time due to mental health issues or simply cannot find any work?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:50):** The member for Adelaide is referring to our response to a recommendation from Margaret Nyland in her royal commission report. She recommended that we consider not only continuing the current practice of when a person under care turns 18 continuing to offer support to the foster carers if they are still at school, but also extending that to post-school study options.

We have decided to agree with that recommendation. It will assist a great number of young people as they transition to adulthood to be able to continue to remain in a family-based environment while they undertake further study. We have included not only tertiary education but also the VET sector, whether that is TAFE or another provider, in order to ensure that we offer what is the case for very many biological children; that is, that they stay at home while they are still studying. That is a recommendation Margaret Nyland made that we were pleased to follow.

#### **FOSTER CARER AND KINSHIP CARER PAYMENTS**

**Ms SANDERSON (Adelaide) (14:51):** Supplementary: what take-up rate was used to calculate the budgeted figure, and to what time period does it relate?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:51):** The time period is clearly the forward estimates, because that is how the budget works. The calculation would have been done by the department on the basis of its understanding of expectation of take-up. I can see if there is any magic formula to share, but I imagine it is on the basis of judgement and experience.

*Mr Knoll interjecting:*

**The SPEAKER:** If the member for Schubert makes another utterance outside sessional orders he will be departing.

#### **CHILD PROTECTION**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52):** My question is to the Minister for Education and Child Development. Whom does the government propose to consult with to 'continue to explore whether there is a need and support for the consolidated secure therapeutic model of care', given that both the Mullighan and Nyland reports have consulted widely and have both recommended that we need a secure facility?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:52):** The recommendation previously made under the Layton report that there be a therapeutic model of care which involves a secure area, which means that the young person would be unable to leave at will, was not supported previously on the basis that the then Guardian for Children and Young People was not supportive of that model of care. She was concerned that it would be used in a way that was not ultimately beneficial to children and to young people whose liberty would be unduly restricted.

Subsequently, Justice Nyland has had another look at the question and has suggested that we ought to further explore it. The people we will be consulting in order to determine how to do this in the best way possible will, of course, be the now guardian and it will also be through the advocacy voices for children who have been in care or who remain in care at present. We will also be working with the health department, particularly for the management of mental health and drug issues, so that we will be able to have a model that is most beneficial for the young person. I believe we will also reach out to juvenile justice as part of that work. Once that work has been completed we will be in a position to determine how to go forward.

#### CHILD PROTECTION

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54):** Supplementary: of those persons, including the guardian, whom the minister proposes to consult, which one of those was not consulted in either the Mullighan report or the Nyland inquiry?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54):** Without having the exhaustive list of who was consulted by Justice Nyland, I can't give a definitive answer, but my expectation is that those people in the Department for Health, particularly mental health, would expect to have a more detailed and finally resolved consultation on precisely how we do this, which is entirely what was anticipated in Margaret Nyland's report.

#### CHILD PROTECTION

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54):** A further supplementary: is there any provision in the forward estimates for a secure therapeutic facility?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:55):** There is \$432 million that we are talking about. I will have to confirm whether that sits in the current expectations.

#### ATTORNEY-GENERAL

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55):** My question is to the Premier. As the Chief Justice believes that it is 'difficult to reject an application by a serving Attorney-General to be appointed Senior Counsel', does the Premier agree that the appointment process should be changed to prevent any future serving Attorney-General from applying?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:55):** This is not a matter for executive government. We gave away that onerous task of considering who should be Her Majesty's counsel, I think as it was then, and now it is Senior Counsel, some time ago. Sadly, it is not within the gift of government to bless eminent jurists to be SC, KC—QC even. That was a particular onerous duty which was sacrificed some time ago, so it is not a matter for executive government and I don't think there will be any plans to change that any time soon.

*Mr Tarzia interjecting:*

**The SPEAKER:** The member for Hartley asks: who appointed the judges? I think the only remaining judge appointed by a Liberal government was His Honour Paul Rice.

#### ATTORNEY-GENERAL

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56):** Yes, that's correct, sir. You and the current Attorney are responsible for that. My supplementary to the Premier is: did the Attorney advise you of his intention to apply for Senior Counsel? If he did, did he advise you that he was going to be doing it out of time?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:56):** I was aware that the Attorney was making the application but if the implication here is somehow that the judges of the Supreme Court have made anything other than a conscientious judgement uninfluenced as they of course must be—

*Ms Redmond interjecting:*

**The SPEAKER:** The member for Heysen is called to order for forced laughter.

**The Hon. J.W. WEATHERILL:** —because they are appointed for life—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Well, until 70—is an absurdity. This is not a matter for executive government.

**Ms REDMOND:** Point of order, Mr Speaker: my laughter was anything but forced. It was absolutely genuine at this situation.

**The SPEAKER:** The member for Heysen is warned for a bogus point of order.

#### CORONIAL INVESTIGATIONS

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:57):** My question is to the Attorney-General. Can the Attorney-General confirm when the Coroner's inquest into the death Graziella Daillér, a victim of domestic violence and murder, will be undertaken, let alone completed?

**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) (14:57):** Thank you, deputy leader, for the question. The position of the Coroner in this state is the Coroner acts in an independent fashion. The Coroner has jurisdiction to investigate such matters as the Coroner considers to be of interest or necessity for the Coroner to investigate. I have taken the view, and I think the view I have taken, is consistent with your view as attorney, that it is not for the attorney of the day to start telling the Coroner which matters the Coroner should be investigating and which matters the Coroner should not be investigating because to do so would be a matter which if not explicitly, certainly by implication, would to some degree interfere with the independence of his office.

My view is that decisions of this sort are matters which are properly decisions for the Coroner or the Deputy Coroner, or the two of them in concert as the case might be, and they are best placed to look at all of the conflicting demands upon their time to investigate matters to determine which of those matters need investigation and which of those matters do not. Members may or may not be aware that under the Coroners Act, a great many deaths as a matter of law are referred to the Coroner. So, any unexplained death, any death which arises from a fire, or deaths in prison, or a whole range of other things wind up on the Coroner's desk.

If the Coroner were to investigate each and every one of those deaths, the Coroner would be, I am confident, sitting under a massive backlog of work which would reach out into the decades, not to mention the amount of work that SAPOL would be required to undertake in order to make the appropriate preparations for the Coroner's Court to be able to properly canvass and explore those deaths in the sort of detail that the Coroner is expected to cover them.

It is entirely appropriate that the Coroner makes resource determinations based on what the Coroner considers to be matters of most significance, and I am of the view that that is where the decision should lie. It should not be a matter for executive government to interfere with one way or the other.

#### CORONIAL INVESTIGATIONS

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:00):** Supplementary: given the answer that the Attorney-General has given, as Attorney-General under the Coroner's Act, how many deaths have you referred to the Coroner to undertake a coronial inquest?

**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) (15:00):** To the best of my recollection, the answer to that is zero. I will check but, from the very beginning of my occupying the office of Attorney-General, I have taken the view that, if any Attorney-General, whether it be me or anybody else, were to start directing the Coroner, the demand upon the attorney of the day, whoever that person might be, to continually then direct the Coroner over and over again in respect of potentially countless numbers of matters, would

become overwhelming and it would be inconsistent with what I regard as the important independent role of the Coroner. I am 99 per cent sure the answer to that is zero, but I will make inquiries. I am very confident that, had I done such a thing, I would remember it, but out of an abundance of caution I will make inquiries.

#### HEALTH REVIEW

**Mr KNOLL (Schubert) (15:02):** My question is to the Minister for Health. What is the cost of the Transforming Health mail campaign to the southern and western suburbs that is currently being distributed?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:02):** I am happy to get a cost and get that back to the house. I make no apologies, and I refer to statements made by, again, my new-found ally, the Hon. Stephen Wade, who, last night in the other place, was saying that the government should be doing more to educate the community about the changes. I can assure the house, and I can assure the Hon. Stephen Wade, that this government will be making sure that there is not a single South Australian who does not understand extensively all the reforms we are making, and we will do everything we possibly can.

There are some in the community—and I won't say who, but there have been some (and people know who I am speaking about)—who have been telling blatant lies. They have been saying things such as the Modbury Hospital emergency department is closed. I have seen pamphlets, put out by certain people, saying that. That is not only an appalling lie but it is also incredibly dangerous to put out a message that is known to be false and deters people from going to the Modbury Hospital emergency department.

I have to say that I don't think there are very many examples of a greater recklessness with the safety of South Australians than someone making up something like that and distributing that blatantly false information in the local community. I will not spare any expense in making sure that South Australians know what the health services are that are available in their local hospital, to combat the lies that have been spread by certain people who have been spreading this misinformation because it is a danger to public safety.

#### HEALTH REVIEW

**Mr KNOLL (Schubert) (15:04):** Supplementary again to the Minister for Health and arising out of the answer: did the Premier's Communications Advisory Group review the Transforming Health mail campaign and, if so, did they raise any concerns about the appropriateness of any of the statements contained in the material and whether or not there were any false or misleading claims in the material?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:04):** I will make absolutely sure but, yes, I imagine that anything that is required to go before—I think it is called PCAG—does go before it. Certainly, there has been other Transforming Health advertising information that has gone through PCAG. I don't see why this would have been any exception, but I will make absolutely sure and come back to the house.

#### HEALTH REVIEW

**Mr KNOLL (Schubert) (15:05):** Further supplementary: can the minister rule out any of the Transforming Health information having been reviewed and rejected by PCAG in relation to incorrect statements?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:05):** Again, not to my knowledge, but I will check and come back to the house if that is not correct.

#### WOMEN IN SPORT

**The Hon. S.W. KEY (Ashford) (15:05):** My question is directed to the Minister for Tourism. How is the state government supporting women in sport, and can you update the house on the 2017 Santos Women's Tour?

**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) (15:05):** I thank the member for Ashford for that question and for her advocacy for all sports but, in particular, women in sport. For many years, she has been an advocate for us making sure that we grow the women's Santos Tour Down Under to an internationally recognised event, and I am glad to say that that has happened. We grew the event this year, and next year we will grow it further.

Race director, Kimberley Conte, has developed a challenging race for next year. We are going to have more than 10 teams from Germany, the United States, the United Kingdom, Italy, the Netherlands and New Zealand, along with five national teams, contesting the elite race. On Saturday 14 January, stage 1 will take the riders from Hahndorf to Meadows on a 106.5-k circuit. On Sunday 15 January, the People's Choice Classic circuit will be a 32-k race. On Monday, the riders will go from Tanunda to Lyndoch on a 92.4-k course, and then stage 4 is the Victoria Park criterium, which is one hour plus two laps, and that's a terrific night out in front of the old Victoria Park heritage grandstand.

I spoke to Carlee Taylor, who is an Australian cyclist who has been competing overseas now for a number of years but grew up here in Adelaide. She is so pleased with the work that the government and our team in the South Australian Tourism Commission's events area have done to build this event up. She says that it's a very great moment for her to be racing in front of all her family alongside some of the best riders from around the world.

Just as we have made some changes to the Clipsal 500, getting rid of grid girls, we are also changing the way we do the presentations from next year. Instead of having models up on stage as part of the presentations, we are going to have junior men's champions from South Australia, 17 and 18-year-old young riders, and for the women's race we will have young junior women's champions get up there so that they can be up close to the biggest race outside Europe and not only see how the race works, and learn from that, but also be part of what is an amazing event.

When I was talking to Carlee Taylor last night, she said that she remembers getting Stuart O'Grady's autograph when she was a 10 year old and then being out at an event 10 years later where she was competing and Stuart was competing. She said that having that access to people and being up close to them really helps motivate and push those juniors, so we are really pleased with that.

Of course, in this year's budget we put an extra \$40 million into the recreation and sport area, including \$10 million for women's change rooms, so that the girls and the women have the same access to change rooms as the boys and the blokes, because for too long now women have had to change in their cars, they have had to change in offices and they have had to change behind bushes. It is just not appropriate in 2016 that we have 50.5 per cent of our society not having access to those conditions.

I would like to congratulate the Australian junior women's hockey team, coached by a South Australian, Tim White. News just through from Tim is that at the world junior hockey championships in Santiago, Chile, they defeated Belgium 7-2. It was 2-2 at half-time and they won 7-2. That was in the quarter final. We wish them all the very best in the semifinal, which will be Saturday morning Adelaide time, when they will take on Argentina—

**The SPEAKER:** The minister's time has expired. The member for Giles.

#### **SMALL BUSINESS FUNDING**

**Mr HUGHES (Giles) (15:09):** Thank you, Mr Speaker. My question is to the Minister for Small Business. Can the minister advise the house on the outcomes for small businesses in Whyalla who have received assistance from the state government?

**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) (15:10):** I thank the member for his question. I know he faces considerable challenges in his electorate. In May this year, the state government announced the introduction of an interest-free loan scheme to support small businesses experiencing cash flow challenges as a result of Arrium entering administration, and that was announced by my friend the Minister for Regional Development.

The program was funded by \$10 million from the Regional Development Fund, as I mentioned, established by the Arrium supply chain through the administration period where payments due may have been frozen. In addition to this loan initiative, the government also engaged accounting firm Hood Sweeney to provide free financial counselling support and legal firm Thomson Geer to provide small businesses with legal advice.

Small Business Commissioner, John Chapman, and the Treasurer spent many days and weeks in Whyalla talking to the businesses and providing the best assistance government could muster. One of those companies was Delmac Power Equipment. Two weeks ago, Delmac Power Equipment won the Whyalla Chamber of Commerce and Industry Business of the Year Award. Delmac was one of the first to receive a loan—it was \$90,000—from the Whyalla Small Business Fund.

The Treasurer tells me that the proprietors, Steve and Denise Savaidis, are delightful people. The Whyalla Chamber of Commerce and Industry 72<sup>nd</sup> Business Awards Dinner was held at the Westlands Hotel and Delmac Power Equipment headed a list of businesses that were recognised for their efforts. In her speech after receiving the award, Denise Savaidis said the honour was 'fantastic'. She also said:

I want to thank you for all of the support we have had over the past 12 months, most of you know about our rocky ride, we have had a hell of a time.

We have had support from the community, from our staff, our family, and we are riding the wave—I can see that we will be a great town, better than ever.

She thanked the Chamber of Commerce, Regional Development Australia, the Whyalla city council and the state and federal governments, saying the business has had 'so much support'. Former local member and now Mayor Lyn Breuer told the audience that Whyalla 'will survive' once the Arrium crisis has come to an end. The state government commends the efforts of the Whyalla business community and all in the Upper Spencer Gulf for their sterling effort in seeing themselves through the challenges they presently face.

#### **SPEAKER**

**Mr GARDNER (Morialta) (15:12):** Sir, my question is to you in your capacity as the Speaker. Given the responsibility that you have to advise the Governor to issue a writ for a by-election if a member resigns, what is the process if you yourself were to resign from this place?

**The SPEAKER (15:12):** I'm loving it.

**Mr GARDNER:** Point of order, sir: under standing order 98, I propose that you are debating the answer and not providing information to the house.

**The SPEAKER:** I express my intention that I intend to stay until the general election or beyond.

#### *Grievance Debate*

#### **LABOR GOVERNMENT**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:13):** It is the first day of summer and the last day of parliament that we are going to be sitting this year. There may be some surprises coming for the member for Croydon because our corridors are now alive with the rumour that today, when we are planning to pack up our books and leave the chamber for the year, his seat is going to be the receptacle for the new premier.

Today may go down in history as the last day that the Premier reigns in this state as the Premier of South Australia. Last night, the lights went out for 200,000 South Australians—disgraceful as that was—and if these rumours which are tumbling around our corridors, and being fanned by all those on this side of the house of parliament, have anything on them—

*The Hon. J.M. Rankine interjecting:*

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

**Ms CHAPMAN:** —it is easy to assume, of course—

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The member for Wright is warned.

**Ms CHAPMAN:** —that he might be here on his last day. But who will replace him? It is of course up to the SDA to make a decision about—

*The Hon. J.M. Rankine interjecting:*

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

**Ms CHAPMAN:** —who runs the Labor Party. That is usually the position: they usually make that decision about who is going to be in charge. The hottest speculation at the moment is not you, Mr Speaker. In fact, you are supposed to be gotten rid of so that you can make space for the person. That may be, but who would be the most logical? Of course, the former head of the SDA, who is now in the Legislative Council. He, of course, unsurprisingly—

**The SPEAKER:** I interrupt the deputy leader. I think there may have been a misunderstanding in the dialogue earlier between the member for Morialta and I. The Speaker issues the writ, the Governor does not issue the writ.

**Ms CHAPMAN:** Thank you. He might have to get writing, let me say, because the Hon. Peter Malinauskas, as the former head of the SDA, is in position, ready to zip down to the lower house and take that position. You are the hot tip, Mr Speaker, to be moved out of the electorate of Croydon.

I, for one, will be mercifully unhappy about the loss to the chamber after 27 years of good contribution to the parliament when you will be executed for the purposes of making way for the young guns. What does it say about the utter contempt that the SDA union and the Labor Party have for our democratic process when this is the way they treat the position of the Premier in this state? They have form with the one who is there.

Maybe it is not such a surprise, given that the mentor for Mr Malinauskas and the godfather of the Labor right, Don Farrell, formerly in my electorate, built a career on this type of behaviour. Do not forget it was he who orchestrated the execution of Kevin Rudd as prime minister in 2010, and let us also not forget that he owes the Premier one big time.

**The SPEAKER:** Isn't Senator Farrell still in your electorate?

**Ms CHAPMAN:** Unfortunately not. He has moved, but not to yours. Let me tell you who has. It is tempting to feel some sympathy for the imminent knifing of the Premier; however, he knows full well that what the SDA giveth, the SDA taketh away.

My best guess is that, knowing the writing is on the wall, the Premier, of course, will tell us that he has decided to resign as Premier, rather than go through the public humiliation of being tossed out in a bitter caucus battle. No doubt Mr Farrell will relish orchestrating the latter. He has moved into the member for Croydon's electorate, just in case he had not noticed.

Thankfully, the total and utter abuse of the democratic will of South Australians will be short-lived. The Kristina Keneally-esque premiership of Mr Malinauskas will feather his nest for but a short time. The March 2018 election will show Labor just what the people think of the union takeover of the South Australian government. The Labor leadership may change, but the policies and performances will not. Those who created this mess cannot be trusted to clean it up and we will be sorry to see the day, member for Croydon, when you are executed in their path.

#### **SOUTH ADELAIDE MALAYALEE COMMUNITY**

**Ms COOK (Fisher) (15:17):** I might change the tone a little bit. I rise today to speak about the South Adelaide Malayalee community and their wonderful Christmas celebration, which I attended on Sunday 27 November with approximately 500 community members. I was a very excited number one ticket holder. This is the second event that I have attended as a result of the Malayalee community coming to my office with a personal invitation following on from attending their own feast in September, and I feel really honoured.

The community is from Kerala, the southernmost state of India, and because they speak the language Malayalam, they call themselves Malayalees. Like the Indian community as a whole in

South Australia, the number of Keralites living in South Australia has grown rapidly in recent times. Their community includes not just migrants but many students attending universities, colleges and schools.

Only 10 years ago, there were fewer than 7,000 Indian-born South Aussies. Five years ago, there were 19,000 and now it is estimated that we have around 30,000. Many are employed in health, community and social justice-related roles and I have met many in relation to this from the South Adelaide group. They are a very well-educated, informed and respectful family-oriented group with a great history of religious and social harmony, which is a great model for multicultural inclusion.

The celebrations of the community were started with the formal inauguration ceremony with Melna Puthiyedath, the convenor of the community's cultural program, delivering a very warm welcome speech. I was joined on stage by the member for Mitchell; the Mayor of Marion, Kris Hanna, as well as many other chief guests, including Mr Saji Chitilapilly, the President of the Adelaide Metropolitan Malayalee Association; Mr Suresh Nair and Jaiju Paulose. We all delivered felicitation speeches during the ceremony and we lit the lamp with Reverend Dr Frederick, aka Father Freddie, the Catholic chaplain for the community, delivering a very lovely message.

The ceremony was followed by a wonderful cultural program, mostly performed by the upcoming and very talented younger generation. They had amazing support from their big brothers and sisters and of course their parents. There was a lot of colour and some fabulous singing and dancing. It was pretty high quality, and my family was thoroughly entertained for more than two hours. The traditional Kerala drum ensemble of about 15 men was intense, and it went for about 10 minutes. I am told it can go on for four hours or more, so I was pretty happy with the timing on the day.

There were carols, skits and a whole range of other celebrations happening. It was truly a special treat. A special Indian Santa arrived at the other end, and my four year old was a little bit confused, I have to say, but it was interesting. The community recognised the valuable contribution of their talented young people, and there were certificates for Angel Punnose, Shalet Shaji, Alen Anil and Chris Johnson. They are very talented youngsters. I was given the honour of presenting the volleyball team, the Adelaide Eagles, their trophy.

There was a delicious traditional Indian food feast at the end, which added flavour to the event. There was a massive range of food. The member for Mitchell spoke about the Onam festival and how I was unable to stay for the food at that time because it was my son's fourth birthday. The member for Mitchell left early this time and he missed the feast, which was not vegetarian this time. It was full of chicken and pork, so he really missed out on a real delight.

He said that when he attended he was warned away from the very hot chilli dish. We were warned away from it too, but we took a great big spoon to harden up and away we went. Yes, it was pretty hot, but I reckon the member for Mitchell would have struggled. We coped. There were several sponsors there including Romeo James Colaco—

**Mr Gardner:** Are you defining masculinity?

**Ms COOK:** I beg your pardon?

**The DEPUTY SPEAKER:** Do you need protection, member for Fisher?

**Ms COOK:** Yes, I do because I believe someone is being a bit pompous, actually.

**The DEPUTY SPEAKER:** The member for Morialta is on one warning.

**Mr Gardner:** It's an extraordinary thing to say.

**The DEPUTY SPEAKER:** Order!

**Ms COOK:** Are you alright? Why don't you just be quiet?

**The DEPUTY SPEAKER:** Order! Carry on, member for Fisher.

**Ms COOK:** I will keep going. We can have fun and enjoy our friendships in this house. We do not have to all be awful. The member for Mitchell and I had a good time at the celebration. We were having a bit of fun. There were several sponsors present, including Romeo James Colaco, past president of the Prospect Lions Club. Where would community events be without such generous



sponsors? I want to thank several people: Nijo Joy, Sheena Punnoose, Shiju Sebastian, Mr Jimmy Joseph, Melna Shaji, Jaiju Paulose and Vinitha Thomas Paicattu. Vinitha is an intensive care nurse who is currently on maternity leave. She did a great job of hosting the whole ceremony.

Time expired.

### ATTORNEY-GENERAL

**Mr TARZIA (Hartley) (15:23):** I rise today to speak about a very unsettling matter that has been stirring this month, following the Attorney-General's controversial Senior Counsel appointment. The appointment has caused concern for many in the legal profession and has been displeasing and somewhat cringe-worthy to everyone else, to say the least. Indeed, members of this government are drifting further and further out of touch with the people of South Australia.

The rarity of someone being appointed Senior Counsel whilst not practising goes without saying. Almost all of those who currently hold the title are practising barristers. Given the criteria necessary to be appointed, as set out in the Supreme Court Rules, I note that in his time as planning minister he has been less than exceptional. Take the Gillman land deal for example. What a train wreck that has turned out to be. This is also the man who oversees child protection reform. Make your own assessment about the handling of that. Outstanding achievements, on the other hand, have been somewhat seldom.

I am not here to question the Attorney-General's legal experience prior to his election to the parliament, but instead let me bring to light the reasons why this appointment has been of concern to so many. It appears that his appearances before the Full Court of the Supreme Court are as numerous as any young barrister's. The real issue is the circumstances under which this appointment has been made. This is a time when the Attorney-General should be focusing on more pressing matters such as addressing weak home detention laws and the need to improve child protection in this state.

Under the Supreme Court Civil Supplementary Rules 2014, SCs are selected collectively by the entire bench of the Supreme Court. In a statement by the Courts Administration Authority, criteria for selection include legal learning, experience in skill and advocacy, integrity, availability to prospective clients, and independence. I find it hard to believe that he could be considered independent when in a political role, as the member for Enfield, nor does it seem that the Attorney-General meets many of the other criteria, in my humble opinion.

Adding to the awkwardness of the Attorney-General's appointment is that the Chief Justice chose to absent himself from the decision because he did not want to be seen as approving the Attorney-General's application, or to be seen as snubbing him by blocking it, as I read in *The Advertiser* a couple of weeks ago. Interestingly, the Chief Justice also noted that as part of the application process for appointment the Attorney-General, in his role as Attorney-General, was consulted on all the applications except his own. The fact that the Attorney-General saw fit to potentially question other SC aspirants, or his competitors if you like, is somewhat outlandish.

Perhaps the most cringe-worthy element of all of this is that the Attorney-General's response has been so arrogant. He claims that he is entitled to nominate for the SC position. I bring to the attention of this house the word 'entitled'. In this sense of 'entitlement' claimed by the Attorney-General, it is extremely arrogant and it is the sort of thing that South Australians are sick and tired of in politics. It would not surprise me if today is the Attorney-General's last sitting day in parliament because he has clearly checked out.

To say that he is entitled actually insults the long-serving best legal brains—both men and women—who go well beyond the criteria laid out day in and day out, men and women who have proved a high level of professional eminence and distinction, who have immense advocacy experience and skills, who understand the law inside and out and whose integrity is at the heart of their character with unquestionable independence. These men and women have not only worked hard in their stellar legal careers but also advanced the cause of things like equal opportunity (which we have been talking about today) and have provided pro bono assistance over the years to the community and they have truly earned the title of 'silk'.

The part of this whole scenario that I find most puzzling is the process. Why is it that the Attorney-General's application was accepted after applications were closed? It is this part of the process that truly needs to be reviewed and tightened, as the Attorney-General's application was not featured in the consultation process with legal groups due to its lateness. Submissions were due by 30 June and submissions any later than this, one might reasonably think, should be deferred for the following year's consideration or simply rejected; however, it was not.

I recently read in *The Australian* that in 2014 the New South Wales Bar Association rejected an application because the paperwork was lodged 15 minutes after nominations closed, and the applicant unsuccessfully appealed this decision. Why is it any different for John 'above the law'? The untenable selection process for Senior Counsel needs a complete overhaul to restore public faith in the system. Under a Liberal government, the Attorney-General's application for SC would have been ruled out on the grounds of lateness and any future bid would need to be listed publicly for consultation before it was approved to add transparency to the process. I wish to conclude my remarks with a quote from the late Abraham Lincoln, who said, 'Nearly all men can stand adversity, but if you want to test a man's character, give him power.'

### PINERY BUSHFIRES

**The Hon. A. PICCOLO (Light) (15:28):** Today, I would like to bring to the house's attention an event which took place in the electorate last Friday, which was the first anniversary of the horrific Pinery fires which ripped through a lot of the Adelaide Plains and Mid North areas. The event which was held was arranged by the Wasleys Community Group. It was a thanksgiving service and a family barbecue to mark the occasion and to give people in the community an opportunity to come together and provide support for each other.

The service started at 6.30pm, led by the Reverend Dr Philip Marshall of the Uniting Church in those communities. Dr Marshall provided a very appropriate sermon for the occasion. Also, there was also music played by James Cruz. There was a talk given by Mr Russell Marker, one of the residents of Wasleys, who spoke about his experience of the fire, his personal experience and that of his family. He made it very clear that that was only his experience and not the experience of others, but I am sure those people who went through those fires could relate to it.

I was also fortunate enough to be given an opportunity to speak briefly at the service. I indicated that it was very hard to actually understand what people were going through when you have not gone through it yourself. I made it very clear that, while I could not say that I felt what they felt through the event, through my own observations I could see the impact it was having on some people.

Two things that have come to mind through the last 12 months are that there are a number of farmers in that community whom I have known since I was a boy who had always stood very proud, and the fire had actually affected them quite deeply. Even to this day, they get quite emotional when they talk about the fire, and these are quite strong rural men, and they still need support from the community.

I would like to take a moment or two to thank some people who made the event possible before I quote from Dr Philip Marshall's sermon, because I think it is quite appropriate and captured not only the sentiment of the event itself but also the sentiment of the occasion. I would like to acknowledge the contribution made by Willo's Men's Shed, who did the barbecue on behalf of the community; the regional youth bus; the Wasleys Community Group, who put it all together; and the Plains Community Church, who assisted.

I would also like to thank the Vanilla Progress Association, who experienced their own turmoil just over 10 years ago. They donated money to provide the food and other refreshments for the occasion, and two representatives from the progress association attended on the night. The Australian Red Cross was another organisation that made the event possible. I would like to very quickly take a couple of quotes out of Dr Philip Marshall's speech on Friday night:

The first anniversary of the Pinery fire Friday 25 November. It will stir strong thoughts and feelings. Even those thoughts and feelings we thought we had put behind us may resurface and surprise us.

It was a fire that burnt 10,000 hectares an hour. It will go down in South Australian. It is a marker in our own local history. It will be a marker in your personal history.

That is very true. Dr Marshall also said:

The commemorative events are where we remember the day. Remember the past year. Thankful for everyone who keeps us safe. Gratitude for the generosity of others.

Certainly, the fire did bring out the generosity of other people in the community. He continued:

There will be a time to express gratitude for the courage of many people through actions, large and small, people who work to keep our community safe and those who care for those impacted by the disaster. Stories of generosity will emerge involving family, friends, businesses and even strangers.

The fire may have cut through the areas of the Mid North and Adelaide Plains, but it certainly strengthened that community.

### RIDGEHAVEN PRIMARY SCHOOL

**Mr GARDNER (Morialta) (15:33):** Today, I am presenting to the parliament on behalf of the school community at Ridgehaven Primary School. On behalf of that community, as the Liberal Party's shadow education minister, I have today brought to the parliament a petition, signed by nearly 200 members of that community, calling on the government to deliver road safety improvements that will protect the lives of the children at that school. I will quote directly from the text of the petition:

We draw the attention of your Honourable House to the need for improvements to the student crossing at Ridgehaven Primary School (479 Milne Road, Ridgehaven). Approximately 300 children access the school daily. The current student crossing across Milne Road is poorly signed and offers minimal protection to students using the crossing. Every week, there are near misses and it is only through good fortune that we haven't seen a tragic accident at this location.

Your petitioners therefore request that your Honourable House approve funding for improvements to the student crossing at Ridgehaven Primary School—preferably to include pedestrian-activated lights or, at least, a raised 'wombat crossing'.

Having visited the site at the request of the school's governing council, I can understand very well why this community is concerned. The current signage is inadequate. Visibility ahead of the current crossing is inadequate. I have many schools in my electorate, and I am visiting many more at the moment as shadow education minister, and I can assure the house that the current crossing does not meet the standards that other schools take for granted.

I am not the first member of parliament that this school's governing council has approached about this issue. What I can say is this: this should not be a partisan or political matter. This is a common-sense safety matter. Two-thirds of the families at the school have signed this petition, and I expect many more will do so over the summer.

What I say to these families is that the Liberal Party has heard their concerns. Nothing is more important than our children's wellbeing, and the families at Ridgehaven Primary School have identified a threat to that wellbeing. I say to the government: this should not be a political issue. Let us fix this situation now, let us fix it over the school holidays, so that these families can send their children to school from day one in 2017 with peace of mind about their safety.

### INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

**Mr HUGHES (Giles) (15:35):** Earlier today, the member for Morphett moved that this house recognise 3 December as the International Day of People with Disability, celebrate the achievements of those with a disability and recognise the contribution they make to our communities. At the time, I rose in support of that motion and spoke about two people in my electorate, Cyanne and Zia Westerman.

Cyanne and Zia are both profoundly affected by a condition call limb-girdle muscular dystrophy type 2 I. I met the twins before I was elected, and I was incredibly impressed with their spirit, their intelligence and their incredibly strong desire to participate in the world around them despite the profound disability they suffer from. Notwithstanding that profound disability, these two people have enormous abilities. They have a real contribution to make to the community of Whyalla and, I believe, to this state, and are a brilliant example of two people who are fully committed to addressing the barriers they face.

I did not think that it was particularly appropriate for me today, as an able-bodied person, to speak about policy and initiatives and all the things we are doing to assist, whilst also recognising that there are real gaps and real needs that need to be met. What I did do was quote from a transcript. Zia had prepared a document and called it, 'A simple day in the life of Cyanne and Zia'. As part of the debate today, I read part of that description of their life, and I want to use the next few minutes to finish off the description of one day in their lives. So, in Zia's words, I will continue:

Every aspect of our lives is either a struggle to make people understand our situation or a fight to try to make people see that we need the help, not just because we want it. Take our two electric doors at home for an example, we had to pay a couple of thousand each because the disability system sees the doors as a luxury. It may be a luxury for some people, but for me and Cyanne it is a major safety issue. If we didn't have these electric doors we wouldn't be able to get out of the house. I can't open a door because I don't have the strength. So how can I get out if there's a fire?

One of the biggest issues I face is not being able to go to the toilet/shower while I am at the hospital. The toilet/shower facilities are not big enough to fit a change table and a lifter (this is also the same for every disabled toilet facility in South Australia). I would very much like to keep my modesty and get undressed all in the one room rather than being wheeled naked down the corridor with a sheet wrapped around me. I don't think you would appreciate it if you saw one of your work colleagues walk naked from room to room to use the toilet or shower. I also have to bring my own sling because the slings they do have are for the majorly obese people, including their toilet chairs being for all males and aren't padded—I can't use the chairs because my skinny bum falls through the hole.

Cyanne and I don't like using the taxi service because it is just another thing to organise and to predict what time you need to be picked up and dropped off. I book in advance so I know that they are likely to arrive on time due to the high number of people in wheelchairs using the taxis.

Cyanne and I can't even go out together because the taxis only hold one wheelchair at a time, which means that the taxi has to drop one of us off and then go back for the other. It also means we have to pay each trip because we both can't fit in one taxi. So when Cyanne and I went out the other day, we booked a taxi van. My carer and I arrived at the destination first and then waited for Cyanne. The taxi driver decided to do another job before picking Cyanne up. We were not happy as Cyanne was over an hour late which put us in a horrible mood for the rest of the day. However, on the way back they organised for two taxi vans to pick us up.

I will continue my speech another time.

Time expired.

### *Motions*

### **LGBTIQ COMMUNITY**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:40):** I move:

1. That this house recognises that many lesbian, gay, bisexual, transgender, intersex and queer community members have been discriminated against by South Australia's legislation.
2. We accept that while South Australia has long been a leader in LGBTIQ reform, more must be done.
3. To LGBTIQ community members discriminated against in legislation, we offer you our unreserved and sincere regret and are sorry for those injustices.

The acts that we pass in this parliament serve many purposes. In simple and literal terms, they contain rules—rules outlining what can and cannot be done under law. In a broader sense, the legislation we enact also implicitly reflects South Australia's identity, values and aspirations. The ultimate purpose of these laws should be not just to ensure the smooth running of the state's affairs but to improve people's lives and to give them the capability to fulfil their potential. This, of course, must apply to all citizens.

Where laws reflect and enshrine discrimination, such as through the inclusion or absence of certain words, then parliament has the means and the responsibility to act. The imperative becomes only stronger when such discrimination leads to the cruel and disrespectful treatment of people, often at times of great sadness and suffering. This is exactly what occurred in January this year in the wake of the tragic death in Adelaide of British man David Bulmer-Rizzi who was honeymooning here with his husband, Marco. David's marriage to Marco was not recorded on his death certificate because South Australian law did not recognise their marriage.

This case highlighted the need for a relationships register, and it brought home to the general public the implications of discriminatory language in legislation and administrative procedures. I want

to emphasise that this has not been the only case of its kind. For example, a South Australian man, Andrew Birtwistle-Smith, was not allowed to record the word 'married' on the death certificate of his husband, Christopher Birtwistle-Smith. This was despite the fact that he was legally wed in Canada in the mid-2000s and had been married for 11 years before Christopher's passing.

Discrimination can be manifested in other ways, too. Let's look at a few examples, some of which are from correspondence I have received recently as part of the Make Change Happen campaign for legislative reform—a person like Madeleine who says she was told at a counter that she could not change the gender on her driver's licence because, despite how she looks and her having a letter from a doctor, her birth certificate says 'male'. This incident, she says, made her feel 'utterly humiliated and could so easily have been avoided with a change to the law'.

People like Chloe and her partner were told that they could not access fertility treatment in this state because their inability to have children was deemed a lifestyle choice. As Chloe says, this made them feel as though they were not wholly accepted by our government. Intersex people have suffered from feelings of exclusion from society because in part their status is not properly recognised on documents and ID cards. One person wrote to me saying, 'Every time I have to show my ID at a pub or a university, I feel deeply humiliated.' Transgender people continue to be addressed by Mr, Mrs or Ms in letters from telephone or other public utility companies, despite their repeated requests to be called by a title that respects who they are.

When our laws discriminate against a particular group of people, it sends a message that this prejudice written into law justifies treating people differently in our day-to-day lives. Such laws do not affect only the LGBTIQ community, they diminish our society as a whole. They diminish us by saying effectively that there are certain people who deserve to be treated differently, whose relationships are worth less, whose families should not exist, who are not entitled to the same fundamental rights as their neighbour. People who are not members of the LGBTIQ community recognise this injustice too, and many have written to me to express their support for reform, stating that LGBTIQ people face barriers that they do not and that this situation, quite simply, is not fair.

We should be building a safer, fairer future for the next generation of children so they never have to experience the kind of fear and harm that was a reality for people who grew up when homosexuality was a crime, and we should be ensuring that our laws apply equally, regardless of who you fall in love with, who your family is or the gender you live as.

Our state has a long and admirable history of progressive social thinking and legislative reform and some of those advancements have occurred in relation to LGBTIQ South Australians. I was reminded of this on 10 September last year when this chamber marked the 40<sup>th</sup> anniversary of the passing of groundbreaking legislation under the leadership of the Hon. Don Dunstan. On that occasion, we acknowledged that in 1975 South Australia became the first jurisdiction in the country to decriminalise homosexual acts between consenting adults.

As I told this chamber last year, that legislation came in at a time when attitudes to homosexuality were still, in many cases, extreme. In the 1950s, 1960s and even 1970s, homosexual men could be sacked from their jobs, kicked out of their homes, disowned by their families and friends and brought before the courts and gaoled for engaging in consensual sex with other men. Such men could also be treated with great brutality and even killed, the drowning of Dr George Duncan in the River Torrens in 1972 being an horrific and high profile example. Many members of the state's wider LGBTIQ community were in the public gallery for the parliamentary debate last year about the 40<sup>th</sup> anniversary, and I am delighted that, today, members of the community are once again present to witness and celebrate another milestone.

It is right that we recognise historical achievements but we should always look at what more can be done to address obvious discrimination and bring about tangible, positive change. In line with this contention, the state government released, in May 2014, its strategy for inclusion of lesbian, gay, bisexual, transgender, intersex and queer people. That document states that all South Australians deserve a fair go, that they have a right to feel valued and to have the opportunity to fully take part and prosper in the community. It also identifies a series of priorities for action, all of which we are continuing to pursue, and these are:

- social and emotional health and wellbeing;

- employment and other opportunities;
- awareness and education;
- inclusive service delivery; and
- engagement with the LGBTIQ communities.

The state government signalled its intention to address discriminatory language in historical laws early last year. Through the mechanism of the Governor's speech to open parliament in February 2015, we outlined various measures to make our democracy more inclusive, and we framed these efforts within the context of a simple and compelling question: how can we fight for a more open economy but simultaneously ignore the need for a more open society? In that speech, the Governor announced that we would invite the South Australian Law Reform Institute to review legislative or regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status.

The institute conducted that review. It identified more than 140 pieces of legislation that discriminate on the grounds of sexual orientation, gender identity and intersex status and it made a series of valuable recommendations. The upshot of the institute's work was that the government introduced a series of bills into the House of Assembly designed to address discrimination in legislation, and I am pleased those bills were passed by the house earlier this month and I very much hope they will soon be passed in another place.

I would like to put on record the nature and effect of these reforms. The Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill makes it easier for South Australians to change the gender they are registered as on their birth certificate, in particular, by removing the need to make an application to a magistrate for adults.

The Relationships Register Bill 2016 allows unmarried heterosexual couples, same-sex couples who are unmarried and same-sex couples who are married overseas to have their relationships legally recognised in South Australia. Changes to the Equal Opportunity Act ensure that intersex status is formally protected from discrimination under the act.

The Statutes Amendment (Surrogacy Eligibility) Bill ensures people can access reproductive treatment if they are unlikely to become pregnant other than through the use of assisted reproductive technology. The bill also amends the Family Relationships Act 1975 to extend access to lawful surrogacy agreements to non-heterosexual couples.

The Statutes Amendment (Gender Identity and Equity) Bill changes the language used in South Australian law to remove gender bias and ensure that gender identities are captured in state legislation. Same-sex couples will now be given the right to adopt a child in South Australia under changes to the Adoption Act, which replaces the definition of 'marriage relationship' with 'qualifying relationship'. This means couples in a marriage-like relationship, irrespective of sex and gender identity, can adopt.

I wish to thank all those in the community who advocated for the passing of the legislation. In your actions and in your arguments, you demonstrated unity, energy, thoughtfulness and compassion. I must say, I look forward to meeting a number of you later as we have an afternoon tea after this debate. As for parliamentarians, I particularly want to thank this chamber, and especially the member for Reynell, the Assistant Minister to the Premier; minister Hunter in the other place; minister Close, the member for Port Adelaide; and the member for Colton for their hard work and dedication, and those opposite who also offered their support for the various reforms.

The bills have both symbolic power and practical import. They have the effort of validating the existence of the LGBTIQ people, including them in the affairs of the state and fully recognising their considerable contribution. The changes provide people with access to services previously restricted or made unavailable to them. Perhaps most importantly of all, they open up opportunities for them to advance in society.

Through the legislation and through the wording of the motion before us, this house is making an historic statement of empathy and support. We are acknowledging that all LGBTIQ people are valued citizens of this state and must be treated with fairness and decency. We are saying in law

that difference must no longer translate into discrimination and disadvantage. We are saying that the wrongs of the past must never be repeated but that there is still more work to be done.

Finally, I spoke to a gay man earlier today and asked him what he felt this apology meant to him. He told me that he grew up in a time when homosexuality was unlawful. When he was growing up he could not see a future for himself, and that hurt him. So, to him, and in particular to the young people who are here today—I especially want to address the young people who are not only in the chamber but perhaps listening to this or may find out about these remarks—I want you to know that who you are is okay and that you are a welcome part of the broader South Australian community. Today, as Premier and as a member of parliament, I formally say sorry to all of you who have suffered injustices and indignities simply because of who you are. I commend the motion to the house.

*There being a disturbance in the gallery:*

**The DEPUTY SPEAKER:** Order!

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:53):** I rise today to support the Premier's motion. It is not always that we can agree about matters before the house, but the Premier and I do so today because this motion is just and it is necessary. While it is a motion dealing with the past, I hope it will help lesbian, gay, bisexual, transgender, intersex and queer members of our community to enjoy a future of inclusion, allowing them to realise all of their dreams and all of their ambitions.

As the Leader of the Opposition, I recognise the past injustices endured by South Australian members of the LGBTIQ community and acknowledge the South Australians who have been discriminated against by our state's legislation. In South Australia, the criminalisation of homosexuality is a sorry chapter which stains the pages of our state's history book. For far too long, members of our LGBTIQ community lived in fear of persecution. Their exclusion and isolation contributed to depression and suicide in numbers none of us can ever begin to know, because the suffering had to be hidden and endured in silence.

Parliaments must protect, not marginalise, their citizens. The criminalisation of homosexuality is a shocking example of legislative discrimination. All South Australians, no matter who they love or who they are, deserve to live free from discrimination and to feel safe, and to feel confident in being able to express their individuality.

As elected members, it is our responsibility to pass legislation that treats all citizens equally. It is inconceivable today to think that up until the 1970s South Australians were being punished for simply being themselves, for letting others know who they really were. We cannot be accountable for the prejudices of our predecessors. Today, they are difficult if not impossible to understand, but we were not there then. We can only act by our own conscience, values and standards. They compel us to right these wrongs.

By passing this motion, we recognise that fear must never be allowed to determine who we are and our place in the world. All societies have dark chapters and, whilst we cannot rewrite history, we can work together to make things better, and we have done this with distinction in South Australia. We have a proud history of social reform and this parliament has often led the nation. We were the first state to allow women to vote, and in fact we were the first place in the world to allow women to stand for parliament. We were the first state to legislate for Aboriginal land rights.

In 1975, we became the first state to decriminalise homosexuality. This was a historic moment not only for South Australia but for the rest of the nation. We blazed a trail which made it easier for other jurisdictions to follow. Often, a single event can convince a community of the need for such reform. This was one such occasion. On the morning of 11 May 1972, South Australians woke to the news that university lecturer Dr George Duncan had been found dead in the River Torrens. Dr Duncan had taken up his University of Adelaide appointment only six weeks earlier, having arrived from England.

As events unfolded, it was revealed that Dr Duncan was a homosexual, and three police officers were implicated in having thrown him into the river in an area known as a 'gay beat'. Ultimately, no-one was convicted of having caused his death, but the community concern could not be quelled. The circumstance of his death confronted the fact that in the community's name the

parliament continued to accept a law that fuelled intolerable prejudice, hate and violence, exposing members of the LGBTIQ community to continuing fear, intimidation, isolation and risk of arrest simply for being who they were.

Dr Duncan's death paved the way for major law reform in South Australia. His death became the catalyst for social change and progressive policy, raising public awareness and shining a harsh light on the state's discriminatory laws. The community rallied to bring about change. The press and media, the legal and academic community, members of the public, activists and politicians joined forces to ensure Dr Duncan's death, although not punished, was not in vain.

I am very proud to say it was a Liberal member of parliament who took the initiative. Murray Hill, a legislative councillor for more than 20 years and minister in the Hall and Tonkin governments, made the first serious attempt to secure homosexual law reform in South Australia. Murray introduced a private member's bill to amend the Criminal Law Consolidation Act. The bill decriminalised homosexual acts in private between consenting adults. Full decriminalisation followed three years later, following legislation introduced by a member of the Dunstan government to remove from the statute book any offence associated with being homosexual.

In late 2013, this parliament passed legislation to erase recorded criminal convictions for people found guilty of offences related to homosexuality. I was not a member of this place when Murray Hill passed away in 2003. The condolence motion on that occasion rightly recorded, from both sides of the house, Murray's vital contribution to this most important social reform. Last year, when we celebrated 40 years since the decriminalisation of homosexuality in South Australia, I paid tribute to Murray in the parliament for his pioneering role in LGBTIQ reform. I pay tribute to him again today.

Whilst South Australia has a proud history of reform, we still live in a society where people are at risk of bullying due to their sexuality and where a person's sexuality is often the first thing used to describe them. Our state retains 'gay panic' as a defence to murder. Queensland is the only other state where this defence remains, but just this week the Queensland government announced that it will introduce legislation to abolish it. Other South Australia legislation also retains discriminatory aspects.

Last year, the government asked the South Australian Law Reform Institute to review legislative or regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status. I look forward to further reforms being implemented in the same cooperative way as the original homosexual law reform was able to pass this parliament. Yesterday, the state Liberals called for the treatment of HIV to be expanded to include pre-infection PrEP medication. We are pleased the government has now agreed.

Today, I have reflected on many of South Australia's achievements and the work that still needs to be done. Our LGBTIQ community was let down by previous parliaments. In apologising for that, we must ensure that it never happens again. To the LGBTIQ community, I offer my unreserved and sincere regret. I am deeply sorry for the past legislative injustices to you and to your community. I am sorry for the laws that have caused you to be excluded and isolated in a society that should have protected you from such discrimination. You contribute to the diversity that makes South Australia a better place, and I regret the pain and suffering caused by past practices, such as maintaining for so long the crime of being homosexual. I hope that today's motion goes some way towards healing your hurt.

I conclude by calling on all South Australians to do their part to help right the wrongs of the past. Promoting tolerance and respect does not stop here on North Terrace. We all have a role to play in ensuring that members of the LGBTIQ community in South Australia and beyond feel safe, valued and equal in society. Whilst the world has come a long way in calling out discrimination against this community, we still live in a society where it occurs. Homosexuality remains a crime in some countries around the world and people are being persecuted because they do not conform to what society says is normal.

Put simply, in some places elsewhere, people continue to be victimised because of who they choose to love. Let us in South Australia continue to set an example of tolerance and inclusion so that we can all experience life and love to the full. Challenge hate when you hear it. Call out your



friends for discrimination and promote tolerance and inclusiveness in your workplace. Discrimination has no place in our society. I commend the motion to the house.

Motion carried.

### *Bills*

## **ELECTRONIC TRANSACTIONS (LEGAL PROCEEDINGS) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:04):** Obtained leave and introduced a bill for an act to amend the Electronic Transactions Act 2000. Read a first time.

### *Second Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:05):** I move:

That this bill be now read a second time.

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

Leave granted.

In connection with the Criminal Justice Sector Reform Council, and in particular the work of the Criminal Justice Information Management project, the Government is introducing the Electronic Transactions (Legal Proceedings) Amendment Bill 2016.

This Bill amends the *Electronic Transactions Act 2000* to achieve greater efficiencies in the criminal justice sector by further facilitating the use of electronic technologies for communications between courts, police, legal representatives and members of the public.

The intent of the Bill is to focus on criminal proceedings, and proceedings closely related to the criminal justice sector such as fines enforcement and dealing with expiation notices. The language of the Bill reflects that it applies to criminal law, but that the focus is broader than strictly criminal proceedings.

Section 5 is amended to alter the definition of 'law of this jurisdiction' to expressly include the criminal law in the operation of the Act.

The Bill also amends the consent provisions of the Act, as the provisions do not reflect the almost universal and pervasive use of electronic communications in society that has developed in the 15 years since the Act was passed, including between citizens and government.

The requirements of sections 8, 9 and 10 of the Act, that giving information, providing a signature or producing a document electronically must occur only with the prior consent of the parties, have been amended to relax the requirements to facilitate the use of electronic information.

The amendments to each section are in the same terms, and provide that a person who is the subject of prescribed legal proceedings will be taken to have consented to receiving information by means of an electronic communication.

However, consent will be taken to have been given only where it is has been ascertained that the person (or their legal representative) is readily able to access or download the information, and print it (if required).

This caveat will protect those without reliable internet access, or those who may have access to a document, but would be unable to print the documents if they needed to. It will protect those in custody without internet access, or those in rural areas where internet access may not be adequate to download large documents.

The legal proceedings to which the Bill applies will be prescribed by Regulation. This has the benefit of controlling the uptake of the new provisions, to ensure agencies and the legal profession are equipped to make the best use of the new provisions, as well as allowing new types of proceedings to be added to the Regulations over time, as the use of electronic communications increases.

It is intended that the prescribed legal proceedings in the Regulations will consist mainly of criminal proceedings including bail proceedings, proceedings under the *Summary Procedure Act 1921* for prosecuting

summary and indictable offences, sentence enforcement proceedings, and proceedings relating to orders of a restrictive nature such as intervention orders, non-association, place-restriction, paedophile and child protection orders in the *Summary Procedure Act*. Some non-criminal but related proceedings are also intended to be included, such as fine enforcement and recovery, and the issue and recovery of expiation fees.

Consultation on the Regulations will be undertaken to ensure that appropriate proceedings are covered, and to ensure that the sector is able to take advantage of the new provisions going forward.

As the world moves away from the use of paper documents, and technology use becomes more and more an integrated part of our everyday lives, it is important for the criminal justice sector to keep pace with the changes in society. The Government is pleased to encourage the use of electronic communications and decrease the use of paper wherever possible, and these provisions are a small but important measure to encourage this within the criminal justice sector.

A more cohesive and efficient criminal justice system will ensure the timely and accurate communication of information, and will improve the experience of those working within the system and also for members of the public who come into contact with the criminal justice system.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Electronic Transactions Act 2000*

###### 4—Amendment of section 5—Interpretation

This clause amends the definition of *law of this jurisdiction* to ensure that the term includes any law whether in the civil or criminal jurisdiction.

###### 5—Amendment of section 8—Writing

The clause inserts new subsection (2a) to establish that for the purposes of the requirement for consent in section 8(1)(b) and (2)(b) of the Act, a person will be taken to have consented to information required or permitted to be given to the person in relation to prescribed legal proceedings by means of an electronic communication.

Proposed subsection (2b) provides that proposed subsection (2a) only applies if, before giving the information by means of an electronic communication, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the information.

###### 6—Amendment of section 9—Signatures

The clause inserts new subsection (1a) to establish that for the purposes of the requirement for consent in section 9(1)(c) of the Act, a person will be taken to have consented to the method referred to in section 9(1)(a), in relation to a person to whom a signature is required to be given for the purposes of prescribed legal proceedings.

Proposed subsection (1b) provides that proposed subsection (1a) only applies if, before communicating by means of an electronic communication in respect of which the signature of a person is required, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the information.

###### 7—Amendment of section 10—Production of document

The clause inserts new subsection (2a) to establish that for the purposes of the requirement for consent in section 10(1)(c) and (2)(c) of the Act, a person will be taken to have consented to the production of a document required or permitted to be produced in relation to a person to whom prescribed legal proceedings relate by means of an electronic communication.

Proposed subsection (2b) provides that proposed subsection (2a) only applies if, before producing a document by means of an electronic communication, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the document.

Debate adjourned on motion of Mr Gardner.

**STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL***Final Stages*

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

No. 1. Clause 18, page 16, after line 29—Insert:

(a1) Section 19—after subsection (1) insert:

(1a) The Tribunal sitting as the South Australian Employment Court may only be constituted by members of the Tribunal who are also judges or magistrates (sitting alone or in any combination as the President thinks fit).

No. 2. Clause 18, page 16, after line 31—Insert:

(1a) Section 19—after subsection (5) insert:

(5a) In addition, a member of the Tribunal (not being a judge or magistrate), or a registrar or other member of the staff of the Tribunal, may assist with the business of the South Australian Employment Court to the extent that it may be appropriate to do so.

No. 3. Clause 18, page 16, lines 32 to 37 and page 17, lines 1 to 4 [Clause 18(2)]—Delete subclause (2)

No. 4. New clause, page 29, after line 6—Insert:

49A—Insertion of section 11A

After section 11 insert:

11A—Right of appeal from SAET

Despite Part 5 of the *South Australian Employment Tribunal Act 2014*, an appeal against a decision of SAET in relation to a dust disease action (including in relation to any matter that is ancillary or related to a dust disease action that is the subject of the proceedings) lies—

- (a) in the case of an interlocutory order made by SAET—to the Supreme Court constituted of a single Judge; or
- (b) any other case—to the Full Court of the Supreme Court.

No. 5. Clause 52, page 33, after line 42—After inserted section 12 insert:

12A—Advisory jurisdiction

- (1) SAET has jurisdiction to inquire into, and report and make recommendations to the Minister on, a question related to an industrial or other matter that is referred to SAET for inquiry by the Minister.
- (2) The jurisdiction conferred on SAET under subsection (1)—
  - (a) is not to be assigned to the South Australian Employment Court; and
  - (b) does not extend to inquiring into the South Australian Employment Court or matters that may be brought before the Court or that are being dealt with, or have been dealt with, by the Court.

No. 6. New Clause, page 42, after line 23—Insert:

54A—Repeal of Chapter 3, Part 5, Division 2

Chapter 3, Part 5, Division 2—delete Division 2

No. 7. New Clause, page 56, after line 5—After clause 92 insert:

92A—Amendment of section 95B—Referral of complaints to Tribunal

Section 95B—after paragraph (b) insert:

- (ba) is of the opinion that the matter should be transferred to the Tribunal (whether or not there has been an attempt to resolve the matter by conciliation);

No. 8. New Clauses, page 62, after line 34—Insert:

Part 12A—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

107A—Amendment of section 2—Interpretation

- (1) Section 2, definition of *judicial office*, paragraph (b)—delete 'Judge of the Industrial Court,'
- (2) Section 2, definition of *judicial office*, paragraph (ba)—delete paragraph (ba) and substitute:
  - (ba) the office of a Presidential member of the South Australian Employment Tribunal (other than a Presidential member who is a Magistrate);
- (3) Section 2, definition of *judicial office*, paragraph (d)—delete ', Magistrate or Industrial Magistrate' and substitute 'or Magistrate'
- (4) Section 2, definition of *judicial office*—after paragraph (d) insert:
  - (da) the office of a Presidential member of the South Australian Employment Tribunal where the Presidential member is a Magistrate;

107B—Amendment of section 5—Power of judicial officer to act in co-ordinate and less senior offices

- (1) Section 5(1)—delete 'Subject to subsection (1a) and (2), a' and substitute 'A'
- (2) Section 5(1a)—delete subsection (1a)
- (3) Section 5(2)—delete subsection (2)

No. 9. Clause 144, page 73, lines 30 to 33—Delete clause 144 and substitute:

144—Substitution of section 67

Section 67—delete the section and substitute:

67—Representation in proceedings before SAET

- (1) The following provisions govern representation in proceedings (other than appellate proceedings) before SAET under this Division:
  - (a) a party to the proceedings may be represented by—
    - (i) the Training Advocate; or
    - (ii) if the party is a member of a registered association—an officer or employee of the registered association acting in the course of employment with that registered association;
  - (b) a party to the proceedings that is a body corporate may be represented by an officer or employee of the body corporate;
  - (c) a party to the proceedings may be represented by another person with leave of SAET if—
    - (i) SAET is satisfied that the party will be disadvantaged if the party is not represented by another person; and
    - (ii) the other person is acting gratuitously.
- (2) However, a person acting as a representative of a party under subsection (1) (other than the Training Advocate) cannot be a legal practitioner or a registered agent.
- (3) In this section—

*registered agent* means a person who is a registered agent under the *Fair Work Act 1994*;

*registered association* means a registered association under the *Fair Work Act 1994*.

Consideration in committee.

**The Hon. T.R. KENYON:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

### **STATUTES AMENDMENT (SACAT) AMENDMENT BILL**

#### *Final Stages*

The Legislative Council agreed to the bill without any amendment.

### **STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL**

#### *Committee Stage*

Bill taken through committee without amendment.

#### *Third Reading*

**Mr PICTON (Kaurua) (16:10):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

### **ELECTORAL (MISCELLANEOUS) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 30 November 2016.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:10):** I rise to speak on the Electoral (Miscellaneous) Amendment Bill 2016. The parliament has received and dealt with the Electoral (Funding, Expenditure and Disclosure) Amendment Bill 2016. When I say that it has been dealt with, my understanding is that the bill, which related to the new model of public funding for elections and the associated disclosure and expenditure matters, is following its way through the Legislative Council. Because the new model of funding for elections is proposed to be introduced effective in the lead-up to and to apply during the 2018 state election, it was important that it be progressed separately from other significant reforms the government has announced it will proceed with.

The bill we are currently dealing with, the miscellaneous bill, carries the bulk of the recommendations the government has picked up from the Electoral Commissioner post the 2014 election; in fact, it is only about half of what the then electoral commissioner, Ms Kay Mousley, recommended in her report to the parliament in July 2015. Ms Mousley recommended some 30 reforms in legislation, primarily to the Electoral Act, that she considered were worthy of the parliament's consideration before we advanced to the next state election.

I am completely at a loss why it has taken the government until November this year to table a bill, especially as it incorporates only half the recommendations of the electoral commissioner. Nevertheless, having progressed with this bill, the Attorney has since provided a schedule of his assessment/consideration of and reasons for not progressing with the other half of these recommendations.

Another aspect of this bill that is novel, to say the least, is that the Attorney-General, without any direct initiation from a recommendation of the Electoral Commission—or anyone that I know of—has decided that he will introduce three new initiatives. The new areas that seem to be the light bulb moment of the Attorney include introducing restrictions that will ensure that the pre-polling option for a voter is minimised. In short, there will be an abridgement of the time during which a person can elect to pre-poll, that is, to cast their ballot prior to election day.

Secondly, there will be an exclusion zone around which there can be any material advertising the popularity, or promoting the popularity or otherwise, of a particular candidate. Thirdly, the obligations of the Electoral Commissioner in the objects of the act, and the obligations as to what they include, will be to do nothing that would otherwise encourage someone to vote at a time other than on election day.

It is almost like a double negative; that is, they have to ensure that whatever their promotional material is about elections, whatever they are advertising, whatever the educative pamphlets that are issued, they must all have the objective of promoting elections by those eligible to vote between 8am and 6pm on election day and not otherwise. In short, it is to highly restrict accessibility to pre-polling as an alternative to voting on election day.

Secondly, the Attorney decided that the postal vote applications, I think it is fair to say, under the reforms prior to the last state election were to be restricted again as to a political party being able to issue material where someone has applied for a postal vote application. Without going into the full structure of how postal vote applications work, essentially they give someone the opportunity to cast their vote and forward that via the post for consideration, enveloped in a declaration of the circumstances and the name, address and details of the elector.

Again, in short, prior to the last election, we resolved in this parliament that, essentially, the job of handling a postal vote application request was to be done by the Electoral Commissioner and not by political parties. It did not close the gate entirely for political parties to communicate with the prospective voter, but the management of the vote itself (the material to be received, etc.) was to be under the direct supervision of the Electoral Commissioner. The Attorney wants to change that.

The third area, which again appears to have had no source of wisdom from some other electoral body, is the massive increase in fines that is proposed. It does two things: whether you are a corporation or an individual, if you break the rules the fines that did apply, which I think were \$5,000 and \$10,000, are now to move to \$50,000, which of course is very substantial. I have not read any material that supports the need for that, but that is within the purview of the wit or wisdom of the Attorney as to why we would need that.

The government provided us with a briefing in respect of the government's election, after 18 months, not to take up half of these recommendations. I want to highlight what they are and where, from our perspective, there may be some merit in them being pursued. We do not propose to hold up the debate of this bill in this house, but we give notice that we would look at some amendments in the other place, including those of the Electoral Commissioner.

Let me just move to recommendation 2, which was to remove the words 'or the Minister so directs' in respect of the printing of the rolls, as the Electoral Commissioner says they were available in electronic form. The government simply says that there are no amendments proposed at this time. I do not see why we would not make that a contemporary procedural matter but, nevertheless, that is their position.

Recommendation 4 recommends providing clarity on whether a registered political party may have more than one abbreviation entered in the register, so this was to recommend that there be a change to the register. The government simply says, 'We are not dealing with that at the moment.'

Recommendation 9 recommends providing the returning officer with the ability to establish a polling booth at each polling place 'for' the district rather than 'within' the district, to allow for the establishment of polling booths outside the district. The commissioner claims that this would assist with polling for a by-election when a suitable polling location may exist outside of the designated district. Again, the government's response is, 'Well, we don't propose to deal with any amendments at this time.'

Recommendation 10 relates to the preparation of certain electoral material. The Electoral Commissioner recommended that there be a requirement for how-to-vote cards submitted by candidates to be in a form prescribed by regulation to provide clarity and standardised design. The government says, again, that it has no intention of dealing with that at this time. The government does add that it is possible it could be dealt with under the regulations, and we agree with that, but it does not give any explanation as to why it is not going to advance that.

Recommendation 12 relates to the issue of voting papers. Here the recommendation is to review the requirement for an application for issue of declaration voting, either in writing or orally, to be supported by a declaration on the grounds on which the application is made to either tighten or remove the requirement. The Attorney's response was he proposed that the requirement should remain and that the form of the declaration envelope used at pre-poll centres would be changed to

require electors to tick a box to identify the ground on which they rely. Clearly this recommendation is bypassed, given the Attorney's intention to restrict pre-poll activity.

Recommendation 13 recommends the removal of the ability of a person to inspect or obtain information on the register of electors who are declaration voters to maintain elector privacy, given that the majority of electors registered are eligible due to the suppression of their place of residence from a roll. In short, this deals with the issue of declaration voting papers by post or other means.

The government claims that the rationale for this explanation is unclear, given that the register of declaration votes does not contain information on a person's address, where it is suppressed, and so should be no different from accessing the electoral roll. It is beyond belief that the government has not clarified that with the Electoral Commission. Nevertheless, that is not one it has taken up.

On the same issue, the recommendation included a review of provisions relating to the supply of details on the register to registered officers of registered political parties and candidates nominated to contest an election. The commissioner said that concerns with parties and candidates accessing this information had been submitted to the Legislative Council Select Committee on Electoral Matters in South Australia. The government's answer: no amendments are proposed at this time.

With regard to recommendation 14, the Electoral Commissioner recommended considering strengthening the democratic process by requiring electors to provide proof of identity in support of their entitlement to vote prior to being issued a ballot paper where they attend a polling booth or apply in person to make a declaration vote. Essentially, this is to minimise or make it more difficult for people to multiple vote. The answer from the government: this recommendation is not supported; requiring the provision of proof of identity would disenfranchise voters or at least provide a disincentive to people voting.

Frankly, I do not recall there being any data to support that, and I would not have thought it would be very difficult for electors to be informed that on election day they would be required to produce some evidence of proof of identity. This is an ongoing issue, and I think the public scratches their heads, quite frankly, at the absurd situation where here we are, in 2016, and we still cannot have a process where there is a means by which we can minimise people multiple voting. Once they have voted, even if they might face a fine subsequently, how that might have corrupted the vote in a particular seat or multiple seats is very difficult.

One way of addressing this problem, as recommended by the Electoral Commissioner, is to do this, and the government simply summarily dismisses it as being impractical or likely to cause people to be disenfranchised. If someone turned up at a polling booth and they did not have proof of identity, then surely it is not beyond the wit to be able to have an alternative process to be able to validate that. It may be the declaration of someone else attending.

Let's assume there was a remote area and someone had driven a long distance to a small country community. It may be a declaration of identity by someone who is at the electoral office, indicating themselves that the prospective voter is personally known to them. It is not beyond the wit to be able to deal with some alternatives here, and I am very disappointed that the government took the view that they would be dismissive of this without any other consideration.

Another thing is it is entirely inconsistent with their idea of having a pre-poll restriction. All the people who go into the pre-poll, assuming that they would have a longer period, would need to be educated to know that the pre-poll is not available to them and it is too late then to get a postal vote application. There are lots of complications that go with that. When you change a system, you have to educate the public.

Obviously, that is the responsibility of the commission to fairly publish information to ensure that prospective voters know if there is a change of rules and how it is going to operate and how it is going to affect them. I find that inconsistent with their desire to restrict pre-polls. The consequential effect that may have on someone who would otherwise avail themselves of that process, especially as I said if having gone to have a pre-poll, say, six or seven days out from an election to find that is

not available to them and then find that they have missed the opportunity for a postal vote, I think is quite wrong.

Recommendation 22 was the recommendation to consider removing the requirement to provide the name and address of business of the printer, as it is no longer relevant and difficult to administer and the source of complaints when omitted. This is on the publication of electoral advertisements. Those of us who are in a political party are very familiar with this because obviously it is usually the director or chief secretary of some kind of the registered political party whose name is on the bottom of the form. They are the persons who have to pay up or potentially face other prosecution if there is some problem with the material when published. In any event, this recommendation is not supported, which is the government's answer.

It is important that there be a record of who printed the material in case of legal action. I find that, in a modern sense, quite unnecessary, but in any event that is the government's position. Also under that recommendation is the proposal to remove inconsistency in the penalties, requiring the electoral advertisements and, as I think I have indicated, there was to be the same penalty apply for both a natural person and a body corporate, and that is now to move up to \$50,000.

In relation to recommendation 23, on the basis of considerable confusion with the operational provisions that have been experienced by parties and candidates, due to the conflict between being able to lodge a how-to-vote card under section 112A but with any such card lodged under substantially the same appearance as a how-to-vote card lodged under section 66, the commissioner sought clarification of the intent of this section. The government's answer is that no legislative amendments are proposed at this time. The scope of such clarification is in the regulations. If we can do anything to minimise the potential confusion in the statute, then we should be fixing it up in the statute, not just leaving it to the regulations.

Recommendation 24 deals with the question of misleading advertising, but not penalty. The commissioner here says that no state other than South Australia has a truth in political advertising clause and recommends that it should be removed. She points out that the Australian parliament had determined that the Commonwealth Electoral Act 1918 should not regulate the content of political advertising.

She says there is an ethical question about whether the Electoral Commissioner should be responsible for deciding whether political messages published or broadcast during an election are misleading to a material extent. Enforcement of the provision compromises the role of the Electoral Commissioner and often requires the commissioner to determine who is right or wrong in the terms of two major parties. These decisions can then be used during political campaigning and offend against the independence of the Electoral Commissioner.

In short, she says, 'This is the role I have as Electoral Commissioner. This unique provision in the state legislation compromises the independence of the Electoral Commissioner.' In fairness—and this is no criticism but, as we are about to have another electoral commissioner—they are being asked to be a judge (in very quick time, incidentally) and to make a determination usually on documents, letters and material produced in the lead-up to election day or on election day. The qualifications of an electoral commissioner to undertake this role are likely to be inadequate for the purpose of that task.

I do not say that as any reflection on any decisions made by the recently retired electoral commissioner, but I make the point that they have a role in respect of the integrity of elections, distribution of votes and ensuring that those entitled to have a vote get a vote, that there is an integrity in the actual ballot process, etc. To make determinations on whether or not a piece of published material is misleading almost in a vacuum of actual information, other than the allegations of the proponents for or against the assertion of it being misleading, is a very difficult task for anyone. For someone who is not trained in that regard to have to make urgent and interim judgements I think is unfair to the Electoral Commissioner and, frankly, does require some further attention.

Recommendation 25 suggests that there should be a limitation on displays of electoral advertisements. In this regard, she recommends that consideration be given to whether the size limits imposed on electoral advertisements are a restriction on the implied freedom of communication on government political matters. There is confusion amongst candidates in registered political parties



relating to the current provisions, as they are not subject to such restrictions during federal election campaigns.

In short, if we use a common example, the size of a poster of a proposed candidate to be put on display obviously has a strict limit. One only has to reflect back on the last federal election and the massive posters that were adorning the entrances to polling booths with submarines and big pictures of Christopher Pyne on them. You name it, we had all sorts. They were larger than life and strung between trees and Stobie poles. It is fair to say that, whilst political parties (certainly, those registered) get clear instructions from the Electoral Commission, they know what the rules are and they can differentiate between a change of rules in a federal and state election.

Certainly, someone running as an Independent candidate may not be as familiar with the rules and it can be confusing. I think it was reasonable for her to put this recommendation to limit the displays of electoral advertisements or remove the limitations—either way, but have some consistency. Again, the government's answer was to be dismissive and say, 'No amendments are proposed at this time.'

Recommendation 26 relates to the published material to identify a person responsible for political contact. Here, the Electoral Commissioner suggested that the current provisions be removed and that there be amendments to provide an explicit exemption for letters to the editor, including under the regulations. Essentially, the Electoral Commissioner pointed out that there is an inconsistency between the requirements for identifying the person responsible for political contact published in newspapers as a letter to the editor and responses to the website of a newspaper.

Requirements for disclosure vary across the levels of government and create confusion amongst the electors, candidates and newspaper editors. As I have said, the recommendation was then made. The government's rather dismissive answer was, yet again, 'No amendments are proposed at this time.'

Recommendation 27 relates to candidates not to take part in the elections. Again, there is some inconsistency between state and federal elections, but the recommendation was to remove the current provision to allow for the handing out of how-to-vote cards on polling day by candidates contesting an election. Alternatively, if the restriction were to remain, it should be expanded to include any place or time in which the voting in the election was occurring, and also restrict candidates from forwarding how-to-vote cards by mail to electors who have applied for a postal vote.

I do not see this as a major area of reform that is necessary to be undertaken, but again I think the government's approach to this is dismissive to say, 'No amendments are proposed at this time,' without any reason why they would not even consider something as basic as this. Reviewing of the penalties also met with the same fate.

Recommendation 30 falls within the category where I again think there needs to be some consideration, as with recommendation 24 on the misleading advertising. Here, the Electoral Commissioner looks at the questions of injunctions. This is what can be done to provide for injunctive relief in relation to a contravention or a noncompliance with the act. Largely, this relates to electoral advertising and having the power to make the pre-emptive strike, I suppose, to deal with it.

The provision under this section precludes injunctive relief in relation to the contravention or noncompliance. The only injunctive relief available in division 2 of the act relates to electoral advertising under section 113. She recommends we amend to not prevent injunctive relief for those other sections, including special provision relating to how-to-vote cards where a person may distribute a how-to-vote card in breach of the requirements. We remember the famous 'put your family first' cards. Clearly, we need to deal with some of these matters.

The other 16 recommendations were taken up by the government; they are in the bill and, in short, we say that they have merit. I will go to the novel aspects of the bill that have been the thought bubble or light bulb moment of the Attorney. I can recall after the 2014 election the Electoral Commissioner making comment about what had been a large number of pre-polls relative to previous elections. One of the reasons for that may have been that there was a rather catastrophic handling, I think, of the postal vote applications.

That was not entirely the fault of the Electoral Commission, but I make the point that it became a bit of a shambles. To deal with people who were making inquiries about how they might vote because they had advanced notice they would be away and, as a result of them requesting a postal vote and not getting the return material quickly, they were advised to avoid the risk of not being able to vote by attending a pre-poll centre. It is hardly surprising to me that there was an increase in pre-poll votes at that election. It is fair to say that it is likely that it was not the only reason.

Many more people make themselves available to pre-poll voting, and they do so because it provides convenience. Firstly, I say that that is not unreasonable. Why should they not be able to vote when they want to and when it is convenient to them? The assertion that someone must wait until election day to cast their vote is inconsistent with allowing them to do it anyway if they are going to be away on a trip, or on business, or in hospital. If they vote early, they are also denied the opportunity to hear, listen to and be influenced by the myriad of messages that are going out during an election campaign. Why should someone still not be able to do that, and make a decision about who they are going to vote for, and cast their vote early?

On our side of the house, it is not something that is mischievous or to be remedied or an ill that needs to be cured. But it is consistent with the right to have a choice about when you vote and your entitlement to be able to vote. Voting is a democratic right, and if you want to vote early you frankly should be able to. The audacity of the Attorney's approach in this regard, as though this is something that needs to be stamped out—that this move towards people having a choice to vote earlier, on a different day than election day, has to be crushed—is just bizarre to me. It is bizarre to most Liberals because we think that people have a democratic right and a choice. To be told when to vote, I think, is highly audacious and frankly undemocratic. Nevertheless, that is their view.

The other thing that is quite clear is that when one looks at the most recent election (the federal election) and compares their pre-poll vote with the total vote, there has been a shift in people electing to vote prior to election day. Frankly, I do not see it as mischievous; clearly, the government do. Furthermore, I think it is very selfish of the government to take the view that voting on election day is something that ought to be done by citizens quite easily.

The reality is that people work in different shifts of time, they work in multiple arenas, they have multiple responsibilities and they are highly mobile. I think it is fair to say that, increasingly, people are fitting more and more into their daily lives. Even if you allow an hour a day to read all your emails, the fact is that life has changed. The reality is that a lot of people do not know exactly where they are going to be or what their work, family or health arrangements and commitments may be. Not everyone lives according to an appointment schedule. Unfortunately, life is not that simple anymore. The personal responsibility that people have in respect of family commitments and the like are very changeable.

I find it implausible that any fair-minded person would expect in this day and age that it is an easy thing for people to go along to a polling booth on election day. For many, it is fine and they do it. It is convenient and available and they can do it. But not everybody is able-bodied, free from employment or family obligation or, indeed, in a health or ability circumstance to be able to access it, let alone have transport and the like. I find it rather bizarre that the government would go down this line but, in any event, we will have to deal with that in another place.

Regarding the penalty, I do not know whether this to be some sort of fear campaign to frighten people into being too scared to publish anything. More than likely, in my view, it will serve to disadvantage independent or minority parties who may not have the financial wherewithal to meet a liability. Perhaps it is just being done to impose some heavy-handedness towards the major parties, but it does not seem to be necessary to be consistent with other jurisdictions or necessary to stamp out some rampant practice as a punitive measure, so we are at a loss as to how that should be progressed.

Those are the matters that I wish to address in this bill. I indicate that we will be able to give some further consideration to these matters during the adjournment debate, particularly as we will not be sitting after today in this calendar year, and reserve the right to move amendments in the Legislative Council.

**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) (16:47):** I thank those members who have spoken. I will be fairly brief in relation to comments. First of all, pre-poll voting and postal voting are not the same, and none of the measures that I am bringing to the parliament and the government is bringing to the parliament are directed towards postal voting. There is no attempt to disturb their rules—about the availability anyway—of postal voting, although obviously we do not see it as a great idea to have political parties involved in postal voting because it is a matter that should be between the voter and the Electoral Commission. Aside from that, postal voting is not the target of any aspect of this.

The basic question here is this: do we have a polling day or do we have a polling month? That is it. It is pretty much as simple as that. There are some people who think we should have a polling month. I guess they enjoy polling day so much that they want to have it extended over 30-odd days. That is fine and that may well be a legitimate point of view. It just happens to be one the government does not share.

The government's view is that, save and except for in exceptional circumstances—at which point in time the voter should be prepared to take the option of a postal vote or go through whatever formalities are required to give effect to a pre-poll vote and have a reason which is more than, 'It's inconvenient,' or in some cases, 'I don't feel like it,' or whatever it might be—people should turn up on the day and vote.

In bringing this matter forward, it was important for me to put on the record that, if the concern that voters have is that on election day there is such a lack of polling opportunity that they are required to stand around in the sun or the rain or whatever it might be for hours on end, that is a legitimate matter of concern. I have discussed this with my colleagues.

It is the government's intention, should these provisions pass through the parliament, that special effort will be made to make sure that there are sufficient polling places, so that people are not unduly inconvenienced by turning up on the day and voting. I acknowledge that, if people are going to have to stand out in the rain or out in the sun for three or four hours just to vote, it would be a significant impost on people, and none of us want to see that happen.

Another thing that is worth mentioning is that the new funding and disclosure regime that we have clearly contemplates a campaign which builds towards a culmination on election day. It would be rather odd if one half of the legislation clearly was pointing to a final moment on election day and yet we had provisions as important as the provisions about when you vote allowing people to dribble in like Brown's cows from God knows when until election day. That is the point, and there appears to be a difference of opinion about that, but we really do think that the situation should be that everybody as much as possible, who does not have a very good reason to do otherwise, votes on polling day.

The next issue is the question of proof of identity. Very briefly, on proof of identity I will quote from Antony Green, who is generally regarded as being somewhat of a savant in this area, a man who knows all things. Mr Green has described proposals to require voters to provide an ID as 'an answer trying to find a problem'. Until such time as we have ascertained with some degree of clarity that this is a prevalent or significant problem, the idea of adding this layer of complexity into polling day is something that I think we should reserve our judgement on.

Imagine this: every single person who bobs up to the polling booth on the day has to produce proof of identity. Imagine the arguments and the hostility that will be generated by people who produce a form of identification which is not satisfactory from the perspective of the electoral officer, or people who just jump in the car and drive there and do not have a wallet with them, or people who just happen to be walking by and think, 'I might as well vote now,' and then when they go in and present after queueing up for a period of time are asked, 'Where is your ID?' and they say, 'We haven't got it,' and then are told, 'Well, go away and come back when you've got one.' Just think about the level of hostility and anger and agitation that would cause at polling places.

I do accept that if we were in an environment where it was clear that there was substantial duplication of voting by individuals and something had to be done, we would have to grapple with

this problem. According to Mr Green—not according to me—this is an answer or a solution trying to find a problem. For that reason we do not agree with that.

As to the matter of fines, what we are talking about here in particular is misleading advertising, and we say the fine should be \$50,000. I think it is entirely reasonable that somebody who is going about making seriously misleading advertising in the context of an election should think very carefully before they do it. With those few words, I commend the bill to the house.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:54):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Sitting extended beyond 17:00 on motion of Hon. J.R. Rau*

**ELECTORAL (LEGISLATIVE COUNCIL VOTING) (VOTER CHOICE) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 16 November 2016.)

**Mr TARZIA (Hartley) (16:55):** I rise today to speak to the Electoral (Legislative Council Voting) (Voter Choice) Amendment Bill 2016 and, in doing so, indicate that I will not be the lead speaker for the opposition—I reserve that for my good colleague, the member for Bragg.

The Liberal Party will be opposing the bill. This bill was introduced by the Attorney-General on 16 November this year, and the government has described it in the past as the voter choice system of voting. However, it is interesting to note that it has been perceived as everything other than that by outsiders. It has been perceived by outsiders, third parties, and members of the media especially as 'grubby vote-grabbing', as I read in *The Advertiser* earlier this month. What the bill before us today aims to do, according to the Attorney-General is:

...to make it easier for people to understand the implications of their vote and to have control over their vote and their preferences.

However, it appears that the proposal before the house today is more likely to stop people from voting for minor parties which, in a sense, stops smaller parties from accumulating votes from a very small percentage of original support. In my view it takes control from the voter unless voters engage in the somewhat arduous task of marking every single box below the line. Whilst some voters may actually enjoy that process, I know that a lot of voters, unfortunately, do not.

Since the 2013 federal election—and even before that but especially since that election—a number of concerns were raised by the public concerning something called preference harvesting in response to the federal parliament introducing reform. In the 2016 election, you could number six or more boxes, I believe, above the line and 12 or more boxes below the line. This meant that you could vote for individual candidates in any order you wanted without having to fill out the whole sheet. The results of the 2016 election have, in turn, shown some improvement.

However, since the 2014 state election, a number of bills have gone before this parliament, but they still have not been finalised, to amend the Electoral Act relating to Legislative Council voting. This seems to be a common theme. There has been an array of bills. I note that since the 2014 state election, various bills have been introduced but not finalised, including the Electoral (Legislative Council) (Optional Preferential Voting) Amendment Bill 2014, the Electoral (Legislative Council Voting Thresholds) Amendment Bill 2015, the Electoral (Legislative Council Voting) Amendment Bill 2015, Sainte-Laguë and so forth.

There seems to be no appetite for the Sainte-Laguë model on this side of the chamber. I think it is fair to say that optional preferential voting certainly has some considerable attraction on this side. I know that the Attorney has taken the time to meet with some members of our house in the past and has spoken about a reform similar to that of the Senate reform. However, when it has come back it has not provided that—that is for sure.

The Attorney's bill before us today, whilst we were told to expect similar reform to the Senate reform, is really quite different. It puts forward a plan that I believe is, quite frankly, very bad. If the bill before us were to pass, it would make four key changes: firstly, it removes voting tickets from the Legislative Council election and, secondly, it allows voters to vote 1 above the line to signify their party choice, inclusive of all people nominated by the party. This is known as the 'party group vote' and will be a vote for each of the candidates in that party, as nominated by the party.

Thirdly, it will also change the interpretation of ballot papers to be understood where a person only votes 1 for the lead candidate below the line. This will be interpreted as a vote for the whole party above the line. Fourthly, it allows the validity of the vote to be determined by which part, either above or below the line, has been filled out in its entirety as to the intention of the vote. For example, if the above the line has only been partially filled, but below the line is fully completed, the below the line vote would constitute the valid vote.

I believe that the state would do well to avoid implementing different schemes at the state and federal level. I see benefit in keeping consistency in the interests of the public. In South Australia, we currently have a Legislative Council with multiple minority parties, and some voters argue that there is no basis for change at all. Whilst I am for the polishing of legislation, I am strongly opposed to the bill, which is being called a flagrant attempt to subvert democracy. I will be opposing the bill.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:01):** I expect that the member for Hartley has not only given a comprehensive and erudite contribution to the debate on this matter but, importantly, outlined the basis upon which the opposition opposes the bill; notwithstanding that, I will briefly add a few comments.

I think that the public were dismayed at the 2013 federal election when there had been a very clear demonstration of what occurs when persons who nominate for upper house positions (in that case, in the Senate) accumulate, with a harvesting of the vote of multiple other minor groups, to get themselves elected. Sometimes, the names of Senators who were elected were floated as though they had no basis or no merit, that really they were not going to be able to make any reasonable contribution to the Senate, that they should not be there and that the whole situation needed urgent reform.

I would have to say two things; one is that some of them turned out to be not as bad as one thought—the sky did not fall in. Some of them, of course, have been and gone: they did not last very long and their legacy or damage is minimised. The federal parliament has moved amendments to minimise that position being replicated in the 2016 election. They had an identified problem, the public were raising some questions and, quite rightly, they dealt with it with a reform.

However, I also say that just because people are preselected into a political party, even a major political party, does not necessarily mean that they are all going to make a worthy contribution to the parliament, or that they are not a bit eccentric, or they might be motivated by single issues. So, they can be equally disappointing in respect of what contribution they might make. I think of one in another place here who, subsequent to election, was convicted of a very serious offence and ultimately resigned. I think it is fair to say that they blemished the Legislative Council in a public way and that the public was left reeling as to how possibly someone could have got through the system and been elected.

Others will say, 'Well, all the people in the Legislative Council and upper houses are human after all and, of course, they are going to have human failings.' Nevertheless, we have had some doozies over the years so I think we have to be very careful, when we look at reform in the way we elect people, that we do not undermine the democracy we all revere and wish to protect.

In dealing with this situation of preference harvesting—which is seen to be allowing microparties to get into positions of power they should not have; that is the general gist of it—a

number of members in this parliament have introduced bills with different models to try to remedy this situation. The Hon. Mark Parnell introduced an optional preferential voting bill in 2014 to try to reform the Legislative Council, and that still sits there. Last year, in 2015, the Hon. Dennis Hood introduced a bill to have voting thresholds for the Legislative Council increased, as his model of reform.

The Hon. John Darley has worked in this space as well and looked at a model of reform. My recollection is that his bill did lapse. I am not entirely sure of the upper house procedure, and it may have actually been resurrected. In any event, an optional preferential model was introduced. Then late last year the Attorney-General introduced his novel idea. It is hardly surprising that he would come up with something that is a bit off the page, but it followed Sainte-Laguë model. He advocated for that model to provide the reform that we needed to protect against this practice.

It is fair to say that the last of these, introduced by the Attorney, has had little support. I am struggling to find someone in his own party who will sing its virtues, to be honest; nevertheless, it must have passed cabinet to be presented. On the other hand, there have been differing levels of support for an optional preferential consideration.

There are two things that are important to us on this side of the house. One is that you have a fair system, but I should say that the first thing that is important to us is that you have a Legislative Council, a bicameral system of parliament. We support that. I know that the Labor Party has had 100 years plus of trying to remove it, nuke it, completely undermine it.

*Mr Duluk interjecting:*

**Ms CHAPMAN:** That is not to say that it does not have room for improvement, and the member for Davenport interjected to talk about terms of office and length of time. That may be something that needs to be looked at but, dealing with the issue of harvesting, it seems as though a consideration of the optional preferential models could be explored, and we should explore it.

The second thing I will say is that the Senate has dealt with this issue. It probably needs some extra refinement on how they deal with it, in providing for a vote of up to 12 spaces under the line in the Senate model, but I think it is desirable to be consistent with the federal regime. Certainly, the government does not seem to see this as important. I do, and from our side of the house we think that as much as possible we should minimise confusion for electors.

The Legislative Council is a complicated enough vote as it is. We try to make it easy by having laws which allow for people to have number one in a political party that is their preference, and they rely on that political party to have registered a ticket which will have the flow on from that according to that registered ticket. But we make it very hard for them if they elect to decide who they would want to have in preferences because they are left with myriad boxes which they have to fill in in consecutive order. Sadly, for those of us who do scrutineering, they often fail to do it correctly.

I think it is fair to say that there is a fair level of informality of those who complete the below the line method which perhaps could have been avoided if we had made it easier for them. I think we have to do everything we can in this place to try to remedy that. So, one option is to allow them to have up to 11 votes below the line and not require them to fill out the whole paper. What is the point, if they have gone to the first 11? That is an option for a preferential system where we could consider that, and it would have some consistency with what has been reformed for the Senate. Frankly, I think we need to be looking down that line.

Some time ago, before the Attorney tabled this bill, which does not have our support, it should not be unsaid that the Attorney had not acted to try to introduce some consideration in this space. That is, he had turned his mind to another model after the Sainte-Laguë light bulb moment and gave some consideration to another model which he sketched out for the benefit of some of us in the opposition. It started to have some merit, in my view, but for whatever reason, it was cast aside when he came up with this little gem and decided that he would go with this model.

It may be that he could not get his idea through the party room or the cabinet—I do not know—but I just make the point that, in fairness to him, he has tried to think of some options, but so far he is not succeeded in presenting to us something we think is sensible or consistent to minimise confusion to the elector, namely, with the federal system. In the event that the federal inquiry, which

is a standing committee that they have in relation to electoral matters, were to introduce amendments to their system, then again we could have a look at those.

I was recently sent a submission to the federal committee which went to the 2016 federal election inquiry to the Joint Standing Committee on Electoral Matters in Canberra which sets out a number of areas of reform that need to be considered, not all statutory. Some of it is in the educative material published by the Australian Electoral Commission and in the procedures for the implementation of some of the assessments. Although many of them are machinery operations, they are all important and we need to be forever vigilant in trying to ensure that we have the best system available.

Finally, who knows what the landscape is going to be like by the time we come to an election in March 2018. I note that the Animal Justice Party registered a couple of weeks ago as the newest South Australian political party, and there may be a lot more between now and the cut-off time prior to the March 2018 election. Some might disappear. We have quite a number of political parties in South Australia: we therefore have a fairly complex ballot paper in the sense of numbers of parties to be offered to the elector, and therefore I think we need to be very careful about how we progress this.

The Attorney gets some points for at least addressing his mind to this. I do not know entirely why he has dismissed the Senate model in coming up with his more novel approaches. The first two that he has come up with are not adequate or satisfactory from our side but we are happy to keep working on it.

**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) (17:15):** I thank those who have spoken in relation to this bill. I just want to put a couple of things on the record, first of all, by way of context.

The Governor indicated to the parliament in his speech, after the parliament was prorogued, that reform of the Legislative Council voting system and changes to the constitutional arrangements about the Legislative Council would be part of the reform agenda of the government. The constitutional changes have passed through here, they went to the Legislative Council and were knocked on the head. So they are done and dusted. We are now left with the question of reform of the way people vote for the Legislative Council.

I want to make it clear that I have been listening to people about this and I have made bona fide attempts to engage with the opposition and to address the matters that have been raised by some of the commentators. Can I just put these facts on the line, and these come from one of the few erudite opinion articles lifted from *The Australian* recently. I quote from the article:

If you were one of the 41,539 people who voted above the line for Family First at the last state election, did you know that your vote nearly elected the Palmer United candidate—

**Ms Chapman:** Nearly.

**The Hon. J.R. RAU:** Nearly—

to the Legislative Council?

If you voted for the Nationals, did you know that your vote also boosted the hopes of Palmer United rather than Liberal or Xenophon?

Did you know that?

**The Hon. S.E. Close:** No.

**The Hon. J.R. RAU:** I don't think so. It continues:

If you voted for the Shooters and Fishers, you probably would be surprised to learn that you helped the Animal Justice candidate become one of the last contenders standing as the votes were counted.

These are just some of the absurdities that arise from the present system. How does this happen, Deputy Speaker? I will tell you how it happens. You already know, so I am not really telling you.

How it happens is this. In the upper house, there are registered voting tickets and a person who votes 1 in the box for Labor, Liberal, whoever it might be, is deemed to have filled out the whole ballot paper as per that ticket. I issue a challenge to any member of this parliament (including the member for Bragg) to find me one in a thousand voters who (a) knows that is the case and (b) has any idea what the consequence of that is. They would not have a clue. As we all know here, those allocations of their preferences are done over dimmed lights in back rooms in the weeks that lead up to the final nominations for election.

The voter has absolutely no idea—zero idea—what it means when they vote 1 in that box at the moment. I give that zero out of 10 for transparency. All of this nonsense about democracy, how democratic is it to hijack your vote for the hunters and shooters party and shoehorn it across to the Animal Liberation crowd? If I was a hunter and shooter, which I am not, I might consider that to be not exactly what I was expecting my vote to do. If I were a voter for Family First, I would probably not have expected my vote to wind up with Palmer United. So let's not be coy about how absolutely opaque and antidemocratic the present system is. It is an absolute disgrace.

The SL system that I put up here a while ago would have done away with all that rubbish. It would have completely done away with it, but I did receive criticism about that system. What was the criticism? The criticism was that it did not allow people to express a preference. They had to vote for somebody and that is it; no preferences. I took that on board, I did have discussions with the opposition and, after they invited me to come up with an alternative, I did say, 'Okay, I will come up with an alternative which deals with the complete lack of transparency in the present arrangements and still gives people a choice.'

The alternative we have come up with is the voter choice method, which is what we are talking about here. This method is that: if you vote above the line and you want to vote Labor, Liberal, Family First or whoever it might be, you just put 1 in the box and you vote for them, and you vote for only them. If you want to go around and distribute your preferences in more idiosyncratic ways beneath the line, you can do it, and you can do it from 1 to 85 or 1 to 120, depending on how many candidates are down there.

The beauty of the system is that it is completely transparent. The voter knows exactly what they are doing and they have an absolute choice as to whether they are going to vote just for one party or one group or whether they are going to make all sorts of very nuanced decisions about who comes after whom as far as they are concerned and, if they want to do that, they vote below the line. There is no doubt that this is a completely transparent voting system—no doubt whatsoever.

I responded to the request from the opposition to come up with something different which met all the criticisms. I have ticked the box about transparency and I have ticked the box about voters having a choice, so let's deal with what the remaining issues are as I understand them. The first one is: it is not exactly the same as the federal system. That starts from the premise that there is any value at all in the current federal system; I would contend there is not.

I would ask every one of the people in this room: when you had to vote for the Senate a few months ago and that ballot paper told you that you had to express a preference from 1 to 6, could any of you think of a column beyond two that you would give any vote to? I could not. I thought they were all hopeless, except for the Labor Party, of course. I think I found another group that was acceptable in extremis, I think is the terminology, but that was it. After that, I did not want to have anything to do with them, but I was compelled by that foolish system.

Incidentally, that system was introduced over the objections of a great many smart people, like Gary Grey, who was a former national secretary of the Australian Labor Party and knows a great deal more about elections than pretty much anyone I have ever met in my life. He said this was a great travesty, he fought it very hard and, in the end, it was a compromise that the government had to get up in order to get things away before the double dissolution. Like most compromises, it serves no real purpose very well. So, I do not hold any store whatsoever by the federal upper house voting system.

Furthermore, if the argument is, as I think it is being put, 'But what if people get confused? When they are voting in the state election, you are only going to count the box numbered 1 and they might be confused and think they are voting in a federal election.' I do not think people are that silly,



but let's assume they are confused between the state and federal system. I say to the member for Bragg: we can fix that; we can fix it very simply by saying that, if they do vote from 1 to 6, 1 to 12 or 1 to whatever above the line, it is only the number 1 that counts and the vote is not invalid simply because they have expressed other preferences. You can do that very simply with savings provisions. You just tell them to ignore the rest of them. That then is not an informal vote and the whole argument about informality vanishes.

The other point that is being put up is: isn't it terrible that we are expecting people to put numbers from 1 to 75 or 1 to 83 below the line for that to be valid? If you are that interested in voting below the line—if you are that fascinated by spending the time voting below the line and picking between the happy birthday party and various other people—you are the sort of political tragic, possibly, who loves that kind of thing. But let's assume you are not. Let's assume you are just—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** The member for Bragg interjected and I will not comment on what she said, but the import of it was: let's say you like Senator Bernardi more than one of the other senators, for example, what do you do? The answer is that you vote below the line. I understand that, but if the member for Bragg is saying the opposition's fundamental objection to this is that making people vote for the whole lot below the line is making it so tedious, so unpleasant and so risky that they will not do it at all, or if they do, they will make a mistake and render their vote invalid, I say to the member for Bragg: come back to the government with a suggestion about savings provisions.

What if we were to say that you have to vote 1 to 85 below the line, but if you muck it up, provided you have put in more than 11 or whatever it might be, to the extent your preference is clear your vote will be valid but it will exhaust at the moment your preference becomes unclear or stops? The member for Bragg and I both know there are umpteen ways we can put in savings provisions which will remedy that problem. I would like there to be a conversation about this between the houses.

I hope the opposition is saying at this point, 'We don't support this for tactical reasons,' and they are reserving their position. Can I come back to the bit about voting above the line. If the point about voting above the line is confusion with the federal elections, we can fix that by savings provisions. The far greater mischief here is the complete invisibility of what those registered voting tickets are to the voter when they vote.

I can promise the member for Bragg and everyone else here that when the good citizens of Burnside go down to the polling booth saying, 'I want the Liberal Party how-to-vote card,' which pretty much all of them do, they are intending to vote for the member for Bragg and they are intending to vote for the Liberal Party upper house team. They are not intending to vote for Clive Palmer and they are not intending to vote for the hunters and shooters party.

In fact, most of them would be absolutely mortified—imagine them in the hairdressing salons talking about what has happened to their votes—they would be horrified if they thought they were being transported onto these other people who they would not have a bar of. Think of the poor shooters party. Here are these people, conscientiously voting for hunting and shooting, only to discover that their votes have nearly got the Animal Justice candidate up. These people would be beside themselves.

**The DEPUTY SPEAKER:** Their hair would stand on end.

**The Hon. J.R. RAU:** Absolutely. My point is this: let's be real about this and let's stop all the bunkum. Let's be honest about this. If people want to vote above the line and they want to vote for the Labor Party, or the Liberal Party, or the Greens, or whoever it is, for goodness sake, let them do that. Let's not try to diddle those people by having this sort of trail of votes that is invisible to them being pulled along by the locomotive at their number 1 above the line. Let's have a bit of honesty about this.

If they do want to go around picking whether Senator A should be ahead of Senator B, contrary to the determination of the Labor or Liberal Party executives, then let them do it, but let them do it below the line. I will come back to this point: if people are so confused between state and federal elections that they put 1 to 6 above the line, we can fix that by saying that only the number 1 counts;

the rest of it is just irrelevant. That fixes that problem. So, all of those people are not going to be voting informally; they will be formally voting, and they will be voting for the people they are actually ticking in the box.

If we are on about choice, how dare we tell those electors who vote above the line—and I was actually affronted by this in the federal election because I voted above the line—'Whether you like it or not, you have to vote for a bunch of people you don't want to vote for above the line.' I do not want to have anything to do with them. Why can I not say, 'I don't want to have anything to do with these people; I just want to vote Labor,' or, 'I just want to vote Liberal, full stop, end of story, thank you very much. I am leaving the polling booth'? Why can I not do that? What is wrong with that? If I want to be more subtle about it and I want to reorder the Labor ticket or the Liberal ticket, or I want to pick and choose between people all over the place, that is fine, but I do that below the line. Let's try to be honest with the voters about this. Let's try to stop this terrible subterfuge that has been played on the voters for all these years about what above the line voting means.

For goodness sake, let's try to fix this up so that people can vote and know what their vote is doing. I feel quite strongly about this because I do not like people to be diddled, hoodwinked and taken for mugs—and that is what the present system does with those voting tickets that are filed. Except for people in this place, and a few other sad political junkies, most people out there would not have the first idea that that is what they are doing when they vote 1 above the line. They would not have a clue.

Let's strike a blow for transparency. Let's strike a blow for the citizens being properly and fully informed as to what their vote is going to do. Let's say to our citizens, 'It's up to you. We are not going to be so patronising, as members of political parties, that we are actually going to let you pretend to vote for something, but we are actually going to work out what your vote is for you.' Let's actually say to them, 'You're grown up. You make your own decision.' There you are: why not actually treat people like adults for a change? You cannot treat them like adults if you are playing tricks on them, and above the line voting with registered voting tickets is playing tricks on people.

I come back to these poor shooters and fishers. Just imagine the shooters and fishers party when they go to bed on Saturday night thinking, 'We have struck a blow for shooters and fishers,' and then they wake up the next morning to discover that Animal Justice has been elected off their vote. Some of these people would wonder what has happened, 'Do I live in a democracy?' I feel quite strongly about that.

I am getting a wind-up, although I believe there is some very exciting news that might be coming here from other places. Because other things need to be done, I thank everybody for their contributions.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:32):** I move:

That the bill be now read a third time.

Bill read a third time and passed.

*Parliamentary Procedure*

**VISITORS**

**The DEPUTY SPEAKER:** Before I call on the next item of business, I would just like to advise the house that earlier today, prior to the commencement of question time, it was not possible to acknowledge a group of students from Golden Grove High School, who were the guests of the member for Wright, but I am sure they enjoyed their time here at question time and we thank them for their attendance here today.

*Parliamentary Committees***SELECT COMMITTEE ON JUMPS RACING**

**Ms HILDYARD (Reynell) (17:33):** I move:

That the report of the committee be noted.

Our deliberations as a committee about jumps racing in South Australia were extraordinarily thorough, robust, probing and thoughtful. Our work, I believe, left no stone unturned. Our committee received hundreds and hundreds of submissions, and it was excellent to receive so much input from such a deeply passionate group of people, a group that put us on notice very early about the importance of our deliberations.

I became part of this committee very much with an open mind about the future of jumps racing and, rightly, was committed to and did listen very, very carefully to the many animal welfare organisations, regional racing clubs, owners, trainers, jockeys, former jockeys, representative bodies and others we heard from and met with. Many of those we spoke with had a lifelong connection to the sport or with efforts to improve rider and horse welfare within it, and every single one of them was passionate about their views and generous in providing us with their wealth of information and their connection with the sport or with animal welfare around it over decades.

It was particularly insightful to visit both Oakbank and Mount Gambier and for other members of the committee to visit Warrnambool as part of our deliberations, where we inspected stables, the construction and deconstruction of the jumps, the courses, the horses themselves, and spoke with stewards and riders who were just about to start a jumps race and, in some cases, just as they finished a race and also where we spoke with local businesses who benefit from engaging with these regional races.

What was absolutely common in both the animal welfare groups and the supporters of jumps racing was that those with an interest, whatever their feelings and thoughts about the future of the sport, cared deeply about the welfare of the horses involved. I place on record my sincere thanks to the many South Australians and others who took the time to communicate with us in writing and in person. Their voices are integral to the content of this report.

The committee found that jumps racing in South Australia should not be banned; however, it did find that its continuation should be absolutely conditional on the industry progressing significant improvements in safety, reporting, data collection, communication and transparency over the next three years. The report's recommendations focus on this and provide much detail about the improvements that must be made and communicated if the industry is to be able to sustain itself and continue into the future with support from the South Australian community.

As the introduction to our report sets out, our findings are presented in two sections: recommendations and rationale and public submissions which summarise the key arguments presented to the committee through our numerous interactions and also through our consideration of research. Our recommendations are grouped under four subject headings that reflect the critical areas of concern that must be addressed for jumps racing in South Australia to continue. These four headings are: future direction; research and data collection; safety, planning and risk mitigation; and safeguarding of animal welfare.

Our committee was of course concerned by the risks presented to both horses and riders in jumps racing. However, it was also clear to our committee that several safety measures had in fact been implemented in recent years. What was clear also, though, was that communication about these improvements had not been as robust as it could have been. Our committee wants to see the industry be as safe as it possibly can be. We want it to talk about its safety measures, and our recommendations are focused on the industry achieving best practice in all areas associated with it, with a stringent focus on improvement in the safety of the sport for both horses and riders.

We could not have more carefully considered the impact a ban would have on the South Australian communities most affected by such a ban, the welfare of the horses and the ethical concerns of those who oppose jumps racing. Jumps racing has been a part of our South Australian history since 1876. Generations of South Australians have grown up attending the Oakbank Easter

Carnival, and the steeplechase races at this carnival are part of our collective history, with recognition of these races by many supporters and otherwise.

Our committee is clear that jumps racing in South Australian rural communities does provide a financial and visitor boost to those communities, with the industry supporting and sustaining a small but dedicated group of owners and trainers and, in turn, jockeys, strippers, farriers, veterinarians, equipment and feed suppliers and many others who count on this industry to make a living. We have heard from those with family connections to jumps racing that go back more than a century and others who have spent their own lives working in this industry.

As I said, we saw that the jumps racing community loves its sport and treasures the horses involved in it. Alongside this, there is, however, a risk of injury and fatality. We received many submissions with absolutely legitimate concerns about the safety of jumps horses. It was clear from these submissions that there is considerable public sentiment for an improved duty of care to the animals involved. Our committee agreed that we must never tolerate cruelty and that, rightly, needless or explicit cruelty is illegal and enforceable under the Animal Welfare Act 1985.

In making a significant number of recommendations, we reflected on that tenet and the fact that community attitudes and values rightly require the industry to implement further safety measures and show greater transparency and accountability. If the traditions of the past are to continue into the 21<sup>st</sup> century, adequate protections and first-class whole-of-life animal welfare and safety standards must be put in place and must be relentlessly spoken about, and information about those standards and improvements must be publicly available so that they can be discussed and interrogated whenever and wherever necessary.

As I mentioned, safety measures implemented since 2010 have had an impact, with a reduction in fatalities in recent years. However, there is still so much more to do and so many improvements to be made. Our committee has found data and research on aspects of jumps racing to be very limited. As we know, when considering many issues which elicit concern from our communities and which speak to what we value as a South Australian community, data, research and other forms of evidence are integral to informed public debate and to progress social change.

In handing down our recommendations, we are clearly calling on the industry to satisfy our South Australian community, through a number of improvements, that it is deeply committed to reducing risk and achieving best practice in all aspects of this sport. The committee is confident that our recommendations send a strong message to the industry, call it to account and, most importantly, give us the best possible chance of enhancing the safety of this sport in South Australia.

I again thank all who took time to provide submissions and present evidence to the committee. Their wisdom and passion deepened our discussions and contributed to what we believe to be a balanced response to an extraordinarily complex issue. I also, very importantly, thank my fellow committee members for their efforts and commitment to getting to this point. This committee was a remarkably cohesive one, and I am thankful to each committee member. I thank the Hon. Michael Atkinson, Mr Troy Bell, Mr Eddie Hughes and Dr Duncan McFetridge for their willingness to work so well and so thoroughly together.

Very importantly, thank you also to the very hardworking support staff, who went on quite a journey with us—Ms Rachel Stone, Mr Shannon Riggs and Ms Veronika Petroff—for their commitment to this inquiry and their support of committee members; it is greatly appreciated. Their professionalism and endurance are absolutely to be commended.

*Sitting extended beyond 18:00 on motion of Hon. S.E. Close.*

**Dr McFETRIDGE (Morphett) (17:42):** It was my pleasure to be on the select committee to inquire into the future of jumps racing in South Australia. Those members who were here in 2003, when I introduced some legislation to ban tail docking in dogs, will remember the huge input every member in this place received both for and against that issue. Each and every one of us in this place would be aware that our constituents have animal welfare at the top of their thoughts.

As a veterinary surgeon, I have been involved with the issues of animal welfare for many years. I have worked in racehorse practice and in sports horse practice, with show jumping and eventing, so I have experienced the very highs and the very lows of these industries, yet animal

welfare has always been at the top of the consideration of not only me as a veterinary surgeon but also of the owners and associates of the horses involved. I went on this committee to look at this issue. It is a very difficult issue to embrace for some people, but others who are involved in the industry absolutely love it—they live for it in some cases.

It is a very emotive issue, as I say, like other areas of animal welfare, and we received volumes of submissions—over 1,800 submissions, I think. The committee met 18 times and we travelled to Victoria and country South Australia and to Oakbank, obviously, to look at and talk to people associated with jumps racing. I am convinced that we have a complete picture of the current situation in South Australia and also of what is happening in Victoria. We also received a lot of information about what is happening overseas. We were able to come to a unanimous conclusion that jumps racing in South Australia should not be banned. That said, there are a number of areas where we need to make sure that openness and transparency associated with jumps racing are going to be to the world's best standard.

I am very pleased to see that, amongst the 28 recommendations we have made, there are a number of recommendations to the industry to lift their game and open themselves up to more scrutiny, because everybody will be watching. This is not the end of the penny section. Although we have said that the parliament should not revisit this for three years, we will be watching what is going on very carefully, as will the rest of the population of South Australia.

The members of the committee worked exceptionally well together, and I was very pleased to be on that committee. There was no politics; it was all about the issue. Certainly our staff who came with us did a fabulous job of not only herding us but also making sure that we were shown everything we needed to be shown on our various visits.

To sum up, from my point of view as a veterinary surgeon, I have seen firsthand the associated risks that are in horse sport. Equine Veterinarians Australia (EVA) in their submission said:

...properly regulated use of horses in jumps racing is a legitimate use of equine athletic ability.

The EVA recognised that:

...training and racing of horses is inevitably associated with some risk of injury and that the minimisation of these risks through attention to training methods, schedules and facilities is an important responsibility of all participants in the industry.

That really sums up where I am coming from and really sums up where the committee ended up. We are very keen to see the industry continue, but we must make sure we maximise animal welfare for the horses involved so that we can all continue to enjoy watching the spectacles of the Oakbank races, the Grand Annual at Warrnambool and also the other races down at Mount Gambier we see each and every year. I think it is a spectacular event. I have ridden over jumps, hurdles and steeples. As a participant in the sport, it was—

**The Hon. M.J. Atkinson:** What did you weigh in at?

**Dr McFETRIDGE:** I was a little bit lighter in those days. I know there is a move to have heavyweight racing now. Perhaps I could get in there. I would need a pretty strong horse, though, to participate. My hunting jacket does not quite fit anymore; it has shrunk a little bit.

The bottom line is that this is a good sport. It is a good industry that we have in South Australia. It employs a lot of people and has a huge economic impact, and we cannot disregard that side of the submissions we received as well. I wholeheartedly support the findings of our committee and stand behind them 100 per cent.

**The Hon. M.J. ATKINSON (Croydon) (17:47):** Racing horses over jumps is I think between 10 and 19 times more likely to result in the death of a horse than racing on the flat. Over the next three years, we must find out what the true multiple is and seek to reduce it or prohibit jumps racing in South Australia.

Although those lobbying to ban jumps racing may be disappointed with this report, they cannot deny that the committee addressed the issues they wanted addressed and difficult issues they might not have expected us to address, such as wastage, the fate of race horses after they have

ceased to race, fatalities in track work and trials, and follow-up of non-fatal injuries that are not apparent on race day.

The Boden study, published in the *Equine Veterinary Journal*, found that from 1989 to 1994 there were 316 horse fatalities on Victorian tracks in flat races and 198 in jumps races. There are many more flat races than jumps races, so the ratios are one horse death for every 2,150 horses that started in a flat race and one horse death for every 115 horses that started in a jumps race. The Boden study found that there were more horse fatalities in steeplechases than hurdles. In steeplechases, the obstacles are 1.15 metres and in hurdles they are one metre.

Racing Victoria has made changes to jumps racing that have reduced fatalities. Horses that are out of contention in the race may be pulled up by their jockeys. This is probably done more than anything else to reduce falls and fatalities. Most falls are at the last three jumps because horses are most fatigued at that point in a race. The new rule is very much against the customary rules of racing, which dictate that a jockey must ride out his mount to give it every chance of winning a placing, but I think the change has worked well.

We had evidence that horses are pack animals and prey animals and that their instinct was to flee predators as a group. As the field comes to the last jump, we might have, say, two leaders who are going to fight out the race and one former leader who has just been overtaken by, say, half a length. The three horses, as pack animals, will take off as one at the last jump but the weakening former leader, being half a length back, may strike the obstacle, having taken off a tad too early. I saw this happen to Marlo Man at the new Pakenham track at Tynong.

I know that the pack is part of the romance of steeplechasing, but it is also the cause of most of the falls. If horses were to race in pairs and the field of, say, 12 were to be released in stages as six pairs, the winning and finishing order to be determined on times, falls would be much reduced—but whether punters would put their hard-earned on it I rather doubt.

Aficionados of jumps racing will tell you that horses love to jump and that after losing a rider a horse will jump with the field to the end. In the past 12 months, I have attended jumps racing meetings at Oakbank (three), Hamilton, Sandown (three), Gawler (two), Warrnambool (three), Mount Gambier, Casterton, Pakenham and Murray Bridge. My observation is that a horse that has lost its rider will stay with the pack for a while, sometimes jumping the hurdles and sometimes skirting them, but it will eventually lose interest in jumping. Sea King in the Crisp Steeplechase at Sandown in August was an example as, riderless, he stuck with his stablemate Zed Em, the leader for most of the race, after losing his hoop, Steve Pateman, early in the race.

More than 10 years ago, in an attempt to reduce falls Racing Victoria made jumps out of bright yellow synthetic material which resembled upright straw and which gave way down to a much lower level. The outcome was that horses learnt that the yellow synthetic threads were forgiving, and they increasingly strode through them instead of jumping them. Jockeys rode hurdle races faster as a result, with the eventual result that the horses tripped on the hard, obscure foundation. Racing Victoria then introduced the current obstacles, which resemble upright, dark brown straw but which are less forgiving the further down the hurdle one tries, giving horse and jockey the message that it is easier to jump it than try to stride through it.

The jumps are preceded by horizontal white padding covering the breadth of the jump and installed at an angle. The white padding has a broad, black, horizontal stripe on it which signals to horse and jockey that a jump is coming up, visible even on a misty day at Warrnambool. It is a vast improvement on the fallen log or the brick walls that jumpers used to have to negotiate. White wings have been added to either side of the jumps to make it clear to horse and rider where the jumps are, and which fall to pieces harmlessly upon being struck.

The location of jumps can be tricky. For instance, at Sandown in Melbourne the field is expected to come to the outside of the straight to jump, and at Warrnambool fields are expected to reverse direction. The use of live hedges as obstacles has worked well at Casterton and Oakbank because of less resistance.

Jumps racing is now politically controversial and argued ruthlessly and sometimes untruthfully. I was introduced to a leading trainer at Warrnambool who told me, 'Don't give in. These horses would go to the knackery if we didn't have jumps racing.' It is tolerably clear that the great

majority of jumps racing horses do not go to the knackery or abattoir upon retiring from jumps racing, though some do. Indeed, there is evidence that their training for jumps racing makes them better prospects for show jumping, cross country, three-day eventing and recreational riding than sprinters. Moreover, there is strong evidence that most jumps racing careers are only for a season, so if it is to be the knackery or the abattoir, it is only a short postponement.

On the other side, there is the anthropomorphising of horses, publishing photographs of horses that purport to show them expressing human emotions such as crying and straightforwardly mendacious reporting by Fairfax newspapers to titillate its left Liberal readership. But the house must be clear on one thing: banning jumps racing will not satisfy the Coalition for the Protection of Racehorses, banjumpsracing.com and Animal Liberation which are for all intents and purposes wholly owned subsidiaries of the Australian Greens political party.

Despite what they say in public, what they say amongst themselves is quite different, and I refer you to the Coalition for the Protection of Racehorses' Facebook site. Nothing short of closing down horseracing will satisfy them, including the running of the Melbourne Cup, especially the running of the Melbourne Cup. It is not a question of setting aside a proportion of gambling revenue to try to have all horses live out a 27-year lifespan in a paddock. It is not a matter of changing the rules of racing to remove any stress on horses.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** No, they don't spend 27 years in the paddock. Obviously, they race for a period.

*Ms Chapman interjecting:*

**The Hon. M.J. ATKINSON:** The paddock of Croydon.

**The DEPUTY SPEAKER:** Do you need my protection, member for Croydon?

**The Hon. M.J. ATKINSON:** No, I have—

*Ms Chapman interjecting:*

**The DEPUTY SPEAKER:** She is already on one warning.

**The Hon. M.J. ATKINSON:** As long as you say I am not a fat and shiny old horse wandering around my agistment paddock.

*Dr McFetridge interjecting:*

**The Hon. M.J. ATKINSON:** Shocking! The member for Morphett interjects that I am a gelding.

**The DEPUTY SPEAKER:** How does he know that?

**The Hon. M.J. ATKINSON:** Well, he is a vet. He knows these things.

*Members interjecting:*

**The Hon. M.J. ATKINSON:** I have been interrupted in a very important momentum, and that is it is a ban they want and, although they concede that public opinion in Australian politics is not yet ready for that, that is where they are all heading. It is not that any of this is new. Cromwell's commonwealth confiscated racehorses. English historian Thomas Macaulay remarked, 'The puritans were concerned less with the pain of the animal than with the pleasure of the spectator.'

If the Animal Liberation activists get their way through the electoral efforts of the Australian Greens, the thoroughbred and standardbred breeds of horse will become exotic heirlooms and a memory. I do not think those involved in the racing industry have any idea of the peril they face. One witness before the committee, a jockey I think, said that racing employs some people, especially in the countryside, who might struggle to get a job anywhere else in the modern economy but who love the horses, stable life, the early starts and working with one's hands. It is at this class of people, whom the Australian Greens find politically intractable, that the Greens policy is targeted, whether it be horseracing, livestock farming, dairying, forestry or fishing.

Horseracing is not as popular as when as I was a child in the 1960s. It does not have the hold in our culture it once did. I have passed on an interest in it to only one of my four children. If jumps racing does not reduce injuries and fatalities in the next three years, it will be prohibited by our parliament and only a few people will lament it. But the SAJC need not think that by cutting jumps racing adrift it will no longer be the prey of the Australian Greens. The curtain may fall on Australia's long horseracing culture much quicker than its devotees—and I am one—expect.

**Ms HILDYARD (Reynell) (17:59):** I spoke at length about our committee's unanimous position in relation to this inquiry. I conclude by thanking the members for Morphett and Croydon for their very insightful reflections on our deliberations and on our report. I again place on record my thanks to all the committee members. It really was an extraordinarily cohesive and hardworking committee. I again place on record my thanks to the staff and our research officer, who put so much time and effort into getting us to this point.

Motion carried.

### *Bills*

## **PUBLIC SECTOR (DATA SHARING) BILL**

### *Final Stages*

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

No. 1. Clause 6, page 5, line 33 [clause 6(4)]—Before 'approval' insert 'written'

No. 2. Clause 7, page 6 line 29 to page 7 line 3 [clause 7(4)]—

Delete subclause (4) and substitute:

(4) Safe data

(a) If data to be shared and used contains personal information, the personal information must be de-identified unless—

(i) the person to whom the personal information relates has consented to the sharing and use; or

(ii) the sharing and use of the personal information is reasonably related to the original purpose for which it was collected and there is no reason to think that the person to whom the information relates would object to the sharing and use; or

(iii) the sharing and use of the personal information is in connection with a criminal investigation or criminal proceedings or proceedings for the imposition of a penalty; or

(iv) the sharing and use of the personal information is in connection with the wellbeing, welfare or protection of a child or children or other vulnerable person; or

(v) the sharing and use of the personal information is reasonably necessary to prevent or lessen a threat to the life, health or safety of a person; or

(vi) the purpose of the sharing and use of the personal information cannot be achieved through the use of de-identified data and it would be impracticable in the circumstances to seek the consent of the person to whom the information relates; or

(vii) the sharing and use of the personal information is for a prescribed purpose or occurs in prescribed circumstances;

(b) Data to be shared and used for a purpose must be assessed as appropriate for that purpose having regard to—

(i) whether the data is of the necessary quality for the proposed use (such as being accurate, relevant and timely); and

(ii) whether the data relates to people; and



- (iii) if data containing personal information is to be de-identified, how that de-identification will be undertaken and whether the data may be re-identified, and if so, how it may be re-identified.

No. 3. Clause 8, page 8, line 1 to line 3 [clause 8(2)]—

Delete subclause (2) and substitute:

- (2) Before public sector data is provided to a public sector agency under subsection (1)—
  - (a) the public sector agency must make a written record of the purpose or purposes for which the public sector data is proposed to be provided and used as agreed with the public sector agency that is to provide the data; and
  - (b) the public sector agency that is to provide the data must apply the trusted access principles and be satisfied that the provision and use of the data is appropriate in all the circumstances.

No. 4. Clause 9, page 8, after line 27—Insert:

- (6) The Minister must—
  - (a) as soon as practicable after making a direction under subsection (1), cause notice of the direction to be published in the Gazette; and
  - (b) within 6 sitting days of making a direction under subsection (1), cause notice of the direction to be laid before each House of Parliament.
- (7) A notice under subsection (6) must specify the data provider, the data recipient and the general nature of the public sector data to which the direction relates.

No. 5. Clause 14, page 10, after line 24—Insert:

- (2) The Minister must—
  - (a) as soon as practicable after giving an approval for the purposes of subsection (1)(a), cause notice of the approval to be published in the Gazette; and
  - (b) within 6 sitting days of giving an approval for the purposes of subsection (1)(a), cause notice of the approval to be laid before each House of Parliament.
- (3) A notice under subsection (2) must specify—
  - (a) the data provider and the data recipient; and
  - (b) the general nature of the public sector data to which the approval relates; and
  - (c) in the case of an approval for the use of public sector data—the purpose for which the data may be used under the approval; and
  - (d) in the case of an approval for the disclosure of public sector data—to whom, and for what purpose, the data will be disclosed under the approval.

No. 6. Clause 15, page 10, after line 37—Insert:

- (3) The Minister must—
  - (a) as soon as practicable after delegating a function or power under subsection (1), cause notice of the delegation to be published in the Gazette; and
  - (b) within 6 sitting days of delegating a function or power under subsection (1), cause notice of the delegation to be laid before each House of Parliament.
- (4) A notice under subsection (3) must specify—
  - (a) the delegate and the delegated functions or powers; and
  - (b) any conditions or limitations imposed on the delegation; and
  - (c) whether the instrument of delegation provides for further delegation by the delegate.

No. 7. New clause, page 11, after line 8—After line 8 insert:

16A—Annual report

- (1) The Minister must, as soon as practicable after each 30 June, cause a report to be prepared about the operation of this Act during the year ended on that 30 June.

- (2) Without limiting subsection (1), a report relating to a year must include the following matters:
- (a) in relation to the provision of public sector data pursuant to a direction of ODA under section 6(4), a list of such directions including, in respect of each direction—
    - (i) the identity of the data provider and data recipient; and
    - (ii) the nature of the data; and
    - (iii) whether the public sector data contained personal information and whether the data was, at the time of the direction, exempt public sector data;
  - (b) a summary of the results of data analytics work undertaken by ODA and made available to public sector agencies, the private sector and the general public;
  - (c) in relation to the provision of public sector data containing personal information under section 8(1), a list of all instances of such provision including the identification of the data provider and data recipient, the general nature of the data and the purpose for which the data was shared;
  - (d) a list of all directions made by the Minister under section 9(1), including, in respect of each direction—
    - (i) the identification of the data provider and data recipient and the general nature of the public sector data; and
    - (ii) the purpose for which the public sector data was to be provided; and
    - (iii) whether the direction related to public sector data containing personal information and whether the data was, at the time of the direction, exempt public sector data;
  - (e) a list of all agreements entered into pursuant to section 13(1) including, in respect of each agreement—
    - (i) the identification of the parties to the agreement and the general nature of the data being shared; and
    - (ii) whether the agreement related to the sharing of public sector data containing personal information and whether the public sector data was, at the time of sharing, exempt public sector data.
- (3) The Minister must, within 6 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of the Parliament.

No. 8. New clause, page 11, after line 31—After line 31 insert:

17A—Review of Act

- (1) The Minister must, as soon as practicable after the third anniversary of the commencement of this Act, appoint a retired judicial officer to conduct a review of the operation of this Act.
- (2) The Minister and any other person performing functions and powers under this Act must ensure that a person appointed to conduct a review is provided with such information as they may require for the purpose of conducting the review.
- (3) A report on a review under this section must be presented to the Minister within 6 months of the appointment under subsection (1).
- (4) The Minister must, within 6 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.
- (5) In this section—

*judicial officer* means a person appointed as a judge of the Supreme Court or the District Court or a person appointed as judge of another State or Territory or of the Commonwealth.

Consideration in committee.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

## POLICE COMPLAINTS AND DISCIPLINE BILL

### *Final Stages*

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

No. 1. Clause 3, page 6, after line 6—Insert:

*designated officer* means a person who is—

- (a) a member of SA Police; or
- (b) a police cadet; or
- (c) a special constable;

No. 2. Clause 3, page 6, lines 18 to 21 [clause 3(1), definition of *police officer*]*—Delete the definition*

No. 3. Clause 3, page 6, line 22 [clause 3(1), definition of *police public servant*]*—*

*Delete 'police officer' and substitute 'designated officer'*

No. 4. Clause 3, page 6, line 25 [clause 3(1), definition of *party*]*—Delete 'police' and substitute 'designated'*

No. 5. Clause 5, page 7, line 8 [clause 5(1)]*—Delete 'police' and substitute 'designated'*

No. 6. Clause 5, page 7, line 10 [clause 5(2)]*—Delete 'police' and substitute 'designated'*

No. 7. Clause 6, page 7, line 31 [clause 6(4)]*—Delete 'police officers' and substitute 'designated officers,'*

No. 8. Clause 7, page 7, line 35 [clause 7(1)]*—Delete 'police' and substitute 'designated'*

No. 9. Clause 7, page 8, line 2 [clause 7(2)(d)]*—Delete 'police' and substitute 'designated'*

No. 10. Clause 8, page 8, line 12 [clause 8(a)]*—Delete 'police' and substitute 'designated'*

No. 11. Clause 9, page 8, line 22 [clause 9(1)(b)]*—Delete 'police' and substitute 'designated'*

No. 12. Clause 9, page 8, line 28 [clause 9(2)(b)]*—Delete 'police' and substitute 'designated'*

No. 13. Clause 9, page 8, line 30 [clause 9(3)]*—Delete 'police' and substitute 'designated'*

No. 14. Clause 9, page 8, line 33 [clause 9(3)(b)(i)]*—Delete 'is of the opinion' and substitute:*

*believes on reasonable grounds*

No. 15. Clause 9, page 8, line 34 [clause 9(3)(b)(i)]*—Delete 'police' and substitute 'designated'*

No. 16. Heading to Part 2 Division 1, page 9, line 2*—Delete 'police' and substitute 'Designated'*

No. 17. Clause 10, page 9, line 4 [clause 10(1)]*—Delete 'police' and substitute 'designated'*

No. 18. Clause 10, page 9, line 7 [clause 10(2)]*—Delete 'police' and substitute 'designated'*

No. 19. Clause 10, page 9, line 9 [clause 10(3)(a)]*—Delete 'police officer (not being a police' and substitute:*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer (not being an*

*designated officer*

No. 27. Clause 15, page 11, line 26 [clause 15(d)]*—Delete 'police' and substitute 'designated'*

No. 28. Clause 16, page 11, line 35 [clause 16(1)(b)]*—Delete 'police' and substitute 'designated'*

- No. 29. Clause 17, page 12, line 17 [clause 17(2)(a)]—Delete 'police' and substitute 'designated'
- No. 30. Clause 18, page 12, line 25 [clause 18(2)(a)]—Delete 'police' and substitute 'designated'
- No. 31. Clause 18, page 12, line 27 [clause 18(2)(b)]—Delete 'police' and substitute 'designated'
- No. 32. Clause 18, page 12, line 28 [clause 18(2)(b)]—Delete 'police' and substitute 'designated'
- No. 33. Clause 18, page 13, line 4 [clause 18(4)]—Delete 'police' and substitute 'designated'
- No. 34. Clause 18, page 13, line 5 [clause 18(4)(a)]—Delete 'police' and substitute 'designated'
- No. 35. Clause 18, page 13, line 8 [clause 18(4)(b)]—Delete 'police officer' and substitute 'designated officer'
- No. 36. Clause 18, page 13, line 9 [clause 18(4)(c)]—Delete 'police' and substitute 'designated'
- No. 37. Clause 18, page 13, line 10 [clause 18(4)(d)]—Delete 'police' and substitute 'designated'
- No. 38. Clause 18, page 13, line 14 [clause 18(5)(a)(i)]—Delete 'police' and substitute 'designated'
- No. 39. Clause 18, page 13, line 16 [clause 18(5)(a)(ii)]—Delete 'police' and substitute 'designated'
- No. 40. Clause 18, page 13, line 20 [clause 18(5)(b)(i)]—Delete 'police' and substitute 'designated'
- No. 41. Clause 18, page 13, line 26 [clause 18(6)(a)]—Delete 'police' and substitute 'designated'
- No. 42. Clause 18, page 13, line 30 [clause 18(6)(b)]—Delete 'police' and substitute 'designated'
- No. 43. Clause 18, page 13, line 33 [clause 18(7)(a)]—Delete 'police' and substitute 'designated'
- No. 44. Clause 18, page 13, line 34 [clause 18(7)(a)]—Delete 'police' and substitute 'designated'
- No. 45. Clause 18, page 13, line 36 [clause 18(7)(b)]—Delete '6' and substitute '3'
- No. 46. Clause 18, page 13, line 39 [clause 18(8)]—Delete 'police' and substitute 'designated'
- No. 47. Clause 18, page 14, line 3 [clause 18(9)(a)]—Delete 'police' and substitute 'designated'
- No. 48. Clause 18, page 14, line 7 [clause 18(9)(b)]—Delete 'police' and substitute 'designated'
- No. 49. Clause 18, page 14, line 10 [clause 18(10)]—Delete 'police' and substitute 'designated'
- No. 50. Clause 18, page 14, line 14 [clause 18(11), definition of *prescribed determination*, (a)]—  
Delete 'police' and substitute 'designated'
- No. 51. Clause 19, page 14, line 27 [clause 19(2)(b)]—Delete 'police' and substitute 'designated'
- No. 52. Clause 21, page 15, line 17 [clause 21(2)(g)]—Delete 'police' and substitute 'designated'
- No. 53. Clause 21, page 15, line 25 [clause 21(5)]—Delete 'police' and substitute 'designated'
- No. 54. Clause 21, page 15, line 31 [clause 21(7)]—Delete 'police' and substitute 'designated'
- No. 55. Clause 21, page 15, line 36 [clause 21(9)]—  
Delete 'is of the opinion' and substitute 'believes on reasonable grounds'
- No. 56. Clause 21, page 15, line 37 [clause 21(9)]—Delete 'officer' and substitute 'designated officer'
- No. 57. Clause 21, page 15, line 38 [clause 21(10)]—Delete 'police' and substitute 'designated'
- No. 58. Clause 21, page 16, line 4 [clause 21(11)]—Delete 'police' and substitute 'designated'
- No. 59. Clause 21, page 16, line 14 [clause 21(12)]—Delete 'police' and substitute 'designated'
- No. 60. Clause 21, page 16, line 17 [clause 21(12)]—Delete 'police' and substitute 'designated'
- No. 61. Clause 21, page 16, line 19 [clause 21(13)]—Delete 'police' and substitute 'designated'
- No. 62. Clause 22, page 17, line 2 [clause 22(4)]—Delete 'police' and substitute 'designated'
- No. 63. Clause 22, page 17, line 9 [clause 22(7)]—Delete 'police' and substitute 'designated'
- No. 64. Clause 23, page 17, line 13 [clause 23(1)(a)]—Delete 'police' and substitute 'designated'
- No. 65. Clause 23, page 17, line 15 [clause 23(1)(b)]—Delete 'police' and substitute 'designated'
- No. 66. Clause 23, page 17, line 16 [clause 23(1)]—Delete 'police' and substitute 'designated'
- No. 67. Clause 23, page 17, after line 16—Insert:  
(1a) Subject to subsection (1b), a suspension will be with remuneration.

- (1b) The Commissioner may determine that a suspension will be without remuneration if the Commissioner believes on reasonable grounds that a failure to do so would bring SA Police into disrepute.

- No. 68. Clause 23, page 17, line 17 [clause 23(2)]—Delete 'police' and substitute 'designated'  
No. 69. Clause 23, page 17, line 22 [clause 23(3)(a)]—Delete 'police' and substitute 'designated'  
No. 70. Clause 23, page 17, line 25 [clause 23(3)(b)]—Delete 'police' and substitute 'designated'  
No. 71. Clause 23, page 17, line 27 [clause 23(4)]—Delete 'police' and substitute 'designated'  
No. 72. Clause 24, page 17, line 32—Delete 'police' and substitute 'designated'  
No. 73. Clause 25, page 17, line 38 [clause 25(2)]—Delete 'police' and substitute 'designated'  
No. 74. Clause 25, page 17, line 40 [clause 25(2)(a)]—Delete 'police' and substitute 'designated'  
No. 75. Clause 25, page 18, line 7 [clause 25(3)]—Delete 'police' and substitute 'designated'  
No. 76. Clause 26, page 18, line 17 [clause 26(1)]—Delete 'police' and substitute 'designated'  
No. 77. Clause 26, page 18, line 24 [clause 26(1)]—Delete 'police' and substitute 'designated'  
No. 78. Clause 26, page 18, line 34 to 37 [clause 26(1)(f)(iv)]—Delete subparagraph (iv)  
No. 79. Clause 26, page 19, line 12 [clause 26(3)]—Delete 'police' and substitute 'designated'  
No. 80. Clause 26, page 19, line 17 [clause 26(4)]—Delete 'police' and substitute 'designated'  
No. 81. Clause 32, page 21, line 23 [clause 32(3)]—Delete 'police' and substitute 'designated'  
No. 82. Clause 32, page 21, line 24 [clause 32(3)]—Delete 'police' and substitute 'designated'  
No. 83. Clause 32, page 21, line 27 [clause 32(4)(b)]—Delete 'police' and substitute 'designated'  
No. 84. Clause 35, page 22, line 20 [clause 35(1)(a)]—Delete 'police' and substitute 'designated'  
No. 85. Clause 35, page 22, line 40 [clause 35(7)]—Delete 'police' and substitute 'designated'  
No. 86. Clause 36, page 23, line 37 [clause 36(3)]—Delete 'police' and substitute 'designated'  
No. 87. Schedule 1, page 40, lines 33 and 34 [Schedule 1, clause 53(c)]—Delete paragraph (c)

Consideration in committee.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

## **ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL**

### *Final Stages*

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

- No. 1. Clause 6, page 3, lines 15 and 16—Leave out the clause  
No. 2. Clause 17, page 10, line 12 [clause 17(5), inserted subsection (2a)]—  
Delete 'during' and substitute 'in respect of'  
No. 3. Clause 17, page 10, line 24 [clause 17(5), inserted subsection (2b)(b)]—  
After 'furnished in' insert 'respect of'

Consideration in committee.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

*Adjournment Debate***VALEDICTORIES**

**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) (18:04):** I just want to say a few words, as is traditionally the case at this point in our parliamentary calendar. Obviously, this time of the year is a time for goodwill to all people and a time for thanks and acknowledgements, so I will go through a few of those thanks and acknowledgments on behalf of the government. First of all, I think it is important we acknowledge and thank those people who make this place function.

First amongst those people, I think it is important we place on record our thanks to the Speaker, who has managed this place with a degree of charm and restraint in many instances, which does him great credit. I think of the number of times when he has a parliamentary version of what I think is often referred to as 'domestic deafness'. He tolerates the most provocative moments in the spirit of attempting to make sure that all the parliament receive a fair go, although I do note that the member for Newland is frequently pulled up, but he has the good grace to thank the Speaker for his remarks, which is always good. I think the Speaker has done an excellent job and he is an ornament to the parliament.

**The DEPUTY SPEAKER:** Hear, hear! And its greatest jewel.

**The Hon. J.R. RAU:** And its greatest jewel, indeed. Whilst we are on this very important topic, you, Madam Deputy Speaker, as we know, shoulder the overwhelming burden of occupation of the chair. You sit here with a look of erudition and interest on your face, even during the most trying of moments, which sometimes extend to hours. That look of interest, that composure, and that degree of ennui, which I think is a word that is sometimes used by some from other countries—

**The Hon. T.R. Kenyon:** With whom we now work closely.

**The Hon. J.R. RAU:** With whom we are now much closer. The way in which you have conducted yourself, Madam Deputy Speaker, I would like to say, as a person like the member for Bragg who spends more than their fair share of time in this place when parliament is sitting, has been exemplary. All of us here appreciate your tolerance, your wisdom and your almost boundless good cheer in what must be at times an extremely trying position. So, thank you very much, Madam Deputy Speaker.

When I first met the Clerk, Mr Crump, he was but a humble officer assisting a parliamentary committee, and look at him now—he strides the parliament, or at least this half of it, like a colossus. It is his wisdom and knowledge of the arcane rules of this place that enables things to happen. I will not attempt to speak for the member for Bragg, but I know that she would have had the same experience I have had: whenever you need to know how to get something to occur in this place and you need to know how to do something, Rick and his staff are always there and of great assistance. Mr Clerk, thank you very much for your work.

Now to the Deputy Clerk, David. Again, when Rick is not here and attending to other duties—once upon a time, I think the other duties used to include hobnobbing with other clerks in places like the Cook Islands; I do not think he has ever done that, but there are times when he is not here for other reasons—David very ably discharges the responsibility and, again, always with good cheer. To the chamber staff, the people who quietly go about the business of making this place work in a very practical way, we say thank you very much to all of them.

The parliamentary library is a place that was my friend, my best friend almost, for a long time. I spent almost a decade in the parliamentary library and it was a joy. The staff are invariably helpful, particularly to backbenchers who want some research done on different topics. They are very, very helpful staff who do a fantastic job. For those people who have not actually taken advantage of the great resource that the library is, and the great help that those staff can be, I would encourage them to do so. Thank you very much to the library staff.

Hansard staff, what can I say? The most encouraging thing I can say to Hansard staff, particularly those who happen to be in here today, is that it could be worse: you could be a few

hundred metres east of here. Hansard staff, I say you do a fantastic job. You listen to everything that happens in here. I do not know whether the parliament provides some form of therapy or assistance for people who have to endure that sort of ongoing cruel and unusual punishment, but I say to the Hansard staff: thank you for listening. Thank you for your hard work. Thank you for being so timely with the rushes of the contributions that are made here. Thank you for sometimes disentangling what we are saying and converting it into English.

**The Hon. T.R. Kenyon:** Wait until they read this in the morning.

**The Hon. J.R. RAU:** Indeed—wait until we read this. Again, thank you, Hansard, very much for all the great work you do.

The catering staff—in a place like this, if you have a group of people who are locked in a relatively small building, sometimes for many hours at a time, the difference between frayed nerves and good cheer is fantastic catering, and we have great catering staff.

**The Hon. T.R. Kenyon:** Parliament argues on its stomach; is that what you're saying?

**The Hon. J.R. RAU:** The member for Newland says, perhaps correctly, that parliament argues on its stomach. Whether or not that is true, the catering staff do look after us, and I would like to thank each and every one of them. They are very cheerful and very courteous people. I spend probably more time in the Blue Room than elsewhere. The staff down there deal with a high volume of work and they do it very well, so to all the catering staff, wherever they might be, thank you very much for your work.

There are other staff at Parliament House who do things. There are people who make sure the lights do not go off. There are people who repair things. There are people who magically make things happen. To all those people who do that fantastic work in the administration of the parliament, thank you very much.

Obviously, I would like to thank the Premier for the leadership he has shown to the government during the course of this year and for the steady and calm way in which he goes about his job. It is a very demanding job. It is a thankless job in some respects because, whatever goes on, ultimately you wind up being the person who is called upon to account for it. I do not think anybody should underestimate the challenges of occupying that position. He does it with great calm and he does it in a way that shows great humility towards other members of the parliament and other people he deals with generally, so I thank the Premier for his efforts this year, as in other years.

The Government Whip, the member for Newland—it is well known that the whip is one of the most demanding positions in the parliament. A good whip is the difference between the parliament working and the parliament not working—I say thank you also to the Opposition Whip because the two of them have to work together. I would like to acknowledge the member for Flinders in these remarks as well because the member for Flinders has been a terrific Opposition Whip. The whip has to make some difficult calls. They have to be able to say no and saying no sometimes is difficult and produces—

**The Hon. T.R. Kenyon:** It depends on who it is.

**The Hon. J.R. RAU:** It may depend on who it is, that is true—but it can produce reactions which are not altogether positive, but the whip nevertheless gets on with his job. He does an excellent job. The breadth of experience that the member for Newland brings to the role of the whip makes what he does so much more valuable. He understands the dynamics for people on the front bench, he understands the dynamics for people on the backbench, and he understands the importance of making the parliament work. I say to the member for Newland: thank you very much. Your staff, Carol and Ellie, obviously do a fantastic job. As good as you are, without them you may not be as good as you are.

I also thank my parliamentary colleagues—all of my parliamentary colleagues, not just on this side of the house but on both sides of the house. All of us experience things as members of parliament which are difficult to explain to other people, and if we did explain to them they would either ignore us or say, 'So what?' or whatever the case might be. Everybody in this place knows that

this job is anything but a nine to five proposition, and it has its own very unique set of demands and requirements. I thank all members for their participation.

I would like to say thank you to all the electorate staff who stand behind all of us. Each one of us has very dedicated, special people who work very hard, without much acknowledgement most of the time. Particularly for those of us on the front bench who do not have the time that perhaps we would like to spend in our electorate offices, they shoulder an enormous burden of making our electorate offices tick over and making things work, so I say thank you very much to all of them. In my case I particularly thank Raff and Eddie who have been with me for a long time.

I would also like to acknowledge and thank all of my ministerial staff. Working in a ministerial office is a very peculiar environment. The challenges of a ministerial office are considerable, the demands are considerable and the routine is almost non-existent. By that I mean that you can be hit by literally anything at any time, and a matter that you had not anticipated can suddenly become an issue that needs urgent work done on it. It can be the tedium of preparing and assisting in the preparation of stuff to go through cabinet and it can be being available to brief the opposition and crossbenchers about bills that are in the parliament, which is particularly an issue for people in my office. All of those things require people to be on top of their game, to be courteous and to be respectful.

I say to all of my ministerial staff, whether they be advisers or administrative staff, that their work is very much appreciated. I would also like to particularly acknowledge Libby Eatts, who is the person who makes everything happen for the Attorney-General's significant parliamentary load. She manages to know where everything is at any point in time. She manages to keep all the balls in the air. She is the best person at this, and she drives us forward. She coaxes us on. She says, 'You haven't got enough bills in yet this year. Keep going, keep going, you can do it.' I was almost reminded of the Speaker's contribution on jumps racing: she pushes us forward. Without her inspiration and her efforts I do not think we would get anywhere near as much done.

I also thank the Leader of the Opposition. He is obviously an integral part of the way in which the parliament works and, except for the fact that he is little bit noisy during question time, I have always found him to be a very approachable individual and easy to work with. I have already mentioned the opposition—in my note here it says it is the opposition 'hip' but I do not think it would be discourteous for me to say that I do not think the member for Flinders considers himself to be 'hip' but he is the whip and, as I have mentioned, he does an exceptional job at that and he is highly respected across the parliament. The opposition leader of business, the member for Morialta, again, is somewhat noisy during question time but we thank him for his work, again without which the parliament would not work, and, of course, all opposition and crossbench members.

I would also like to acknowledge the people who work in the various government departments for which I am responsible. I do not wish to go through them all because that would be a rather lengthy process, but I need to mention particularly the Department of Planning and Andrew McKeegan and his staff, who have done an excellent job; the Attorney-General's Department and Rick Persse, who has now moved on to education—he has discovered an interest in that and he has moved on; the Acting Chief Executive, Caroline Mealor and Acting Deputy Dini Soulio. All of them have done an excellent job and by naming them I do not mean not to acknowledge others, but there would be many if I kept going.

That is probably enough acknowledgements. I am sure that my other ministerial colleagues would like to express the same thanks to their respective departmental officers who have done tremendous things. Can I mention again—I have only mentioned it three times so far—that the Opposition Whip, the member for Flinders, has done an extraordinarily good job, so congratulations to him.

I know I went on perhaps a bit longer than I might have, but the good news is that we are still waiting on a message from somewhere else so we will have time to listen to the member for Bragg. I wish all members a very safe and merry Christmas. I hope everyone has a restful and happy festive season and that we all see each other again in February, all being fit and well and ready to do it all again next year.



**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (18:23):** May I, on indulgence, indicate from the opposition that on these occasions we wish to pay respect to and record our appreciation for those who serve South Australia by working very hard in this parliament. I think there are some 300 people who work directly to support the operation of the parliament and so on these occasions we want to particularly recognise them, and also those who, like us, come and go—we are able to recognise our colleagues and those who work with us.

I will commence by acknowledging the Speaker of the house, the member for Croydon. We do not often see eye to eye, but we recognise the work that he does as our Speaker, not just in parliament but obviously in receiving visiting personnel from other jurisdictions. It is quite an extensive role as Speaker and we appreciate his work in that regard. In the chamber, of course, I am usually the butt of his disciplinary approach on a number of matters, but we take that on the chin and appreciate that the Speaker is always right.

May I say that the Deputy Speaker, with her cheerful disposition in carrying out what is a very long and arduous task while the Speaker is off doing all those important duties, is frequently called upon not only to supervise the house but to guide us through committee work which, in recent times, took us into the early hours of the morning.

I could say that was aided and abetted by the repeated questioning of the Speaker when he was back in his place but, nevertheless, until 3.30am plus was a long stint and it is indicative of your commitment to the job that you would continue to keep us all calm and allow us to have consideration in that circumstance when the bill was obviously fraught with emotion. Congratulations on doing that. Thank you for lasting the distance with such good grace.

The members here in the chamber include, of course, our own Clerk, Mr Crump, and Deputy Clerk, Mr Pegram, who provide wise counsel to all of us, not just the Speaker, and we appreciate that. To the many chamber attendants and those who work here, who are certainly busy in their duties to provide for us promptly and with courtesy the reports and papers we call upon. Thank you so much for that work.

I also recognise, from the Legislative Council, the team who work there under the supervision of their longstanding Clerk, Jan Davis. We do, of course, have to work in a coordinated fashion on days such as this when we are waiting for legislation and trying to work cooperatively so that legislation is advanced in a timely manner. To all those who are working in that chamber, we thank them.

The Hansard team is led by Mr Phil Spencer. We thank you for converting what is often illegible and incoherent drivel into legitimate, concise and clear communication, and we do appreciate the work you do in that regard. Some do not understand that our Hansard reporters are some of the highest skilled in the state. Next to court reporters, they have an extraordinary job to do in deciphering interactive discussion in our parliament, and that is to be commended. Thank you for your high skill and attention.

I thank those who are in our library under the stewardship of Dr John Weste. I have the pleasure of being a member of our Friends of the Library, and I know the Deputy Speaker has worked hard this year to encourage the support of the parliament to enable us to sequester the leftover carpet from the renovations and to try to convert that into some funding for the restoration of our historic books. I thank her in that role as well.

I also thank Dr John Weste for working very hard to ensure that our extraordinary collection of antique and historical books, records and maps, some of which have only been discovered in the time we have been here. The restoration program has been immense. That is just a tiny part of what they do, of course, which is otherwise to service us as a research library. To all his team, I thank them for their work.

The catering manager, Creon Grantham, has again fed us and sustained us through long stints here. Sometimes that is called upon to be an expensive dish and other times it is to be sustenance. In the spectrum of provision of service, I wish to thank him and his team for the same.

The security personnel know that I am not happy that they still wear guns in the chamber, but I want to thank them for their cheerful greeting smiles when we arrive here early in the morning,

and I usually come through an entrance they service. I appreciate their work, as I am sure all members do, providing security for us, our staff and personnel here in the parliament while we are in the chambers and also ensuring that they protect each other from those who might come into the premises with ill will. So they do have an important role to play. The cleaning staff are also here early in the morning, sometimes just packing up as we are arriving. The cheerful goodwill with which they undertake their work is terrific.

I would like to give special mention this year to our parliamentary counsel. They have to draft all our legislation and convert our sometimes esoteric ideas into sensible legislation to be promoted. They do a terrific job. PNSG is an external agent from government, or Treasury. It is associated with us here at the parliament, and they keep our electronic and IT equipment up to speed and help me, whenever an app disappears, to reinstate it. Lorraine Tonglee and her team provide an excellent service. So there are many people who make up the parliament, to ensure that the people of South Australia are served.

I am very proud that the South Australian parliament is a registered Supportive Employer of the Defence Reservists in South Australia. I see many of the personnel who work here in the parliament in a different life, as I am sure other members do also, and they contribute to public and civic responsibility up there with most. That is commendable, but some of the employees here are reservists, and they serve our state and country in different ways. I think it is terrific that the parliament itself, as a very significant employer, is registered as a supportive employer. It is indicative of its support for our personnel but also indicative to the world that we are interested in supporting those who serve us, sometimes in very dangerous circumstances.

In addition to those who work in the parliament directly, I wish to place on the record my appreciation to our colleagues, in particular the member for Dunstan, the Leader of the Opposition, who has led us as a team in the principal opposition. He has a very impressive group of staff, led by James Stevens, who irritates me from time to time but who does a great job. I think it is very important that those who are in leadership positions amongst our staff have to make hard decisions on behalf of the leader and, in our case, of course, in many ways to service our shadow cabinet, but who with me shares a considerable role in ensuring that our broader colleagues and their staff are supported and properly looked after.

I would like to give Paul Armanas, who heads our media unit, a special tick this year. He has the unenviable job of making us all look good and keeping up communication with the media, and we appreciate that. We welcome back Richard Yeeles, who has been a long serving employee in political life, having supported prior premiers. He has had significant years of experience in the private sector and has resumed work with our team this year. We welcome him back.

To our whips, thank you very much. That is a completely thankless task, so I recognise both government and opposition whips and the work they provide. Finally, I would like to say that everyone of us here in the parliament who is an elected member—and, as I said, we come and go—has our own staff who help to keep us calm and focused, and who support us to deliver what we are here for, and that is to serve the people of South Australia. Thank you to all those who do that.

I wish you all a merry Christmas and trust you have a safe and happy time with your families. I look forward to seeing you next year.

### *Bills*

## **STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL**

### *Final Stages*

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

No. 1. Long title—After '*Evidence Act 1929*;' insert:

the *Judicial Conduct Commissioner Act 2015*;

No. 2. Long title—Delete '*the Solicitor-General Act 1972*;'

No. 3. Long title—After '*the Summary Procedure Act 1921*;' insert:

the *Victims of Crime Act 2001*;

No. 4. Clause 2, page 3, lines 5 to 18—Delete clause 2 and substitute:

2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.
- (2) Section 18 of this Act will come into operation immediately after section 4 of the *Statutes Amendment (Youth Court) Act 2016* comes into operation, or on the day on which this Act is assented to by the Governor, whichever is the later.

No. 5. New Part, page 5, after line 24—After Part 5 insert:

Part 5A—Amendment of *Judicial Conduct Commissioner Act 2015*

9A—Amendment of section 4—Interpretation

Section 4(1), definition of *relevant jurisdictional head*—after '*Courts Administration Act 1993*' insert:

and includes, in a case where the judicial officer who is, or is to be, the subject of a complaint is a jurisdictional head, the Chief Justice of the Supreme Court

9B—Amendment of section 18—Referral of complaint to relevant jurisdictional head

- (1) Section 18—after subsection (2) insert:
  - (2a) If a complaint is referred, under this section, to the Chief Justice of the Supreme Court because the complaint relates to a jurisdictional head, the Chief Justice may take action in relation to the complaint by—
    - (a) making recommendations to the jurisdictional head the subject of the complaint (including, for example, recommendations as to caseloads, record keeping, medical examinations or counselling); or
    - (b) counselling the jurisdictional head the subject of the complaint in relation to any conduct that has the potential to undermine public confidence in the court.
- (2) Section 18—after subsection (3) insert:
  - (3a) If any recommendations have been made to a jurisdictional head the subject of a complaint in accordance with subsection (2a)(a), the jurisdictional head must, within 28 days after the making of the recommendations (or such other period as may be agreed between the Commissioner and the jurisdictional head), give the Commissioner written notification of the action taken by the jurisdictional head in response to the recommendations.

No. 6. Part 7, page 6, lines 1 to 30—Leave out clauses 12-15

No. 7. New Part, page 6, after line 37—After clause 16 insert:

Part 8A—Amendment of *Victims of Crime Act 2001*

16A—Amendment of Schedule 1—Repeal and transitional provisions

Schedule 1, clause 2—after subclause (3) insert:

- (4) Without derogating from section 37, the Governor may make regulations under this Act for the purposes of applications referred to in subclause (1) (including any regulation that could have been made under the repealed Act as in force immediately before its repeal).
- (5) The *Criminal Injuries Compensation Regulations 2002* continue to have effect for the purposes of subclause (1) until revoked by regulations made under this Act (and Part 3A of the *Subordinate Legislation Act 1978* does not apply, and is taken never to have applied, to the *Criminal Injuries Compensation Regulations 2002* as so continued).

Consideration in committee.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

*Adjournment Debate***VALEDICTORIES**

**The Hon. T.R. KENYON (Newland) (18:35):** Very quickly, I would like to thank my staff. The Deputy Premier was correct: I would be a lot less effective if it were not for them. I thank the Leader of the Government, and particularly Corey Harriss in his office, for their work throughout this year. I thank my caucus colleagues, who have been very cooperative for making my job easier. The Opposition Whip, the member for Flinders, has been a great joy to work with. I thank him for his cooperation and the smooth running of the house, and his staff as well, Mr Simon Halliwell in particular. Also, I thank the previous whip and Leader of Opposition Business who has been very good to work with, and I thank him for that.

Mr Speaker, thank you for your smooth running of the house. I would particularly like to thank the Deputy Speaker. I want to record my thanks formally for her efforts. She is always diligent and attentive throughout all the committee stages, in particular, which can take some doing. Her effort during the euthanasia debate was simply outstanding, and I would like to offer her my thanks for her service to this parliament this year in particular and obviously in previous years.

I thank the table staff, led by Mr Crump; the Parliament House catering staff and other Parliament House staff; and Hansard who, as so many members have said, make readable what would otherwise be illegible if it were transcribed literally. For those strange people who insist on reading *Hansard*, it makes it somewhat understandable. I wish all members, all staff and all our electorate staff a very happy and safe Christmas. I look forward to another year. I hope everyone returns safely, happy and refreshed for what will be a hard and difficult year before an election.

At 18:38 the house adjourned until Tuesday 14 February 2017 at 11:00.

*Answers to Questions***COST OF LIVING CONCESSION**

**258 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 1, page 95—how will the \$12 million in additional expenditure be spent on the full automation of the new Cost of Living Concession in 2016-17?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

Of the \$12 million announced by the Treasurer, \$1.4 million is additional funding for the full automation of the Cost of Living Information System (COLIN) which is used to administer the Cost of Living Concession (COLC). The remaining additional funding is for staffing and administrative costs of the COLC over the period 2015-16 to 2019-20.

The \$1.4 million additional funding will provide for the automation of certain functions, including:

- Correspondence module
- Work flow control module
- Upgrade of Centrelink characteristics to enable automated checking of Low Income Health Care Cards
- Data warehouse and reporting facility
- Customer portal.

The additional \$1.4 million allocated for the COLIN system brings the total project funding to \$3.6 million, excluding ongoing support costs.

**COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT**

**259 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 1, page 95—what legal advice has been obtained by the Department for Communities and Social Inclusion and the minister regarding recovery of \$1.202 million in overpayments in 2014-15?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

Any legal advice on any topic obtained by the department and the minister has legal professional privilege attached to it.

**COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT**

**260 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 1, page 95—why has there been more than \$10.920 million in unexpended funds in 2014-15 and 2015-16 within the Department for Communities and Social Inclusion and what has happened to those unexpended funds?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

Unexpended funding commitments can occur due to various project/program delays. Where applicable, a carryover request to the Department of Treasury and Finance can be submitted for any unexpended funding commitments. This process facilitates the re-profiling of expenditure as required in the forward estimates so that the budget is used for its intended purpose.

**MICRO-ENTERPRISE DEVELOPMENT PROGRAM**

**262 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 5, page 20—

1. Will the Micro-Enterprise Development Program be made available to all vulnerable South Australians across South Australia, not just those who are in the Northern Metropolitan Region and if not, why not?

2. How will the Micro-Enterprise Development Program be delivered, which agency will deliver it and how many participants are expected to receive micro-credit under 2016-17 budget eligibility arrangements?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

1. The Micro-enterprise Development Program (MEDP) trial will have a strong focus on supporting vulnerable South Australians in the northern suburbs of Adelaide. However, it will also be available to all vulnerable South Australians, subject to meeting program criteria.

2. The MEDP will be delivered by Good Shepherd Microfinance. The program is currently in the research and development phase and is expected to commence accepting participants in mid-2017.

#### STATE BUDGET

**263 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 3, page 32—what is the capital slippage provision for the Department for Communities and Social Inclusion and what projects or programs have not been undertaken from their current 2016-17 budget expenditure profile?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

There is no capital slippage provision for the Department for Communities and Social Inclusion. The state government has a carryover process where the capital budget can be re-profiled between financial years. It is too early in the financial year to identify a variation to the department's current 2016-17 Investing program expenditure.

#### THRIVING COMMUNITIES

**265 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 5, page 21—what are the details of the Together SA program that will deliver the \$450,000 Thriving Communities agenda?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

1. Together SA is a non-government organisation that is supporting Thriving Communities collective-impact initiatives in the northern suburbs (Playford) and southern suburbs (Onkaparinga).

Together SA provides advice, training, engagement and support to local community leaders and organisations, along with technical advice about collective impact methodology. Together SA also establishes and implements innovation grants of up to \$50,000 in each location to support the delivery of locally identified initiatives.

#### COMMUNITIES AND SOCIAL INCLUSION DEPARTMENT

**266 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 5, page 23—who will be engaged to develop and implement the \$5.3M IT system for the Department for Communities and Social Inclusion to deliver continuous monitoring for screening and what guarantees and safeguards will be put in place if the IT system does not operate effectively?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

1. The Department for Communities and Social Inclusion (DCSI) is leading this joint project with SA Police (SAPOL) and the Department for Education and Child Development (DECD). Continuous monitoring will comprise various system and business components that together will monitor South Australian criminal history, child protection and care concern information. Various technical and project management expertise has been engaged to lead and design systems and processes. This includes technical expertise to evaluate possible options for matching and notification components of the system. Any engagements and purchases are, or will be, in accordance with South Australian Government Procurement practices.

The Continuous Monitoring Steering Committee meets regularly to provide strategic leadership to the project and ensure milestones are being met. This Committee comprises of senior representatives from DCSI, SAPOL and DECD and includes senior information technology and business systems personnel.

Rigorous and robust design, testing, system proof of concepts, and early piloting of the continuous monitoring framework will ensure that the system will operate effectively. Once live, system auditing of notifications and information matching will provide checks that the system is operating as intended.

#### STATE BUDGET

**269 Dr McFETRIDGE (Morphett)** (27 September 2016). In reference to 2016-17 Budget Paper 4, volume 1, page 91—what items were purchased and what was the total final cost of the upgrade to ministerial office accommodation for the Minister for Communities and Social Inclusion?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

As part of the relocation of the Ministerial Office for the Minister for Communities and Social Inclusion, new desks, chairs, tables and storage were purchased. In addition, work undertaken in the new tenancy included constructing new offices, open work stations, meeting areas, kitchen and utility areas.

The budgeted cost for this fit-out was \$934,000, as indicated on page 91 of Budget Paper 4, volume 1 of the 2016-17 Budget Papers. However, after a lease incentive contribution from the building owner, the total cost to set up and move to the new office was \$43,295.

#### AUDITOR-GENERAL'S REPORT

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (3 November 2016).

**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):** I thank Ms Chapman for her interest in this matter. I have sought advice from the Industry Advocate about the contract referred to on page 55 of the Executive Summary of the Auditor-General's Report.

The Industry Advocate advises me the non-full compliance relates to a cleaning contract issued by TAFE SA that was initially put out to tender as an up to 5-year contract but ultimately awarded for up to 10 years. This caused the potential value of the contract to increase to a different threshold for submission and reporting requirements under the South Australian Industry Participation Policy.

The Industry Advocate advises that, upon discovering this error, TAFE SA contacted the Office of the Industry Advocate and sought advice on how best to ensure compliance. The matter has been resolved to the satisfaction of the Industry Advocate.

#### *Estimates Replies*

##### POLICE RECRUITMENT

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I am advised:

Since January 2016, South Australia Police has recruited 73 females.

- 58 were first time applicants;
- 13 were second time applicants, with 4 being serving Protective Security Officers (PSO's); and
- 2 were third time applicants, with one being a serving PSO.

##### POLICE STATIONS

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I am advised:

Prior to making a final decision on police station front office opening hours, the Commissioner of Police sought feedback from the community. During this period, one submission related to Henley Beach Police Station and two submissions related to Golden Grove Police Station.

##### POLICE HOLDING FACILITIES

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I am advised:

There was only one instance when a police officer was injured during an escape. The assault on the police officer was during the Whyalla incident and was at the time of the escape. At no time during the periods of the escapees being at large was any member of the public or police injured. There was no concern for public safety and all were located and arrested within 24 hours.

##### LONG RANGE ACOUSTIC DEVICES

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I am advised:

These devices were obtained through the Australia New Zealand Counter Terrorism Committee (ANZCTC) in 2011. The Long Range Acoustic Device (LRAD) 100 was purchased by the Committee at a cost of \$16,000 and the LRAD 500 was purchased at a cost of \$33,000. There was no cost attributed to the South Australia Police.

##### TARGETED VOLUNTARY SEPARATION PACKAGES

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** 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.

#### MINISTERIAL STAFF

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised of the following:

For a list of ministerial staff and salaries please refer to the Government Gazette.

Non-ministerial appointments are as follows:

FTE	Classification
1.00	ASO7
1.00	ASO5
1.00	ASO5
0.80	ASO5
0.40	ASO5
1.00	ASO4
1.00	ASO2
1.00	ASO2
1.00	ASO6
1.00	ASO6
1.00	ASO6
1.00	ASO6

#### MOTOR ACCIDENT COMMISSION

In reply to **Mr PISONI (Unley)** (1 August 2016). (Estimates Committee A)

**The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I am advised:

There is zero tolerance to the presence of prescribed drugs in a driver's system. The roadside driver drug test detects the presence of any amount of THC, the impairing chemical of marijuana. The offence is committed if the drug is present.

The MAC drug driving public education campaign seeks to educate drivers as to how long, at a minimum, THC remains detectable by the roadside drug driver test. The five hour time frame was determined through consultation with South Australia Police (SAPOL). That time frame was provided to SAPOL on advice from Forensic Science SA.

Drivers who test positive at the roadside to THC are directed by police not to drive for five hours. SAPOL have prepared and issue written instructions not to drive for this time period so that all drivers receive consistent information.

#### STATE BUDGET

In reply to **Mr GARDNER (Morialta)** (3 August 2016). (Estimates Committee B)

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers):** I have been advised:

1. The 2015-16 actual expenditure information at the program level is available in the Department for Communities and Social Inclusion's annual financial statements that are included in the recently released Report of the Auditor-General for the year ended 30 June 2016 (Appendix to the Annual Report Volume 1, pages 375-377). The program information is based on the program structure in the 2015-16 State Budget Papers. The program structure for the 2016-17 State Budget Agency Statements has changed from the previous year.

Provided there is no change in the program structure, 2015-16 actual expenditure in the current program structure will be available in the 2017-18 Budget Papers.