HOUSE OF ASSEMBLY

Thursday, 16 February 2017

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

Second Reading

Adjourned debate on second reading.

(Continued from 1 December 2016.)

Mr PICTON (Kaurna) (10:31): I am happy to rise to speak to the bill that has been moved by the member for Hartley. This has come about through a select committee process that, as members would remember, the member for Elder moved for in this house. I thought it was a very good select committee. I happened to serve on it as well, with the members for Fisher, Hartley and Bright. We came up with what I thought was a very sensible report, a report that listed a significant number of recommendations to the government on how we can tackle the issue of this new technology of e-cigarettes or vaporisers being used in our community.

As with all select committees, that process then went to the relevant minister, who then came forward with a whole range of proposals to implement the recommendations; it was the minister for Mental Health and Substance Abuse in this particular area. Not really satisfied with that, the member for Hartley has come out with his own separate plan out of this report, which basically seems to be a little way for him to get a couple of articles in *The Advertiser*, rather than going through a sensible policy process of working with the government and working through the minister's very sensible proposals to come up with this.

Pretty much as soon as we came up with our bipartisan, unanimous committee report, with all the recommendations that all of us on both sides supported, there was a media release from the member for Hartley, called 'E-cigarettes report released today', which said:

> As a consequence there is a public health benefit if tobacco smokers are switching to e-cigarettes and any new regulations should not hinder that movement.
>
> The Report's recommendation that e-cigarettes shouldn't be sold alongside tobacco products has the potential to undercut this public health benefit.
>
> I'd like to see more research on the impact of having e-cigarettes on sale where tobacco is sold before any restrictions are put in place.
>
> It would be an unfortunate outcome if regulations put in place actually reduced the number of people giving up smoking tobacco.

All of us, including the member for Hartley, agreed to every single one of the recommendations, but as soon as the report was released the member for Hartley then came out with a release bagging the report and bagging some of the recommendations of the report. Not satisfied with that, he then developed his own bill, coming out of the recommendations of the report, but which only deals with some of the issues pertaining to the report and the inquiry and our quite extensive process, led by the member for the Elder, of interviewing witnesses, visiting vape shops, talking to the community, and going through many hundreds of submissions that were submitted to us.

He has come out with his own bill, which only deals with a couple of things, rather than going through what the process is where the minister is delivering a response having regard to all the Department of Health officials who are expert in this area, and where all the right crown law advice has gone into it, and just because he wants his moment in the sun.

With that prologue, there is the position of the government that I would like to go through. Basically, this is a simplistic proposal that fails in three specific areas. Firstly, the bill does not strengthen the act by amending the objects to include e-cigarettes. SA Health received advice stating the objects of the act should be amended to avoid any doubt about the act's capacity to regulate e-cigarettes. Secondly, the bill does not align sufficiently with recommendations from the select committee of e-cigarettes, which, as I state again, the member for Hartley was on and agreed with all the recommendations at that time, unanimously.

The final report from the select committee included, under recommendation 5, that e-cigarettes be banned from sale through vending machines and/or by way of pop-up shops. The bill does not include provision to ban sale through these retail points. This is another example of where this bill fails to implement what the recommendations that we all agreed to were. Thirdly, the bill would subject e-cigarettes to sections of the act relating to packaging, which are only appropriate to tobacco products. This includes sections within part 3 of the act, which apply restrictions on how tobacco products are packaged.

There is no benefit in applying these sections to e-cigarette products. The government has developed, and is in the process of consulting on, a draft bill to regulate e-cigarettes in South Australia that is more comprehensive than what has been delivered by the member for Hartley. The government's bill includes amendment to the objects to ensure that the act is broad enough to accommodate e-cigarettes, as well as applying regulation to the most relevant parts of the act. The government's bill would also ban the sale of e-cigarettes through vending machines and temporary stores, as recommended by the unanimous bipartisan report that parliament had.

The government's draft bill seeks to regulate e-cigarettes in line with those select committee recommendations that can be implemented legally and effectively through amendments to the Tobacco Products Regulations Act 1997. The amendments to this act proposed would prohibit sales of e-cigarettes to children; retail sale of e-cigarettes products without a licence; indirect sales of e-cigarettes, such as internet sales; e-cigarette sales from temporary outlets, sale trays and vending machines; the use of e-cigarettes in areas that are smoke-free under the act; advertising, promotion, specials and pricing promotions for e-cigarettes; and the retail point-of-sale display of e-cigarettes.

For all of those reasons our approach is to comprehensively deal with the recommendations that we all came up with, on a bipartisan matter, and the minister is working through that at the moment. This bill does not do that. This bill fails to do that and has basically just been about playing politics with this issue from the beginning, for the member for Hartley, and trying to get a couple of little articles in *The Advertiser* saying how he is doing something. In actual fact, he is doing nothing but playing politics with this issue, with this very serious issue that we should be managing on a bipartisan matter to make sure that we implement the recommendations that we all agreed with, that the member for Hartley and the member for Bright agreed with through this select committee, to make sure that we are properly regulating these new products that do have the potential to cause harm.

We need to ensure that, if it is a useful aid for people to stop smoking, that can happen, but that we are not encouraging children, or advertising to children, to use these in a way that will be a stepping stone device that will enable people to take up smoking tobacco products. This is a very important subject that this bill does not deal with in an appropriate, comprehensive way, and that is why the government opposes this bill.

Mr TARZIA (Hartley) (10:39): I rise today to close debate on what is a very important topic, and I would like to first and foremost thank all of those in the industry—the health industry, the e-cigarette industry, users, retailers and wholesalers—who have contributed to the debate along the way. I start today by referring to a News Corp article dated 17 January 2017, where it states:

> An exploding e-cigarette has left a vaper with horrifying burns to his face and knocked out seven of his teeth.
>
> Andrew Hall, from…Idaho, was getting ready for work and enjoying a vape when suddenly his device blew up in his face leaving him with hideous injuries.

In the article, there is a very distressing image of burns that are clearly evident and resulted from the use of such a device.

At the moment, in South Australia, these devices are basically completely unregulated. Children can use them and purchase them; there is no law at the moment preventing children from operating these devices. This is a clear example of how these devices, unregulated as they are, can unfortunately lead to these sorts of consequences.

This matter was referred to a select committee. The committee made several recommendations, and I want to address some of those points. A comment has been made this morning that some of the recommendations are not addressed in the bill that I put forward as an opposition backbencher. I put it to the government that in a lot of cases they cannot be addressed by state legislation, but what we can do is create a regulatory framework for these devices. We understand that they are out there, and we understand that as a state parliament we need to put in laws that protect some of the most vulnerable in our community.

Notably, the select committee delivered its recommendations about a year ago, but still we do not see a bill—I certainly have not seen a bill—that has been put forward by the government. You would think that the government with all of its might and all of its resources, and the minister with all of her resources, and while she is still here in this house, would have made it a priority by now.

Since we know these things are blowing up in people's faces, you would think that she would have made it a priority to bring a bill to this house for us to debate so that we can create a regulatory framework. By the way, no-one is saying that we should blanket ban these devices. We are just saying that we should create a regulatory framework so that these devices can be used safely.

We understand that some people use these devices to get off cigarettes; however, there are still a lot of unknowns about these devices. So when the government says that we are playing politics with this issue, with all respect it is a bit rich coming from them. However, I think we all agree that what this bill has done is to allow more expeditious debate to occur on this topic. I would welcome moves from the government, and I look forward to receiving the bill from the government that hopefully aims to create a bill on this issue so that these devices can operate in a safe and regulated way. I commend the bill to the house.

The house divided on the second reading:

Ayes 17
Noes 23
Majority 6

AYES

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.
Pisoni, D.G.	Speirs, D.	Tarzia, V.A. (teller)
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Williams, M.R.	Wingard, C.	

NOES

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

PAIRS

Goldsworthy, R.M.	Weatherill, J.W.	Marshall, S.S.

PAIRS

Hamilton-Smith, M.L.J.

Second reading thus negatived.

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2016.)

The Hon. T.R. KENYON (Newland) (10:49): I move:

That the debate be adjourned.

The house divided on the motion:

Ayes 23
Noes..... 17
Majority..... 6

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C.	Gee, J.P.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Koutsantonis, A.	Mullighan, S.C.
Odenwalder, L.K.	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. (teller)	Duluk, S.
Gardner, J.A.W.	Griffiths, S.P.	Knoll, S.K.
McFetridge, D.	Pederick, A.S.	Pengilly, M.R.
Pisoni, D.G.	Speirs, D.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Williams, M.R.	Wingard, C.	

PAIRS

Hamilton-Smith, M.L.J.	Goldsworthy, R.M.	Weatherill, J.W.
Marshall, S.S.		

Motion thus carried; debate adjourned.

STAMP DUTIES (TRANSFERS EXEMPTION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 June 2016.)

Mr GARDNER (Morialta) (10:59): I support this bill, ma'am.

The DEPUTY SPEAKER: You support it? I am not sure that that is in order.

Mr GARDNER: That was a speech, ma'am. That was my second reading speech.

The DEPUTY SPEAKER: You are not in your place, so you can't. The member for Newland.

Mr GARDNER: I am in my place. I am representing the leader right now.

The DEPUTY SPEAKER: The member for Newland.

The Hon. T.R. KENYON (Newland) (10:59): I move:

That the debate be adjourned.

The DEPUTY SPEAKER: Mr Clerk said you are not in your place. We do not know who you are representing.

Mr GARDNER: I am a frontbencher representing the leader, as is natural.

The house divided on the motion:

Ayes.....23
Noes 19
Majority 4

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C.	Gee, J.P.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Koutsantonis, A.	Mullighan, S.C.
Odenwalder, L.K.	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.
Pisoni, D.G.	Redmond, I.M.	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A. (teller)
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

PAIRS

Hamilton-Smith, M.L.J.	Goldsworthy, R.M.	Weatherill, J.W.
Marshall, S.S.		

Motion thus carried; debate adjourned.

SUMMARY OFFENCES (DRONES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 February 2016.)

Mr ODENWALDER (Little Para) (11:05): I share the member for Heysen's concern for privacy, and I remember this bill coming to the house sometime last year and having a discussion with the member for Heysen about it. I am very interested in it, particularly from a law enforcement perspective. I think the use of drones will increase in all areas of life but my particular area of interest

is in law enforcement and I think that we will have to cross many bridges as this technology is used more and more in that context.

The government believes and I believe that the creation of a specific offence such as the one proposed in this bill is unnecessary, given that the use of drones is pretty comprehensively addressed already under the Civil Aviation Safety Regulations and that using a drone to record private activities would be captured by the surveillance devices legislation of this state. The drone is merely a tool by which an optical surveillance device may be utilised, it is not the device itself.

The Surveillance Devices Act makes it an offence to knowingly use an optical surveillance device to record or observe the carrying on of a private activity without the express or implied consent of each party to the activity. This offence already carries a severe penalty. If you use a drone to do that, you can be charged with that offence already under South Australian law.

Commonwealth law around the use of unmanned aircraft is extensive and principally addresses the issue of the risk to safety. There are strict liability offences for flying a drone closer than 30 metres to vehicles, boats, buildings that are not on your private property and without explicit permission from the private property owner, or over backyards and any populated area such as beaches, parks, sports ovals, children's playgrounds and that kind of thing, where there is a game on. You must keep your drone within your line of sight. That does not leave much room for drones to move without authority or without a licence. It does not leave much room for more legislative control.

The government believes and I believe that the existing law does adequately cover the concerns that are genuinely being attempted to be addressed by the bill. The proposed offence does not particularly improve on this existing law. If legislated, it would probably prove difficult and resource intensive to enforce, to charge and prosecute successfully. I do still have concerns about its application in terms of law enforcement, whether there is a general exemption for law enforcement bodies and how that would work. I am still a bit confused about that.

In closing, the government is very aware of the challenges that these kinds of rapidly-evolving technologies pose for good policymaking and it will continue to respond to those challenges in the most appropriate and effective way. However, this bill is not the most appropriate and effective way and, for that reason, the government opposes it.

Ms REDMOND (Heysen) (11:08): I have known for some time that the government was not going to support this legislation because, as the member for Little Para has just indicated, he had indicated some interest in the proposal when I first introduced it last year but then, towards the end of last year, advised that the government position was that there was already legislation which adequately covered the field.

With respect, I would disagree with that. Indeed, I would encourage the government to consider this legislation again at a future time because it seems to me that resoundingly when I am out in the community people are conscious of the potential for both the invasion of privacy and the creation of nuisance by the use of drones. I made it clear when I opened the debate on this particular bill that I am not trying to stop the use of drones, whether it be by law enforcement, in the case of the special interest of the member for Little Para, or whether it be for real estate.

I absolutely acknowledge that people in real estate find it a boon to be able to go up above someone's property and photograph it from a height to get a perspective on it, although I did mention, I think, in the opening remarks on this bill that there had been an incident in Melbourne where a real estate agent did just that and inadvertently captured the nude sunbathing of the lady next door. That was then published as part of the real estate promotion, which might have made the house very sellable, but it certainly did invade that person's privacy.

I equally recognise that in agriculture, particularly, there are huge benefits to be gained from the use of drones. Against all that, as well, there is the aspect of kids just playing with them. I know that when I was a kid, if we had had the opportunity to play with drones, we would have been taking them up literally in droves, pardon the slight pun. I am not trying to stop the use of drones at all. My bill is quite specific, in that it is simply seeking to limit the use of drones above someone else's property. In particular, there is a limit—from memory (I do not have the bill in front of me), I think it was 30 metres or roughly 100 feet—to give people that assurance that people could not fly something above their property within 100 feet.

I do not know whether I mentioned it, as it is so long ago that I introduced this bill, but originally the law in its concept was very simple. When you owned a piece of land, you owned that land down into the centre of the earth and up into the heavens as far as they went. As modern life has impacted, that has reduced and reduced, and obviously we no longer own everything that is beneath the land because, largely, the mineral resources and so on belong to the Crown and we no longer own what goes up into the heavens now that planes are flying there and we have bodies like the Civil Aviation Safety Authority.

The member for Little Para mentioned two other bits of legislation that potentially, he says, already cover the field. There are a couple of things I would point out about that, and I accept and I do not deny that those two pieces of legislation can be relevant. The reality of the Civil Aviation Safety Authority in this country is that they are not going be policing anything that comes within a hundred feet of an individual's house. They are interested in ensuring the airspace above the population generally, so no-one really is likely to be impacted by this sort of activity that I am talking about, to the extent that the Civil Aviation Safety Authority would take any interest.

Equally, I do not for a second suggest that the surveillance devices legislation is not relevant and could not be used. However, as the member for Little Para would be well aware, in this state it is often the case that, when an offence is committed, the police often charge people with numerous offences under lots of legislation. I know that because I have negotiated with police at the courtroom: 'Alright, if you actually agree to drop that, we'll plead guilty on that instead.' We often have cases where more than one piece of legislation can be applied to any particular offence.

All I was trying to do in this bill was something that the public at large actually thinks should already exist. Everyone I have spoken to is absolutely in favour of it. I first introduced this—which I reckon was about February last year because it was around the same time I came out of not talking to the media for a few years—to bring up, on radio, the fact that this government is planning to create1,000 apartments on the section of the Parklands that is the old Royal Adelaide Hospital site. I think this is one of the most despicable and heinous things that a government could do. They are the trustees of that on behalf of the people of this state, and they are prepared to just throw away that trust.

I was angry enough about that, and I remain angry enough about that, to come out of my self-imposed exile and speak about it. I happened to go to a function that night—it must have been the beginning of the Festival or the Fringe—and it was not that that people wanted to speak to me about as much as this bill about the drones. People are concerned about the capacity of drones bearing cameras, particularly with every phone these days having a camera on it. People were concerned about the invasion of their privacy.

It seems to me that there is also huge potential for the creation of nuisance—whether there is a camera on a drone or not—with someone flying a drone through someone's backyard, when they are holding a barbecue, because of a neighbourhood dispute. Yesterday, I had an email into my office with a complaint regarding a house, not in my electorate as it happens, that had been divided into two flats and the owner of one flat had installed fixed cameras to film people in the backyard of the other half of this divided house.

I agree with the member for Little Para that there is a community desire to address this issue of privacy and that it is a complex area and that the government needs to do something. I am sad that they have not agreed to agree to this bill. I would have been quite content to put some amendments into it, if they saw that it was necessary. It still seems to me that this is something that the community at large would not only support but positively desire us to do, and the government, in saying no to this bill, is making an error of judgement.

That being the case, I can count, and I have always been able to count. I have spent 15 years on the opposition benches, so I realise that once the government decides that it is not going to support a bill, no matter how sensible it might be, then there is nothing to be gained by furthering the debate. On that note, I therefore close my comments and the debate.

The house divided on the second reading:

Ayes 19

Noes..... 23
Majority..... 4

AYES

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.
Pisoni, D.G.	Redmond, I.M. (teller)	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

NOES

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

PAIRS

Goldsworthy, R.M.	Weatherill, J.W.	Marshall, S.S.
Hamilton-Smith, M.L.J.		

Second reading thus negatived.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCONDUCT AND MALADMINISTRATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 November 2016.)

The Hon. P. CAICA (Colton) (11:22): It would not come as any surprise to those opposite that the government opposes this bill. The bill proposes amendments to the ICAC Act to allow the Independent Commissioner Against Corruption to investigate a matter raising potential issues of misconduct or maladministration in public administration and in doing so to exercise the powers of a royal commission, which includes power to hold a public inquiry.

The act provides the commissioner with powers and functions to identify and investigate serious or systemic corruption in public administration. The act also established an Office for Public Integrity to receive and assess complaints and reports about corruption, misconduct and maladministration in public administration and to make recommendations as to whether and by whom complaints and reports should be investigated.

Although the commissioner may perform functions in relation to any matter raising potential issues of misconduct or maladministration in public administration, the primary function of the commissioner is to identify and investigate, or refer to a law enforcement agency for investigation, matters concerning corruption in public administration. The commissioner has always agreed that inquiries into complaints about alleged corruption in public administration should not be conducted in public. These inquiries should not be the subject of public speculation. Indeed, we have seen some careers ruined in Western Australia when public hearings occurred, and subsequently those people found out that there was no case to answer.

It was always intended that matters concerning misconduct or maladministration in public administration be referred to an inquiry agency or to a public authority, with or without directions or guidance to the body from the commissioner. Where the commissioner considers it appropriate, the commissioner may exercise the powers of an inquiry agency, being the Ombudsman, Police Ombudsman and the Commissioner for Public Sector Employment.

The risks associated with any public investigation into alleged corruption in public administration apply equally to a public investigation into alleged maladministration, risk of disclosure of the complainant's identity, assault on a person's reputation, and adverse influence on possible legal proceedings. That is why this act and the Ombudsman Act require such investigations to be carried out in private. There is provision in the act for the commissioner to make a public statement where it is in the public interest to do so. I am not persuaded that anything further is required or desirable at this stage.

This bill is also premature where the introduction of a package of reforms that will streamline and coordinate the legislative schemes governing whistleblower protection, the oversight and management of complaints about police and the making of complaints and reports about public administration is imminent. These reforms should be considered holistically. To this extent, as I mentioned when I first opened my remarks, the government is opposed to this bill.

Debate adjourned on motion of Mr Treloar.

Mr GARDNER: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Motions

EMERGENCY SERVICES

Dr McFETRIDGE (Morphett) (11:29): I move:

That this house—

(a) condemns the state government for increasing cost of living pressures on South Australian families and businesses; and

(b) supports significant reductions in the impact that emergency services levy charges have on South Australian families and businesses, whilst at the same time ensuring proposed budgets for emergency services are maintained.

South Australia is an absolutely wonderful place to live—it really is—and that is why I am in this place representing the good people of Morphett and that is why I want to move this motion today. I am not going to read the motion; members can read it for themselves. It will become clear during the few minutes I have to put what I have to say on the record.

I have been very privileged to be the member for Morphett for 15 years, and I intend to be the member for Morphett in March 2018, not only contributing to this place but also supporting the good people of Morphett. In terms of the suburbs in the seat of Morphett generally, the perception is that Morphett is a very wealthy, highly affluent area, but there are some significant issues that are a reflection of the broader issues in the state. Once you start talking to the locals, going to the churches, going to the schools and talking to the service groups, as you do as a local member, you see the problems being faced by all the people who live in South Australia and, in my case, particularly those constituents in Morphett.

The schools in Morphett—church, independent and state schools—are wonderful. Glenelg Primary School is a wonderful school. They are struggling with so many kids there now; it is becoming quite a large school. People think Glenelg Primary School is doing very well, but about 30 per cent of the kids who go there are on School Card, which is a reflection on the family circumstances.

If you go down to Jetty Road, there are 106 restaurants and cafes within walking distance of my office. If you talk to those restaurant and cafe owners, people in the fruit and veggie shops and those people who are selling food, cups of coffee, shoes and all the wonderful clothes and other things you can buy there—the member for Adelaide could spend hours and hours just walking up

and down Jetty Road—you will find that the store owners, the mums and dads and the families who are running those shops, are working extremely hard.

They are not afraid of competition. They are not afraid of taking a risk and accepting the challenge, but when I talk to them they are telling me, 'The money is still there, Duncan, but you have to work three times as hard to get it.' The overheads have gone up. The competition is there and, as I say, they are not afraid of that, but the costs of doing business in South Australia have really punished them hard.

As I said about the kids who are on School Card, it is the costs of living that are punishing the families in South Australia. It should not be so. This state has wonderful opportunities but, unfortunately, after 15 years of hard Labor, what have we seen? We have seen a huge increase in the number of people who require support and concessions and who are calling out for some relief. There is no long-term solution for long-term problems on the economic front in this state coming from this government and I hope that will change in a bit over 12 months' time.

The best example of what is going on is to look at the Cost of Living Concession, energy concessions, water concessions, transport concessions and the emergency services levy concessions being paid to South Australians. They have gone up and up, and the total cost of those concessions is now about $161 million a year. The Cost of Living Concession, which is a concession of $200 per year for pensioners and low income earners, is being paid to183,000 South Australians at a total cost of nearly $33 million. Over 200,000 people receive energy concessions for emergency electricity payments and the Medical Heating and Cooling Concession Scheme, with a total bill of over $40 million, and 170,000 people are claiming water concessions, totalling nearly $50 million a year.

In relation to sewerage for home owners and occupiers, 127,000 people are claiming those concessions now. When we owned a house at Somerton Park, we looked at the rates and we calculated that it cost about $8 every time we flushed the toilet because of the capital value of the house. The amount of water we used was very low. The water and sewerage rates being charged in South Australia have a significant impact on everybody, particularly when people have valuable homes and are income restricted. There are some real issues there, with no relief on the horizon from this government. In relation to the emergency services levy, 140,000 recipients are getting some form of relief. That totals only about $6½ million, and I will talk about the dollar amounts of the emergency services levy in a few moments.

South Australians are really doing it tough. We need to make sure we show some leadership in this state and recognise that it is not just about making our roads look good, with our transport corridors working more efficiently—it is much more than that. It all contributes, we all know that, but it is about the mums and dads out there who want to pay the mortgage—with interest rates probably going up, that mortgage stress will increase—and afford to clothe and send their kids to school, and hopefully not rely on the School Card to get those kids to school. The good education that is provided by the public education service in South Australia is second to none, but we need to make sure those kids have that opportunity and are not in any way penalised because their parents cannot pay the add-on fees that are part of the system.

We need to make sure that South Australians are able to proceed and look forward to a long stable future, that businesses in South Australia are able to look forward to having a business where they are not seeing their margins reduced and reduced so they are not having to continue to work three times as hard for the same amount of money, as we are hearing now.

Part of the cost of living in South Australia is the emergency services levy. The emergency services levy was introduced by the Liberal government and was designed to replace the fire services levy that was on insurance premiums so that it would be equally spread across the population base, and it was a good thing. There was a recognition then, though, that if your house burns down the land is still there, so perhaps there is an argument that there should be some form of remission on that levy.

I am putting it very simply, but that is my understanding of how the argument came about of applying remissions on the emergency services levy. So, those remissions were put in place. But, what did we see this cash-strapped government do? It took away those remissions. I am really

surprised that not more people require emergency services levy assistance because this government has pushed and pushed. The emergency services levy remissions being removed is another indicator of how callous this government is, how desperate it is to keep the impression that it is balancing its budget.

This government has sold everything from the forests to the lotteries to the Lands Titles Office. I understand it will sell WorkCover—that is the next thing it will sell off. It is selling off the farm. If it is able to revisit some of these decisions and be honest about it, they were decisions that I do not think were in the best interests of South Australia. Certainly, to say that you have balanced the budget because you sold the Motor Accident Commission is a very misguided view on the South Australian economy.

The emergency services levy budget for the 2016-17 year was a total of $292.4 million. It is being raised across all forms of fixed and mobile property. We heard for a little while last year that there were plans to remove the remission from caravans, boats and trailers. That has not happened; I hope it does not happen. The emergency services levy on those moving vehicles—caravans, boats and trailers—is not a lot in terms of a real thing, but it all adds up to being some relief for South Australians.

The $292.4 million that has been raised through the emergency services levy and is being paid for completely by South Australians now, with the removal of the remissions, is split up amongst the South Australian Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service, Surf Life Saving SA, Volunteer Marine Rescue, South Australia Police (and I will have a bit more to say about that in a moment), the Department of Environment, Water and Natural Resources, SA Ambulance Service, State Rescue Helicopter Service, shark beach patrol and other (the 'other' is something else I will have more to say about).

The emergency services levy is an hypothecated fund; in other words, it is all supposed to go into delivering emergency services in South Australia. That cannot be just buying fire trucks and more hoses and more boats for the Volunteer Marine Rescue. We know it is much more than just providing the equipment they not only want but also need to be able to do their job. I know that everybody in this place—not just those on this side—thanks all our emergency services workers who do what they can every day of their lives to make our lives safer.

The problem I have with the way the emergency services levy is being spent is that it is also being used now to prop up the budgets of some departments. The Department of Environment, Water and Natural Resources gets $3.5 million. They might try to justify that by saying they are helping prevent bushfires and they have contract firefighters during the bushfire season, but is that not their job? Are they not protecting the environment? Is there not a massive budget to do that without hitting the emergency services levy?

The 'other' section of spending is the $0.9 million. I would be very disappointed and quite distressed if our fire safety programs aimed at children, such as the burns trust, were being targeted for cuts. We need to keep them going, but does that money need to come out of the emergency services levy or should it come out of the health budget? Keeping those kids safe and keeping them out of hospital is something we do, but it is saving the health budget money, so why is the health budget not contributing towards that so that the emergency services levy is not being used as a means of paying for something that should come out of another area and taxpayers are being slugged twice?

The big issue for me, though, is that the budget of the State Emergency Service—those 16,000 men and women who have done such an absolutely sterling job this year, as they have every year—is $17.6 million out of this, but the South Australian police get $21.8 million out of this. They get more than the SES. Why is that not coming out of the police budget? Their attitude is that, 'We are doing some of the emergency service search and rescue work and marine rescue work.' They are duplicating and in some cases triplicating work that is being done by other emergency services.

The STARies go out and do a wonderful job of getting the crims and so on, but is their primary role to go out on cliff rescues and some of the other things they do? No, you have Metropolitan Fire Service personnel trained, CFS personnel trained and SES personnel trained. Why do you need to quadruple the delivery of that service? Save the taxpayers of South Australia significant costs in their

emergency services levy. Sure, they gather information and prepare contingency plans for public safety, attend emergency incidents and attend motor vehicle accidents. Is that not what the police do, investigate an accident? Why does that come out of the emergency services levy and not out of the police budget?

There are numerous examples where the emergency services levy needs to be reviewed. Under the emergency services sector reform—the paper that was put out by former minister Piccolo, under Operation Darwin or Project Darwin—there was going to be a review of where the emergency services levy was being paid. An audit was being done. I do not know whether that was completed. If it has been completed, I would like to see it tabled in here or a report somewhere so we can see where that emergency services levy is going exactly so we can see what is the 'other'. We can see how the spend on shark patrols and helicopters is being justified.

Certainly, in my beachside suburb, I love the shark patrols, but let's just make sure we are getting bang for our money. Let's make sure that Surf Life Saving South Australia, if they can offer an aerial shark patrol service, is being looked at and not overlooked when it comes to letting out the tenders because surely they have a vested interest in providing the best service.

There are numerous examples in South Australia where people are being pushed to the absolute limit, both personally and, in this case, on a hip pocket issue of paying more and more tax. They cannot continue to do this. When we have another major disaster, whether it be a Sampson Flat or a Pinery, will the emergency services levy go up again? What happens if we have two or three? What happens if we have an earthquake? What is going to happen then? Emergency service delivery in South Australia is a core service obligation of a state government. Do not keep taxpayers paying and paying and paying.

Mr PICTON (Kaurna) (11:44): I rise to speak on this motion moved by the member for Morphett. Perhaps it will not be surprising that the government indicates that it will not be supporting it. I start by acknowledging the importance of dealing with cost of living issues generally. I think most members, in particular on this side of the house and probably the country members on the other side, encounter a lot of people in our electorates who do it tough from time to time and struggle to make ends meet.

I think it is incumbent upon all levels of government to do everything we can to make the cost of living easier and to address that. However, I do not necessarily think that the prescription enunciated by this motion or by the Liberal Party is a way of doing that. When it comes to the emergency services levy, there are a few important facts: one is that this was a Liberal Party levy. This was introduced and passed under the previous Liberal government—

Mr van Holst Pellekaan: As were the remissions.

Mr PICTON: Time after time, members of the Liberal Party come into this house to talk about the emergency services levy, and I think it is incumbent upon us to remind them that this was a levy introduced by their previous government. The member for Stuart says 'with remissions'. When it was originally introduced, it was not with remissions; it did not have remissions in place to begin with. This was introduced in the same way that it is currently being used. In actual fact, the cabinet submissions that deal with this are now public, and you can see that the former Liberal leader, Iain Evans, when he was the relevant minister and introduced it to cabinet, said:

> Everyone in the community has the right to expect access to affordable services (universal access) for the protection of life, property and the environment, and everyone has a responsibility to make a reasonable contribution towards the cost of doing so.

That is exactly what the then member for Davenport, Iain Evans, said when he and the Liberal Party introduced this. The second point is that this is a levy where every single dollar goes into the emergency services fund and it is used for emergency services. People can be reassured that when they are paying this levy, it is paying for firefighters and it is paying for the SES. In particular, the SES have done a remarkable job over the last year and have had one of their busiest years ever on record. It certainly has affected my electorate. I know it has affected lots of country electorates and the northern suburbs as well, and full credit to them and the hard work that they do.

Anybody who has visited their local SES will see the equipment which this levy has funded which they would not otherwise have. I, along with the member for Fisher, the member for Reynell

and the Minister for Emergency Services recently visited the Noarlunga SES in my area before the Old Noarlunga floods happened and saw a demonstration of the swiftwater rescue crew that they have funded. It is one of the best in Australia at providing swiftwater rescues. Little did we know that within a month or so of visiting and seeing that in action, it was actually being used to save people in the evacuation of Old Noarlunga. No doubt it saved the lives of people that night when the water was rising quite quickly. These are important services to be funded and this levy goes directly to funding those critical services.

Thirdly, it is really important to note that low income earners and pensioners are protected from high emergency services levy rates. The remissions that the opposition talks about are still in place for those people. Those people who have the most limited fixed incomes in our society and low income earners are protected by remissions, and they have not faced significant increases in their emergency services levy. We know that the people who face the biggest emergency services levies have quite significant property holdings. Therefore, it is not the same people who might come to my office, or the member for Torrens' office, or the member for Fisher's office for assistance and to talk about how they are struggling to make ends meet because they are on a pension or a very low income. They are not facing significant costs through this levy; it is protected through the system.

The fourth issue that is very important to note about the levy is that the changes to the remissions were made—and this is where the rest of the state government budget and other taxes that people paid were going into top up the emergency services fund instead of the levy—because we had very significant cuts to our health and education funding agreements from Canberra. We had signed agreements with the commonwealth government that were torn up in the 2014-15 federal budget. We faced the challenge of whether there were going to be significant cuts to health services that needed to be made, or whether we would take this change to the emergency services levy and use the levy to fund emergency services so that other money could be freed up to fund public hospital services.

I think all of us on this side are very committed to making sure that our public hospitals are funded to the fullest extent possible. Opposition members, when they continually claim that if they win the next election they will reintroduce the remissions—however much that is going to be now, I think that will now cost well over $400 million—have absolutely no plan for how they are going to fund that. They have no plan for where they are going to get the money to do that. Are they going to cut hospitals? Are they going to close country hospitals? Are they going to close schools? Are they going to close schools in the country?

Members interjecting:

The DEPUTY SPEAKER: Order! Sit down member for Kaurna. If members on my left want to have a turn speaking and want to be heard, they need to respect the standing orders of the house. I remind you that the Speaker has already drawn up the book for this afternoon's question time, and it would be awful if the bases were loaded before you got there, wouldn't it?

Mr PENGILLY: Deputy Speaker, I do not want to enter into any debate with you—

The DEPUTY SPEAKER: But you will anyway. Go on.

Mr PENGILLY: If opposition members are goaded, we are going to react.

The DEPUTY SPEAKER: No; I'm sorry, member for Finniss, please sit down. The house's time is precious. The member for Kaurna will be heard in silence.

Mr PICTON: The member for Finniss, who is on his way out, does not want to hear it—

The DEPUTY SPEAKER: No. Order!

Mr Pengilly interjecting:

The DEPUTY SPEAKER: Order, the member for Finniss! Member for Kaurna, back to your remarks.

Mr PICTON: It is important that, in the public policy debate that should be happening in this house, if someone is going to announce they want to reintroduce a remission that is going to cost hundreds of millions of dollars, then they should announce—

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

Mr PICTON: —to the people, where—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PICTON: —in fact they are going to get the funding to do that. They have not done that. There is going to come a time, before the next election, when they are going to—

Members interjecting:

The DEPUTY SPEAKER: Unfortunately I will have to start warning people.

Mr PICTON: —have to do that, to announce to people what their plan is to fund the promises they are making. To come into this house continually—

Mr PEDERICK: Point of order.

The DEPUTY SPEAKER: The member for Hammond will have a relevant point of order, I am sure.

Mr PEDERICK: It is a relevant point of order. The member for Kaurna, unless I am under some illusion, has nothing to do with what the Liberal Party will do in government.

The DEPUTY SPEAKER: That is frivolous. Member for Kaurna.

Mr Pederick: I don't think so.

The DEPUTY SPEAKER: Member for Hammond, you want to be grateful he has nothing to do with you.

Members interjecting:

The DEPUTY SPEAKER: You are wasting the time of the house. The member for Kaurna can have an extra minute now.

Mr PICTON: Thank you.

Members interjecting:

The DEPUTY SPEAKER: No; I am not going to have it. You are grown-up people. I will be warning you from now on. He is entitled to be heard in silence. You will have a turn and I will protect you as well.

Mr PICTON: It is a very clear and very important public policy point that if you announce that you want to spend some money, or you want to save some people some tax money, some high-income earners—

Mr Pederick interjecting:

The DEPUTY SPEAKER: The member for Hammond is warned.

Mr Pederick interjecting:

The DEPUTY SPEAKER: The member for Hammond is called to order and warned. I have done them in reverse, but it is the same thing.

The Hon. T.R. Kenyon interjecting:

The DEPUTY SPEAKER: Order! The member for Newland is not in his spot.

Mr Pederick: Chuck him out.

The DEPUTY SPEAKER: Member for Hammond, don't press your luck.

Mr PICTON: They have to announce where that funding is going to come from. We are hearing howls of protest—

Mr Pengilly interjecting:

The DEPUTY SPEAKER: The member for Finniss is called to order.

Mr PICTON: —but that does not dispute the fact that if you want to announce something—

Mr Bell interjecting:

The DEPUTY SPEAKER: Member for Mount Gambier, I can see your lips moving.

Mr PICTON: —you should announce where it is going to be funded from. I look forward to further debates in this house on this motion and to hearing where this will be funded from. That is going to be a key question for them at the next election, not only on this issue but also on a whole range of other significant promises—

Mr Pengilly interjecting:

The DEPUTY SPEAKER: The member for Finniss is warned for the first time.

Mr PICTON: —that have been made where there is no announcement as to where the funding will come from. I worry, and I think a number of my colleagues worry, that this means that their secret plan is to cut hospital—

Members interjecting:

The DEPUTY SPEAKER: Member for Kaurna, sit down. I just want to remind members on my left that Speaker Bishop gave a rule on audible laughter. I do not want to hear any more audible laughter or I will have to refer to Speaker Bishop's ruling on that. Member for Kaurna.

Mr PICTON: When you are announcing a policy that is going to cost $400 million over the forward estimates, you should announce to people what other areas you are planning to cut that funding from. The budget of the state is not a magic pudding; it needs to be found from somewhere. We are all very worried that that is really going to mean—

Mr Treloar interjecting:

The DEPUTY SPEAKER: The member for Flinders is called to order.

Mr PICTON: —cuts to essential services, cuts to hospitals, cuts to schools, cuts to a whole range of very important areas of services for the kinds of people that this motion is saying they are concerned about. They are saying they are concerned about people's cost of living pressures. If you are cutting public schools—

Mr Duluk interjecting:

The DEPUTY SPEAKER: He gets an extra minute because you were all naughty. Sit down.

Mr PICTON: —if you are going to cut people's concessions—we have increased concessions considerably under this government. We introduced a cost of living concession that has helped people on pensions and low incomes to the tune of $200 a year. Maybe that is in the firing line, if this policy comes through, to help high income and significant property owners in this state. That is something that needs to be announced, that is something that needs to be debated, so that people have the right to choose at the next election what their policy proposition is. You have ask, if we are going to spend up to $400 million over the forward estimates, where is the money going to come from? There is no plan to do that.

Mr Bell: You guys have done such a great job of balancing the budget, haven't you?

The DEPUTY SPEAKER: The member for Mount Gambier is called to order.

Mr PICTON: We saw exactly the same thing happen in federal parliament, when Tony Abbott promised a whole range of things and then came in with dramatic cuts in the 2015 budget. We are very worried that the same thing will happen here. The pressure will be on the Liberal Party this year to announce where the money is coming from.

The DEPUTY SPEAKER: Bearing in mind that we have a very important motion, No. 2, the member for Stuart is going to speak.

Mr VAN HOLST PELLEKAAN (Stuart) (11:56): I rise to very earnestly support the member for Morphett's motion. He addresses both the fact that there is a huge and growing number of people in South Australia who are suffering cost of living pressures and also the very important example of ESL. My thoughts and heart are primarily with low income people under cost of living pressures. Cost of living pressures can affect everybody across all spectrums—all incomes, all backgrounds—but people on low incomes, of course, are under more pressure than anybody else.

In fact, I was listening to an interview on ABC radio the other day when it was quantified that in Australia, across the whole nation, people below an $80,000 per year household income were under growing and extreme pressure. People above that amount were under pressure but not nearly to the same extent. That would make great sense to all of us. I hope that everybody here has their hearts and minds particularly focused on people on low incomes when it comes to the cost of living because those people in South Australia have been treated incredibly badly by this government. This is the highest taxing state in the nation, and ESL is a prime example of that. Taxes are increasing all the time, and people have to deal with it.

The member for Kaurna, who is a capable and intelligent person, is completely lost on this topic. He has been sent down here to talk about something that he actually knows absolutely nothing about. For him to say that the government chose to remove the remissions because of the federal health cuts is absolutely ridiculous because the potential cuts that he is talking about, even if they were real, had absolutely no impact on the current federal or state government budgets.

The government decided to put in these ESL remission removals immediately for some fictitious cut that may or may not have come down the track.

Mr Picton: There were immediate cuts.

The DEPUTY SPEAKER: The member for Kaurna is reminded.

Mr VAN HOLST PELLEKAAN: It was absolutely factually correct that the federal government's contribution to the health budget was going to increase across the forward estimates of the state government's budget. It is an absolutely pathetic excuse to say that that is why the state government removed the remissions.

The other thing that the poor old member for Kaurna said was that it would not hurt the emergency services sector. Keeping in mind that remissions is the section of the emergency services funding that the government paid for instead of private people paying for it, when those remissions were removed, the emergency services sector did not get one extra dollar. So, $90 million per year was taken out of the public taxpayers' pocket for absolutely no benefit whatsoever to the emergency services sector. There was not one extra fire truck, there was not extra surf lifesaving rubber ducky, not one extra SES trailer, pump or chainsaw—not one extra piece of equipment was bought because these remissions were removed.

Essentially, the public had to pay money straight to the Treasury. The emergency services sector did not get one extra dollar out of those remission cuts. The member for Kaurna completely misunderstands and/or misrepresents that. To me, the most concerning assertion that the member for Kaurna made was that they do not affect low income people because the low income people are protected from the remissions is absolutely laughable. Every low income person who rents a home is affected by the removal of the remissions because the owner of that home has to pay the emergency services levy fee.

The owner of that property pays more and so, naturally, down the track that flows through to rent. Low income people are not protected. Every time a low income person wants to purchase something, whether for personal consumption or a service, when the provider of that good or that service has paid more in emergency services levy because the remission was removed, that extra cost is going to flow through to that low income person as the consumer of that good or that service. It is completely inappropriate to say that the removal of the remissions do not affect low income people.

This is a very important motion by the member for Morphett. Low income people particularly are affected by this government's increases in fees, taxes and charges over the life of the government, over the last 15 years. Other people are affected as well. The emergency services levy

and the government's removal of those remissions, under an inaccurate claim regarding the federal government budget, which had no impact on their state government budget in the forward estimates, is wrong.

To say that the emergency services sector is not affected is wrong. There are people out there who think that the emergency services are receiving all this extra money, so even their reputation is affected. People just assume that they are getting extra support when the sector is actually not getting one extra dollar from the government through the removal of the remissions. To say that low income people are not affected is a dreadful shame and, if the member for Kaurna reflects on that, I am sure he will agree with me.

Mr BELL (Mount Gambier) (12:02): I rise to support the member for Morphett's motion. It is quite interesting that when the member for Kaurna starts talking he shows how limited the information that he has is about how businesses work and, more to the point, Liberal Party policy. To be clear, we are talking about putting $90 million back into people's pockets and this will be $150 for the average household going back into people's pockets.

Members interjecting:

Mr BELL: It will all be detailed before the next election. Do not worry, the people of South Australia will have a very clear choice when it comes to the next election. They can continue to support a government that is not listening, that does not care about cost of living pressures, or support a Liberal government that has a vision for South Australia's future and a real eye to getting the costs of living down. The emergency services levy is one of those key planks—in fact, a very expensive policy—but we think it is worthwhile because the people of South Australia are certainly hurting.

It is not only the people: it is the organisations. If you go into your schools, which I am sure most members do and go through a bit of fanfare, just ask the bursar or the principal how much their emergency services levy has gone up in their school. Go and ask them how much is basically coming out of the pockets of their school that could be going into many other things, including extra teachers or directed support for literacy and numeracy but is now going into emergency services. It has been reported that schools have seen increases of 400 to 500 per cent.

To put that into a dollar term for the member for Kaurna in case he cannot work it out, some of their bills went from about $6,500 to $30,000 just for the emergency services levy. This is on top of increasing power prices. Of course, the way the government has the power set up with schools is that it is on a rolling three-year deal, which sounds great until the three years comes up and the money they get in will only be paid at what their bill was three years previously.

It is almost a reverse incentive to save power and to be efficient because in three years' time, if you drop your bill by $5,000, the amount you get in for electricity is $5,000 less. That is great if you can make continual improvements. Of course, sometimes there are blips on the screen and the bill goes up, but you are being paid less money than is coming in.

It is not only schools: it is our service clubs and our sporting clubs that are seeing these massive emergency services levy increases, and that is an area we want to focus on—not just on the people of South Australia but the community groups and sporting clubs as well. I leave it there because we have a number of speakers on this matter. I support the member for Morphett's motion and commend it to the house.

Mr PEDERICK (Hammond) (12:05): I rise to support the motion of the member for Morphett:

That this house—

(a) condemns the state government for increasing cost of living pressures on South Australian families and businesses; and

(b) supports significant reductions in the impact that emergency services levy changes have on South Australian families and businesses, whilst at the same time ensuring proposed budgets for emergency services are maintained.

Let's reflect on what has been going on in this state over the last 15 years, but more so in recent times—the increased impost on the poor citizens of this state in regard to high electricity, water prices and state taxes and charges.

High electricity prices are bad enough, but we also have the least reliability of any state in the nation and we are the laughing stock of not only the nation but the world. We are supposedly a First World economy, but we are below Third World status in the way our power supply has been managed by this government.

Sometime in the not too distant future—and they may have had these thought bubbles in the Labor government cabinet—the offer by Alinta to keep the Northern power station going and to support the Leigh Creek coalmine to keep that plant going, and what was offered, was probably a cheap exercise. We have seen carnage to our community since the Northern power station has shut down over 500 megawatts of base load power supply to our state. Not before, but ever since then we have seen unprecedented breakdowns in the electricity supply to this state.

Who in their right mind would have one circuit-breaker for the whole state that blows out the whole state when some pylons blow down 250 kilometres north of Adelaide and are lost? It is outstanding in its idiocy, but that it is what happens because of this green ideology that we must be striving for 50 per cent wind power. We saw what happened last Wednesday, when there was load shedding—and my community suffered load shedding—

Mr van Holst Pellekaan: Rationing.

Mr PEDERICK: Is it called rationing now?

The Hon. L.W.K. Bignell: You could do with a bit of load shedding.

Mr PEDERICK: You're a rabbit, Minister for Agriculture. You are a rabbit.

The DEPUTY SPEAKER: Order! Sitting down. I am on my feet.

Mr PEDERICK: We'll give him a bit of calici, I think.

The DEPUTY SPEAKER: I am on my feet. I am not sure that animal names are in order in this place.

Mr van Holst Pellekaan interjecting:

The DEPUTY SPEAKER: No, the clock will keep ticking and you will waste his time. The member for Hammond is entitled to be heard in silence, and I have asked you all to respect the standing orders. Member for Hammond; I have protected you yet again.

Mr PEDERICK: Thank you, Madam Deputy Speaker, I was just trying to defer the feeble attempt of having a crack at me from across the chamber.

There are many areas in my electorate, including Murray Bridge, that were part of that load-rationing process, and they were angry. It was 42°, and for about 40 minutes they could not have their air conditioners going. It is not unusual to have temperatures of 42° in this state, it is not unusual at all—and this was the first day. This shows the sheer incompetence of a government policy that has driven this state into the darkness for investors, for businesses and for people just trying to live, including retirees who need their vital electricity just to stay alive. It is completely outrageous.

Hazelwood, the power station in Victoria, is shutting down at the end of next month, and I warned about this before in this place late last year. It is stipulated in their forward contracts that their power prices are going up between 100 and 150 per cent because of the ideology that is killing off the base load power we are connected to that supplies, from Victoria, about 23 or 25 per cent of our current electricity needs. I am afraid that after March comes along we will all be living in caves. As I asked the other day: what came before candles? Electricity.

This is what this government has driven us into: the dark ages. Not only that, they slug us for the emergency services levy, which goes up every time there is a major fire. Every time, the Treasurer uses it as an excuse to suck more money out of the populace of South Australia. It keeps being ripped out of their pockets. When we get into government, by $90 million a year we will reintroduce the remission, saving the average household up to $150. This will help ease the

unemployment rate in the country, put money back into the pockets of South Australians and help create jobs. This is what we need to do going into the future.

This state is heading into an even bigger black hole as we watch what is happening with the power crisis and as people are taxed into oblivion. Another tax that people are being taxed to death with is the natural resources management levy. Instead of coming out of general revenue, we are paying for the staff at the Department of Environment, Water and Natural Resources. It is absolutely outrageous that the people of this state are being taxed into oblivion. In March 2018, they will vote and they will have their say.

Mr PENGILLY (Finniss) (12:12): I rise to support the motion moved by the member for Morphett. It is a good and useful motion and should be agreed to by the house in its entirety, in my view—but it probably will not be. The reality is that cost of living increases are slaughtering South Australian families financially and making it increasingly difficult for them to go about their businesses. They are making it extremely difficult for businesses to operate. A great drift of our young people is getting out of South Australia because they simply cannot afford to stay here. They cannot get good enough jobs, there is no hope for the future, they want to give their children a chance and the cost of living here is making that nigh on impossible.

We only have to look at three items that have been mentioned here this morning: the cost of electricity and its reliability, the cost of water and the continual breakdown in the city of the reticulation system, with pipelines blowing up everywhere on a regular basis. That has been picked up by the media well and truly with some degree of mirth. Of course, there is the emergency services levy, which was never designed to be ramped up just to prop up a government that is financially inept and running out of money fast. The Treasurer can stand up in this place and talk about surpluses, but anybody who can count from one to five can tell you that the surplus was arrived at by the sale of MAC (the Motor Accident Commission). It is not through his good management, I can tell you.

The good old rural sector is having a reasonable season despite low prices in grain and cereals, although the price of oil seeds is not quite so bad, but the fact is that it is just so difficult for South Australians. They come into my office, one after the other, with their complaints, almost in tears over the fact they cannot pay their bills. With that, I will conclude my remarks. I completely support the member for Morphett.

Mr WINGARD (Mitchell) (12:15): I rise as well to speak in support of this motion put forward by the member for Morphett that condemns the state government for increasing cost of living pressures on South Australian families and businesses and supports significant reductions in the impact that emergency services levy charges have on South Australian families and businesses while at the same time ensuring proposed budgets for emergency services are maintained. As has been pointed out by numerous members before me, we know that the emergency services levy, and the way it slugs families and businesses, is a very big impost in this day and age.

What we have seen from the state government on the other side for 15 years now is their irrational spending being responded to with increased fees and charges, and the emergency services levy is an exact case in point. It is hard enough doing business here in South Australia. When I get out and speak to many small businesses and businesses across the board, right across the state in the city and country regions, they tell me that these fees and charges—the emergency services levy, high electricity prices and water prices and other fees and charges—are inhibiting businesses from growing, which is preventing jobs growth in South Australia as well.

We have talked in this place about the high electricity prices. Quite simply, the lack of reliability in the supply of electricity in this state is hurting businesses and families. It is pretty straightforward as to what the problem is. We know in South Australia that, when the wind does not blow and the sun does not shine, we are very vulnerable in the electricity market—that is the bottom line. We know water prices have increased drastically by 233 per cent from 2002-03 to 2016-17. These are massive hikes and, again, the hikes in the emergency services levy are hitting everyone, every day.

What we also see with this emergency services levy increase is no additional funds going to emergency services, and that is the case in point here. South Australians are paying more, but they are getting no more as far as emergency services are concerned. This is really just another way for

the Labor government in South Australia to rip money out of the back pockets of South Australians. What they are doing is taking money from South Australians and putting it into their own coffers. The money was there, the budget was there, for emergency services. That is not increasing, but more money is coming out of the pockets of South Australians.

What we on this side have proposed to do is put $90 million a year back into the pockets of South Australians by returning the remissions, and that will put money back into the economy. I stress that that money goes into the pockets of individuals and businesses, which will get the economy moving and help generate jobs for South Australians.

We had some good news on seasonally adjusted unemployment figures in this state, but we are still the worst in the nation on trend data. We still have the highest unemployment rate on trend at 6.7 per cent in South Australia, which is the worst in the nation, and we know Holden is going to close later this year. What we are here to do is grow jobs in South Australia. We are here to help businesses, we are here to help them grow, and we are here to help generate more opportunities for South Australians to stay in this state and live a wonderful life.

We know it is a great state. We are being chastised by the eastern seaboard. At the moment, we know South Australia is a great state, but when those on the eastern seaboard look at the figures and the raw numbers, they probably have reason to criticise where we are going as a state, and that is after 15 years of having a state Labor government.

I will be brief so that other members can speak, but these fees and charges, such as the ESL and the high electricity prices, are really hurting businesses, hurting industry and hurting South Australian people. As we look at jobs in South Australia, the underutilisation rate from ABS figures that are out today, it has gone up in South Australia—that is people who are in work, looking for work or people not in work. South Australia has the highest underutilisation rate in the nation at 17.2 per cent, up from 16.4 per cent the previous month.

SA has the highest underutilisation rate in the nation and it is getting bigger. The national average, for what it is worth, is 15.3 per cent. Again, we have the issues of people looking for more work, wanting to work more and the opportunities not being here in South Australia. Increases in fees and charges—I stress the point again, like the emergency services levy, like the electricity and water prices—are causing a big part of this impost on South Australians.

The other concern I have is youth unemployment, people aged between 15 and 24 years of age. When you drill down and look at those figures it is 69.9 per cent up from 15.1 per cent the previous month. Again, South Australia is the highest in the nation: 12 months ago it was 16.2 per cent so, again, youth unemployment is growing here in South Australia. I come back to that point once more, that it is the cost of fees and charges.

When I go out and speak to businesses and talk to people in the community and around the state about small business and industry in South Australia, as the shadow in those portfolios, they tell me that it is the cost of fees and charges here in this state, emergency services levy, electricity—we know the electricity story and the unreliability that we have in South Australia—and water fees and charges are what drive businesses out of South Australia and with that go jobs. Many I speak to have an operation here in South Australia and one outside of our borders and they are constantly asking, 'Why do we stay in South Australia when it is so much cheaper to do business interstate?'

As they leave—and they are, with Pfizer recently moving out of South Australia and a number of other businesses moving out of the state—they take jobs out of South Australia leaving fewer jobs for our young people and hence we see that the youth unemployment rate in South Australia is the highest in the nation. It is alarming. This government is not doing enough to generate more jobs in South Australia. That is why I support this motion: fees and charges like the emergency services levy are doing real damage to the prospects for employment in South Australia, prospects for all South Australians but more specifically for our young people. I commend this motion to the house.

Mr WHETSTONE (Chaffey) (12:22): I would also like to make a contribution to the member for Morphett's motion. The high cost of living pressures here in South Australia are a huge burden on South Australian households and businesses. These cost pressures are shifting our economy and making it worse. The high cost of living is impacting on business growth, expansion and job

creation as well as investment in this great state. That is why we have the highest unemployment rate in mainland Australia and our population growth has gone backwards.

In 1998, when the then minister Iain Evans introduced the ESL, the cabinet submission, and the line previously quoted by Labor MPs, stated that everyone in the community has the right to expect access to affordable services for the protection of life, property and the environment, and everyone has the responsibility to make a reasonable contribution towards the cost of living in doing so. The key word here is 'reasonable'. I think the member for Kaurna forgot to mention 'reasonable' when it comes to the ESL levy. Labor's continued hikes on the levy certainly make it no longer a reasonable levy.

The ESL hikes three years in a row impacted upon families and businesses struggling to make ends meet here in South Australia. Recently I received a FOI document showing that more than 4,700,000 emergency service levies were still outstanding as of 30 June 2016. That is 103,000 people who were served with final notices, an increase from 95,785 in 2013-14. More than 23,000 people were referred to debt collection agencies in 2015-16 to chase up outstanding ESL bills. Households and businesses cannot afford to pay this increased tax by a government that is obsessed with tax and it is driving people away from this great state. People are already struggling to pay their water, electricity and gas bills and it just shows how out of touch they really are.

I want to touch on the disadvantage that export businesses here in South Australia face with another cost to their bid to remain globally competitive, particularly our small to medium enterprises. It is critical that we remain competitive at a world export level. In a transitioning economy, we should be supporting our exporters, not continually taxing them. Again, the high cost of living and the high cost of running a business in South Australia seem to be a real handcuff on progress.

The state government exporting target of $18 billion by 2017 is about to be missed, and this ESL increase is another contributor. We are more than $3 billion away from that target. Cost of living pressures, not only on households but also on businesses and people wanting to export to be part of our state's economy, are a threat. In conclusion, the South Australian Liberals will reinstate the ESL rebate to the tune of $90 million per year, giving households and businesses much-needed relief. This will put money back into the pockets of South Australians to help create jobs and grow our economy. I commend the motion to the house.

Mr KNOLL (Schubert) (12:25): I rise today to support this motion. It is extremely important and an extremely important piece of the fabric of South Australia, especially in terms of the services provided with the funds that are used. The emergency services levy is one that has a noble history and a noble beginning to its existence, but it is one that this government has used for its own purposes. I think the government has actually used up the goodwill that exists within our community for emergency services to essentially hide ever-increasing tax grabs.

What we have seen since 2013-14 is that every single year we have an increase in the emergency services levy. We had the $90 million increase in the 2014-15 year, we had another $20 million increase last year and then we had another 1½ per cent increase in last year's budget. Obviously, the $19 million increase is disgusting because it is basically the government saying, 'We are going to withdraw any general revenue that goes into funding our emergency services, and we are just going to levy the taxpayers of South Australia.' That has the practical effect of creating an added land tax on Australians.

I think it is dishonest to use the emergency services levy in this way because, if the government wanted to propose increasing the land tax, they should go ahead and do it. They have tied it to emergency services to try to put a nice gloss of paint over the fact that this is just a naked tax grab—a naked tax grab from South Australians at a time when they are struggling under the highest power prices that are set to increase even more in South Australia. We have the highest water prices, and our taxation charges, our fees charges and our speeding fines are the highest in the country, and all this government seeks to do is take extra dollars out of South Australian pockets.

It is disgusting. I find it reprehensible, and it is something the Liberal Party will not stand for. From the outset, I would like to say that the state Liberal government will reduce by $90 million the amount of emergency services levy income we get from South Australians. The average house of somewhere just over $400,000 will save around $150 a year. That is $150 that can otherwise be

spent at the local cafe, at the local clothes shop or for any other use that South Australians feel is much more important than handing over that money to the South Australian government. That money can be used to stimulate and help create jobs within our communities all across the state.

The reason I say that this government is being dishonest and trying to use up the goodwill that exists amongst our community towards our emergency services is this: in 2014, we had the Sampson Flat bushfire and that raged for a couple of weeks in the foothills of Adelaide, much of it within my electorate. It was an extremely expensive fire to fight over very difficult terrain and a long time period.

Naturally, the government sought to recover the cost of the fire through an increase in the emergency services levy of $7½ million. In the 2015-16 year they said, 'We have had the Pinery fire, which cost $7.5 million; we are going to seek to recover that money by increasing the emergency services levy.' I think that is well and good. I think that South Australians would say, 'Yes, this is a worthy cause. This is exactly what we need to be spending our money on, and we are happy to pay our fair share.'

What happened this last year was that that $7.5 million, which was a one-off expense to our emergency services operations, has basically been banked as a yearly increase by this government. So, instead of giving back that $7.5 million, to create a lower baseline, and then simply seeking to get the $2.8 million to recover the cost of the Pinery fire—again, which burnt within my electorate—they basically banked that $7.5 million increase and then went and asked for more money to recover from the Pinery fire.

The truth is that those expenses are one-off expenses. They should be recovered as one-off expenses through the emergency services levy. When the next year rolls around, those figures should not be calculated in the baseline from the previous year's emergency services levy. I find it disgusting that this government would use the pain and suffering of people who lost homes, lost livestock, lost livelihoods within the Sampson Flat bushfire, and the subsequent goodwill of the community to help those people in need. One of the fantastic things about South Australians is how we came together after these fires. All this government did, in a cynical tax grab, was bank that $7.5 million increase, and it has become an annual increase, every single year, year on year, in the budget. It is absolutely disgusting.

That is why I am so proud to be part of a Liberal Party that is going to put $90 million back into the hands of taxpayers. I know they deserve that money, they will spend it so much more wisely than this state government ever will, and we can actually foster the goodwill within our community and not abuse it, not merely use the goodwill of South Australians as a naked tax grab. We can actually be honest, fair and transparent about what our emergency services levy gets used for.

Dr McFETRIDGE (Morphett) (12:31): The contributions by members on this side are ones that every member on the other side should read and digest and understand. The impacts on South Australia of 15 years of hard Labor will have consequences. It is something that South Australians cannot continue to bear and I hope in 2018 they see that there is some light on the horizon, not just the $90 million we are going to put back into the ESL but a real economic future for this state.

Motion negatived.

BANGKA STRAIT MASSACRE

Mr DULUK (Davenport) (12:32): I move:

That this house—

(a) recognises that today is the 75th anniversary of the 1942 Bangka Strait massacre;

(b) honours the memory of Australian nurses killed in the Bangka Strait massacre; and

(c) commends the SA Women's Memorial Playing Field Trust for their ongoing commitment to the annual Bangka Day Memorial Service.

Amongst the many revelations and horrors to emerge in the postwar years, the massacre at Bangka Island, Indonesia, was one of the most prominent in the news and minds of Australians in the immediate aftermath of the war. As time has passed, and we have been inundated with the stories of horror, courage and the ultimate sacrifice, the tale of Sister Vivian Bullwinkel's survival against

Japanese forces in World War II still remains one of the most horrific. Seventy five years ago today, 22 brave women walked with their heads held high into the sea, as the Japanese machine guns opened fire behind them. On this day, above all days, we remember them.

The Bangka Strait massacre will be a familiar story for many here today, with members having a long tradition of commemorating its significance. Many of my colleagues, including yourself, joined me last Sunday for the annual commemoration service at the South Australian Women's Memorial Playing Fields. No words can truly do justice to the atrocities that unfolded on Bangka Island, but such is the bravery of the Australian nurses who endured unthinkable tragedy. It is most important that we remember their story of service and sacrifice.

In February 1942, there were more than 100 military nurses stationed in Singapore as part of the Australian 8th Division. With Japanese forces advancing rapidly across the island, the fall of Singapore was imminent. On 6 February, an order came for all nurses to evacuate. Over the next week, despite their protests and reluctance to leave patients who were not fit enough for evacuation, the nurses departed Singapore.

Three ships were used in the evacuation. The fate of those three ships and that of the 100 plus nurses on board would be profoundly different. As the ascendancy of the Japanese air force gained momentum, all vessels would be subject to bombings. The first ship left Singapore on 10 February and made it without incurring much damage. The Australian nurses on board that ship were safely home within a few weeks. A day later, the second ship sailed, a cargo ship designed to carry 24 passengers but with more than 2,000 people crammed aboard. Although it sustained considerable damage from Japanese bombers, it too managed to reach Australia.

The final ship to leave Singapore harbour was the SS *Vyner Brooke*, carrying 65 Australian nurses and severely overcrowded with another 250 men, women and children. It would come under heavy attack just two days after leaving harbour, and on 14 February it sank in the Bangka Strait. While the passengers of the first and second ships were making their way to safer waters, a nightmare was unfolding for those aboard the *Vyner Brooke*. Many were killed during the initial Japanese attack on the ship. Many more drowned or were killed by machine-gun fire as they struggled in the water.

Under the direction of matrons Olive Paschke and Irene Drummond, the nurses had agreed to be the last to evacuate the *Vyner Brooke* so that they could ensure all other passengers had left the ship before they themselves jumped into the sea. Of the 65 Australian nurses on board, only 53 would make it to the island. Some were quickly captured by Japanese soldiers and interned at Muntok on Bangka Island. Another 22 nurses, all wearing their uniforms and Red Cross armbands, made it to shore at the nearby Radji Beach, where they were joined by civilians and servicemen who had also drifted ashore.

One of those nurses was 26-year-old South Australian Vivian Bullwinkel. Vivian was born on 18 December 1915 in Kapunda, training as a nurse and midwife in Broken Hill. When World War II erupted, Vivian applied to be a nurse in the RAAF, but was rejected for having flat feet. Undeterred, Vivian instead joined the Australian Army Nursing Service and was assigned to the 2nd/13th Australian General Hospital. In September 1941, she travelled to Singapore.

Now on Japanese-occupied land, without food and without help for the injured, Vivian and her compatriots surrendered to the Japanese troops. Vivian was the only survivor of what happened next and described the following in her own words:

> …about 10 o'clock on the 16th of February the ship's officer returned with a party of about 20 Japanese (soldiers). They lined us up—the men, of whom there were about 50, on one side and the 22 nurses and one civilian woman on the other. They then took the men away down the beach behind a bluff…they came back and cleaned their rifles in front of us, and then signed us to march into the sea.
>
> They then started machine gunning from behind.

It is a tragedy so horrific it is difficult to recount. The proud and stoic matron Drummond's final words to her sisters as they walked towards the water's edge were, 'Chin up, girls. I am proud of you and I love you all.' It is impossible to comprehend what the nurses must have been thinking in their final moments: thoughts of their loved ones, thoughts of their years lived and their years lost, their

unbelievable fear, no doubt hearts pounding through their chests. In 1945, in the aftermath of the war, as Australians learned of the nurses' fate, *The Advertiser* appropriately wrote:

> There cannot be any savage so benighted as to be unable to realise something of the privileged position that an army nurse should hold in war, not only in consideration of her sex, but by reason of the mission of mercy she necessarily discharges, without discriminating between casualties among her own countrymen and wounded prisoners taken from the enemy.

Nurse Bullwinkel was the lone survivor of this atrocity. A bullet hitting her at waistline and passing straight through her saw her survive. The waves brought her back to the water's edge, where she lay until all fell quiet. Vivian's courage and resilience is unparalleled. She dragged herself out of the sea and into the jungle, tending to her own wounds and that of injured British soldier Patrick Kingsley, who had also miraculously survived the massacre.

After almost two weeks in the jungle, they surrendered to the Japanese and were taken to the prisoner of war camp at Muntok. At Muntok, Vivian was reunited with those Australian nurses who had washed ashore elsewhere on the island. They were held captive for 3½ years until the war's end. Sadly, eight nurses would never leave, dying from disease and malnutrition. Only 24 of the original group of 65 Australian nurses made it home.

It was not until the end of the war, and nurse Bullwinkel's release, that the horror of Bangka Island was revealed. It is also a reminder to us all about how fortunate we are and how much we owe to those who have served our country. We live in a time of relative peace, unprecedented prosperity and freedom. The Australia we know today was built on the courage and selfless actions of women like Vivian, the 21 women lost on Bangka Island 75 years ago today and the many thousands of Australian servicemen who have sacrificed their lives so that we can enjoy ours.

It is our responsibility to remember them and commemorate their courage, service and selflessness. We do so each year at the South Australian Women's Memorial Playing Fields. This year, we were honoured to be addressed by the Hon. Dr Brendan Nelson, Director of the Australian War Memorial. The playing fields eight-hectare site was established by Liberal premier Sir Thomas Playford in 1953 as a living memorial, as a home for and to encourage women's sport.

Today, the playing fields are home to Blackwood Hockey Club, Cumberland United Women's Soccer Club, SACA Women's Cricket and Sturt Lacrosse. A dedication ceremony was held in 1956 in memory of the contribution made by servicewomen during World War II, with a particular focus on the 65 nurses of the *Vyner Brooke* and victims of the Bangka Strait massacre.

The SA Women's Memorial Playing Fields Trust oversees the memorial aspect of the site and is also responsible for the annual Bangka Day Memorial Service. I thank Mr Bruce Parker OAM and the trust for their ongoing commitment to honouring the contribution made by our servicewomen. The work of the trust is critical to ensuring that the service and sacrifice of Australian women in armed conflict is never forgotten and that their memory lives on for future generations.

Ms DIGANCE (Elder) (12:41): I thank the member for Davenport for bringing this motion to the house. It is an extremely important motion in recognition of these amazing nurses. Today, 16 February, marks the 75th anniversary of a very dark day in Australia's military history. On 12 February 1942, when the fall of Singapore was imminent, 65 nurses fled on a small boat, SS *Vyner Brooke*, heading for Palemburg in Sumatra. Along with a number of other vessels, the *Vyner Brooke* was sunk by Japanese aircraft in the Bangka Strait and 22 of the nurses, along with more than 100 soldiers and civilian men, women and children, washed up on Radji Beach, Bangka Island.

The island was occupied by Japanese forces, and Japanese troops soon arrived to deal with survivors. A fateful decision was made on 16 February 1942 to execute those survivors rather than take them prisoner and they were divided into groups, marched into the sea and mowed down by machine-gun fire. The nurses were the last group to be shot.

One survivor, Sister Vivian Bullwinkel, was born in Kapunda, South Australia. Though wounded by a bullet, Vivian pretended to be dead. Vivian hid for the next 12 days before surrendering to the Japanese, never once mentioning to them her knowledge of the massacre. Vivian spent the following 3½ years in a Japanese prisoner of war camp, until she was finally released at war's end in 1945.

After discharging from the Army in 1947, Vivian was appointed Director of Nursing at the Fairfield Infectious Diseases Hospital, devoting her life to the nursing profession and serving as a member of the Council of the Australian War Memorial. Vivian returned to Bangka Island in 1992 to unveil a memorial to those Australian nurses with whom she had served and who had not survived the war. Vivian died in July 2000, aged 84. The Radji Beach massacre is a vivid reminder of the tragedy of war. This story of courage, resilience and loss is captured in the poem *Bangka Strait*, written by Keith Shegog, which concludes with the verse:

> Twenty-two nurses marched into the sea
>
> Sounds of gun fire, a prayer to Thee
>
> One survived the final test
>
> Twenty-one more find eternal rest
>
> So remember, those the Good Lord took
>
> Their journey began with the sinking of
>
> the *Vyner Brooke*.

I attended the service with my fellow parliamentarians from the electorates of Florey, Fisher, Reynell, Kaurna and Davenport, and the Minister for Veterans' Affairs (member for Waite), along with many others this past Sunday—the annual Bangka Day Memorial Service at the Women's Memorial Playing Fields—to commemorate the 75th anniversary. It was a very moving service. Ruth Hough also gave a reading; she is always a stalwart of that particular service.

The President of the Women's Memorial Playing Field Trust, Mr Bruce Parker OAM, and his team are definitely to be congratulated on the tireless work they do in coordinating the service every year and on their role in promoting women's sport in South Australia. Bruce is a passionate supporter of the Women's Memorial Playing Field Trust and has worked tirelessly over many years to create and care for an enduring memorial in honour of these brave Australian women. I am grateful that these women chose us, their fellow Australians, as they triumphed over fear and, inspired by love for their fellow humans, sacrificed themselves in an act that is above all acts—the sacrifice of their lives. I am sure we are all grateful to them.

In closing, I am grateful to see that there may be moves afoot to redevelop this whole playing field area in the near future, which is badly needed. I am aware that the trust is working closely with the Office for Recreation and Sport, Veterans SA and the state government to develop plans for an upgraded memorial plaza area at the playing fields as part of a broader upgrade of the facility. I wish them every success in their endeavour and I encourage this to become, in time, an upgraded area that is respectful to those who have passed and also honours women's sport.

Ms COOK (Fisher) (12:46): This year is the 75th anniversary of the fall of Singapore and, as part of that, many people were evacuated from the country. This event actually changed Australians forever, with Singapore having played a vital role in buffering and protecting us from the insurgent forces. Until that point, it had been pretty much an impenetrable fortress of British strength, along with the allies. I believe that that stronghold was actually destroyed in a little over two months. Within this tragedy of war in the Pacific and the devastation, there was much torture and terrible loss of life, and included in that were nurses. Nurses play many roles in our society, one of the most vital being as part of the nursing corps of our defence forces.

Today is the 75th anniversary of the 1942 Bangka Strait massacre, and I thank the member for Davenport for bringing this motion to the house on the actual anniversary. The *Vyner Brooke* evacuated a party of reluctant nurses. They did not wish to leave Singapore, but they were amongst more than 200 other people evacuated on that ship. The ship was bombed and sank only a very short distance from Singapore and the survivors bravely struggled ashore using pieces of wreckage. They found themselves on Radji Beach, Bangka Island, not far off the Sumatran coast. As the member for Elder, a fellow nurse, has mentioned, Sister Vivian Bullwinkel was amongst those women.

Some of the survivors who were able to walk found their way to the town of Muntok and surrendered to the Japanese. They sought help for the injured who were lying on the beach at Radji.

Some of these survivors returned with a group of Japanese soldiers hoping to care for the wounded but in fact found the survivors on the beach with awful wounds. There were servicemen, civilians and nurses, and the Japanese soldiers split them into groups. The servicemen were made to tear strips of material from their shirts and blindfold themselves, and they were marched up the beach and gunned down.

There were two survivors from this group, who later became key witnesses to the atrocities. There were 22 Australian nurses. They had been on their way to care for wounded troops. They were unarmed and, when the Japanese soldiers returned and executed the surviving soldiers, they made the nurses march out into the water. These nurses were machine gunned from behind and the Japanese soldiers then came through and bayonetted those who had survived the initial onslaught.

Sister Vivian Bullwinkel managed to lie motionless in the water and survived. She did not put her head up until the Japanese soldiers had left, and her report is that she dragged herself up the beach and lay unconscious for several days. She eventually did surrender and, along with another soldier who had survived, became a prisoner of war. That soldier reportedly died within days.

They were held in appalling conditions, along with other prisoners of war, for over three years. After this, she told her story, she gave evidence against the perpetrator of the war crimes and she has become an inspiration to nurses worldwide. I believe she went to Prospect Primary School, and at the memorial the other day there were some children from the Prospect Primary School at the commemoration, and it was beautiful to see them there. Along with Florence Nightingale, her name is etched in the minds of nurses worldwide, and her bravery has become iconic.

Stories such as this must be shared: we must share the stories with our children because, if we want to move forward, we have to learn from our past. I salute the brave souls and thank them for taking their place in history, and I also take time today to thank the South Australian Women's Memorial Playing Field Trust for the wonderful work they have done to keep this memory alive. The attendance the other day was incredible: a number of members of parliament—federal and state—and also local government, as well as a friend of Vivian Bullwinkle (whose name has gone from my memory). It was incredible to see the support.

This group also supports the advancing cause of women's sport in South Australia and, as I was growing up, I was certainly become a beneficiary of that. I agree with the member for Elder and thank the Office for Sport and Recreation, and others, for the work they are doing in raising funds to improve the playing fields because the temporary toilets that went in about 25 years ago certainly need to be made more permanent. I commend the motion to the house.

The DEPUTY SPEAKER: Replaced, anyway.

Ms COOK: Yes, replaced; thank you, madam.

Mr PICTON (Kaurna) (12:52): I will add brief words in support of this motion from the member for Davenport. I also support the words of the member for Elder and the member for Fisher in supporting this motion.

All of us, along with you, Deputy Speaker, on the weekend were at the commemoration memorial service paying our respects for, first, what was one of the most tragic and horrific incidents of World War II; secondly, paying our respects and thanks and remembering all those women, in particular nurses, who served and many who made the ultimate sacrifice for their country at war; and, thirdly, thanking all the volunteers and people behind the women's memorial playing fields at St Mary's. They do a great job supporting that community and keeping the memories of these important yet horrific incidents alive. Hopefully, along with all other commemorations of war, they seek to remind us of the horror of war and why we must do everything to protect peace in the future.

The DEPUTY SPEAKER: Before I call the member for Davenport, who I am sure is going to close the debate, I remind everyone that Brendan Nelson's speech that day was exceptional. As he is an old Modbury boy, I was never more proud. The music from the Army band was again one of the highlights of the event, and I understand that the Catafalque Party was formed from serving nurses, a first as far as I can say, so it was an amazing event. Member for Davenport, you are going to close the debate?

Mr DULUK (Davenport) (12:54): I think Dr Nelson's speech was fantastic. His opening lines on his speech last Sunday were:

> Australians all let us rejoice, for we are young and free. The first line of our national anthem. We sing it often. We will sing it today. Less often do we pause to reflect upon what it means. The great paradox of life is that it is often that which is most important to us we are tempted to take for granted—the magic vitality of youth; families who love and support us, giving meaning and context to our lives. So too Australian citizenship whether conferred by birth or by choice. A nation that gives us political, economic and religious freedoms; where faith coexists with reason, free academic inquiry, an independent judiciary and a free press. A nation reveals itself in certain subtle but powerful ways.

He continued to talk about the role the nursing sisters play in the Australian War Memorial in Canberra, and for the following 20 minutes he gave one of the most moving speeches I have heard in a very long time by any public official. Obviously, he talked about the Bangka Strait massacre and the role of service and sacrifice.

I thank the members for Elder, Fisher and Kaurna for their contribution on recognising this very important commemorative date. This week, of course, we also commemorated the fall of Singapore, and over the next two or three years we will commemorate 75 years of many of the great battles of the Second World War. It is really a time for us to reflect on those who went before us and the sacrifice they made for our nation.

As I always say in many speeches I give, especially around citizenship, we are the custodians as MPs of all that is good that has gone before us, and it is our role, as members of parliament, to remember that. We need to remember the reasons why we do what we do and to be great representatives. We can look back at people like Vivian Bullwinkel and the service she provided to this nation when she came back from war as a reminder of the work that we do.

We also need to continue to invest in our institutions, such as the Women's Memorial Playing Fields. They are in much need of an upgrade, and I know a lot of work is being done with the Office of Rec and Sport. I know the member for Boothby was on the record this week in parliament talking about the need for a deductible gift recipient nature for the trust as well so that people can publicly make donations to the trust to continue their good work. We also need to reinvigorate the playing fields themselves to encourage more women to participate in sport and community activities.

I thank those who made a contribution today, and I am sure we will honour those who made that sacrifice 75 years ago.

Motion carried.

Sitting suspended from 12:57 to 14:00.

Bills

STATUTES AMENDMENT (NATIONAL ELECTRICITY AND GAS LAWS - INFORMATION COLLECTION AND PUBLICATION) BILL

Assent

His Excellency the Governor assented to the bill.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (AUSTRALIAN ENERGY REGULATOR - WHOLESALE MARKET MONITORING) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (BUDGET 2016) BILL

Assent

His Excellency the Governor assented to the bill.

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SACAT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

POLICE COMPLAINTS AND DISCIPLINE BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC SECTOR (DATA SHARING) BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Assent

His Excellency the Governor assented to the bill.

ADOPTION (REVIEW) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (GENDER IDENTITY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

RELATIONSHIPS REGISTER BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government Annual Report—Southern Mallee District Council Annual Report 2015-16

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

Economic and Finance Committee—Inquiry into the Labour Hire Industry—Response from the South Australian Government dated February 2017

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

Gene Technology Activities—

Annual Report 2012-13
Annual Report 2014-15
Lifetime Support Code of Conduct—2016

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

Vinehealth Australia—Annual Report 2015-16

Ministerial Statement

AUSTRALIAN ENERGY MARKET OPERATOR REPORT

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: I wish to update the house on the Australian Energy Market Operator's report released late yesterday into the load shedding event that affected 90,000 South Australians. After reading the report, the South Australian government's opinion remains that the load shedding of 90,000 South Australians last Wednesday night was completely unnecessary and entirely avoidable. AEMO documents a litany of errors, from incorrect forecasting by the national operators to faulty software of South Australian Power Networks, the consequences of which were suffered by South Australian households and businesses.

Even more damning is the fact that the report details that there was enough capacity in the South Australian system to meet demand on that hot night. However, it was sitting idle, either refusing to enter the system, not being directed into the system, or not having enough time to enter the system. Serious questions remain of both the national operator and of the local distribution and transmission networks. Questions such as: why is it that South Australia was given no notice prior to load shedding when the New South Wales government received 36 hours' notice prior to their load shedding following day?

There is also the unresolved issue as to how AEMO got its forecast so wrong, why they reacted so slowly when they realised the error and what they are doing to prevent it from happening again. The Essential Services Commission of South Australia (ESCOSA) will now investigate all the compliance and licensing aspects in relation to this incident, including whether South Australian Power Networks breached its licensing conditions. Tomorrow, on a phone hook-up of the COAG Energy Council, I will be using these failures as a reason for South Australia to retake control of our power network to ensure it does not happen again.

Members interjecting:

The SPEAKER: I note from the pre-luncheon session of play that the member for Hammond is already on a warning, as is the member for Finniss.

Question Time

ELECTRICITY MARKET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08): My question is to the Minister for Mineral Resources and Energy. Given the Premier's repeated claims that South Australia must, and I quote, 'go it alone on electricity', why did the minister specifically state that South Australia could not go it alone in the electricity market?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:09): The Premier, at the first press conference the day after the load shedding event, said those very words, that it would be very difficult for us to go it alone.

Mr Wingard interjecting:

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

Mr Marshall: Want us to get the *Hansard* out?

The SPEAKER: The leader is call to order.

The Hon. A. KOUTSANTONIS: For the leader's benefit, *Hansard* is not the only place the Premier speaks publicly about these events.

Members interjecting:

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

Mr Marshall: That's only 24 hours ago.

The SPEAKER: The leader is warned.

Mr Pisoni interjecting:

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

Mr Marshall interjecting:

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

The Hon. A. KOUTSANTONIS: The Premier said in his press conference, and publicly in other media, that we are bolted on to the national electricity system. It is very difficult to leave. What the Premier means by 'going it alone' is retaking our sovereignty in terms of the way the National Electricity Market works, which is a lot like what Sir Thomas Playford attempted to do when the Adelaide Electric Company refused to roll out electricity to regional areas of South Australia. Regional areas were not being connected to the grid because it was uneconomic. Sir Thomas decided that there would be an inquiry into the way they conducted themselves, and he retook South Australia's sovereignty about its power.

That sovereignty was lost with the privatisation of ETSA. The Premier is saying that we want our electricity system to work in the interest of all South Australians, not those who have purchased our assets in a privatisation deal that, of course, is used now to benefit their shareholders or the governments that own them. Electricity fundamentally is a public good. It belongs to the people of this state to go about their day-to-day business, whether it's enjoying their family homes, whether it's in trade or commerce or whether it's in education.

Every aspect of our lives is touched by this very important machine. It is a machine. It is the largest machine in Australia, yet some people think of it as a market or a commodity to be traded for profit by shareholders who own these assets. Our view is very different. Our view is that this commodity belongs to the people of South Australia, and what we're going to do is use every inch of our authority, everything we can, to retake our sovereignty, to make sure that we will decide the future of South Australia, not foreign-owned interests—

Members interjecting:

The Hon. A. KOUTSANTONIS: —who own our assets because of a privatisation foisted on us by members opposite.

The SPEAKER: I call to order the members for Morialta and Davenport, and I warn the member for Finniss for the second and the last time.

ELECTRICITY MARKET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): Supplementary: can the minister provide some clarity to the house about what he means when he says 'retake control of the power network in South Australia'? What elements of the energy system in South Australia will he choose to take control of again?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:12): The government will make an announcement in the coming weeks about what our intervention is. That intervention will be considered. It will be well researched. It will be well debated, unlike 'Glob Link'.

Members interjecting:

The Hon. A. KOUTSANTONIS: Unlike 'Glob Link', we will be speaking to stakeholders. Most importantly, we will be using every piece of our armoury to make sure that South Australians aren't put at a disadvantage because of a failed process. It is my very strong opinion that the privatisation of ETSA is the worst policy decision ever taken in this parliament's history.

The SPEAKER: The member for Hartley is called to order, as is the Minister for Transport. The member for Morialta is warned.

EMISSIONS INTENSITY SCHEME

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): My question is to the Minister for Mineral Resources and Energy. Does the minister support the Premier's proposal to go it alone in implementing a state-based emissions intensity scheme or carbon tax?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:13): An emissions intensity scheme is not a carbon tax, but why let the details get in the way of the story? The emissions intensity scheme developed by the then leader of the opposition, Malcolm Turnbull, who is now our Prime Minister, is a very good scheme. We certainly support there being an energy intensity scheme in terms of a national process.

Mr Marshall interjecting:

The SPEAKER: The leader is on a full set of warnings.

The Hon. A. KOUTSANTONIS: An energy intensity scheme on the national electricity network would mean a great deal of benefit for the people of South Australia, despite opposition from members opposite. We would be a net importer of credits because, of course, we don't have coal-fired generation. It would incentivise our gas-fired generation here in South Australia. It would, of course, mean that those gas-fired generators would operate more often, and that means operating more often. They would offer more contracts into the market and, of course, you would see almost immediately, with an energy intensity scheme, the flows of the interconnectors reversed to the eastern seaboard.

Of course, we can't have a pro South Australia policy because members opposite serve the eastern seaboard, not us, and they oppose an energy intensity scheme. I am disappointed that they do, for there is broad support for the energy intensity scheme. I will give you some of the names: the Chief Scientist, the CSIRO, the Australian Energy Market Commission. The current Prime Minister, Malcolm Turnbull, used to support one. Josh Frydenberg for a moment supported one, for a brief shining moment. For a brief shining moment, he supported an energy intensity scheme.

Yes, of course we support a price on carbon. We've always supported a price on carbon. We are the Labor Party. The market has factored in a price on carbon. The only people with their heads buried in the sand on carbon are members opposite.

Members interjecting:

The Hon. A. KOUTSANTONIS: You can't not price carbon. Of course you have to price carbon.

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

The SPEAKER: Yes, I think he has just tipped over into debate in his last couple of sentences, but in the pause provided I call to order the members for Stuart and Chaffey, and I warn the members for Davenport and Schubert—comrades both.

The Hon. A. KOUTSANTONIS: The two propositions that the Leader of the Opposition has made, we support on a national basis absolutely. We absolutely support there being a price on carbon, or an energy intensity scheme. We also support a renewable energy target because we believe, like the Prime Minister does, that when you sign the Paris agreement, which means you must decarbonise your electricity grid, you need mechanisms to do that.

We have not introduced a state-based mechanism for our renewable energy target. Other jurisdictions are thinking about mechanisms for their renewable energy target. The mechanism that we use is the commonwealth one. They are the ones who incentivise our renewable energy target. I think that investment is good for South Australia. I think it creates jobs, it creates wealth and it creates activity and, most importantly, it creates competition—competition that was taken away from us during the privatisation of ETSA by members opposite. That competition is the most important thing.

Members interjecting:

The Hon. A. KOUTSANTONIS: I heard 'Victoria' interjected by the recently demoted member for Stuart. When Mr Kennett privatised the network in Victoria, he broke it up. He didn't give it to one monopoly—

Ms CHAPMAN: Point of order: relevance, Mr Speaker, because for three minutes we have heard anything but the proposed state tax. That was the question.

The SPEAKER: Actually, we have heard quite a bit about the merits of that.

Ms CHAPMAN: Of the national test.

The SPEAKER: Yes, we have heard a lot, so I'm not sure that the point is valid, but the Treasurer appears to be—

The Hon. A. KOUTSANTONIS: We will be—

The SPEAKER: I haven't finished yet. Rather than engage in tauromachy, he might attend to relevance and substance.

The Hon. A. KOUTSANTONIS: Yes, sir. Thank you for your wisdom again. When we announce our package in full, we will be in the parliament telling everyone about it.

The SPEAKER: That was a happy outcome. Leader.

RENEWABLE ENERGY

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Minister for Mineral Resources and Energy. Can the minister explain how the government proposes South Australia go it alone when the wind isn't blowing and we can't rely on thermal generation from other states?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:18): If you read the AEMO report, we had record demand last Wednesday and had enough thermal generation within the state to service our needs.

Mr van Holst Pellekaan: It wasn't running.

The Hon. A. KOUTSANTONIS: It wasn't running—failure of the National—

The SPEAKER: The member for Stuart is warned.

The Hon. A. KOUTSANTONIS: —Electricity Market. A very good point by the recently—

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is warned for the second and final time. If he makes another utterance outside standing orders, he will depart again.

The Hon. A. KOUTSANTONIS: A very good point made in interjection, but the National Electricity Market was unable, despite setting an extremely high price in the market, to incentivise all of our generation based here in South Australia to come on. That is fundamentally a failure of the National Electricity Market. Why is it that a generator, why is it that a privately owned generator in a private market, run by a private company decides that when prices are set at a maximum of $14,000, where any generator in this country can make a profit regardless of the import costs, decides not to turn on? Why is that?

What is going on in the system that allows that type of behaviour? We need to know. What is it about our privatised market? What is in those contracts that allows that type of behaviour? We want answers to that, and we will find out what those answers are. When we find out what those answers are, we are going to make sure that we take control of our own future to ensure that it doesn't happen again.

Members interjecting:

The SPEAKER: The member for MacKillop is called to order, the member for Mount Gambier is warned, and the members for Schubert and Mount Gambier are warned for the second and final time.

AUSTRALIAN ENERGY MARKET OPERATOR REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): A supplementary, sir: can the minister provide any plausible explanation to this parliament as to why he told the national broadcaster that Pelican Point second generation was 'ready to go' when the AEMO report released yesterday, which he was just quoting from, stated, '165 MW of Pelican Point capacity had been notified as unavailable'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:20): In that same report, what the member doesn't quote—

Mr Marshall interjecting:

The SPEAKER: The leader is on a full set of warnings.

The Hon. A. KOUTSANTONIS: In that same report, the operators of Pelican Point inform AEMO they can be ready to go in an hour. If you believe the Leader of the Opposition, they just weren't available at all, but in that same report they say they could be available within an hour. What kind of person asks that question unless (1) they haven't read the report, or (2) they are deliberately being tricky? Which one is it? I will let members choose.

The Hon. J.M. Rankine interjecting:

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

AUSTRALIAN ENERGY MARKET OPERATOR REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): A further supplementary: why did the minister claim that the Pelican Point generator had gas for the second generator and was ready to go when AEMO's report specifically says, and again I quote, 'Engie advises AEMO that they don't have the gas to run the unit and if gas was available it would be a four hour minimum run up time'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:21): In the same report, on the next page, ENGIE informed the operator that they can operate for four to eight hours (from memory) within an hour start-up time. So again the member either has not read the report or he is deliberately being tricky.

An honourable member: Or he doesn't do his homework.

The Hon. A. KOUTSANTONIS: Or he doesn't do his homework. This isn't running a Wokinabox: this is running a serious business. The people of ENGIE—

Members interjecting:

The Hon. A. KOUTSANTONIS: Those conversations are recorded. The trading room conversations are recorded, so there is a record. AEMO have detailed in that report that ENGIE contacted the operator so that they could be ready to go in an hour and operate for four to eight hours. So how do you make sense of the questions the leader is asking unless (1) he is deliberately being tricky, or (2) he hasn't read the report?

Members interjecting:

The SPEAKER: The deputy leader is called to order, as is the Minister for Health. The member for Hartley is warned and the member for Morialta is warned for the second and final time. I say that slowly so that he can write it down.

AUSTRALIAN ENERGY MARKET OPERATOR REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): My question is to the Minister for Mineral Resources and Energy. Can the minister confirm which parliament sets the legislation that establishes the national energy rules, rules which he describes as being broken?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:23): I will give a brief lesson to the Leader of the Opposition on the intergovernmental arrangements for the COAG process. The COAG Energy Council is made up of all jurisdictions, and those jurisdictions that are members—

Members interjecting:

The Hon. A. KOUTSANTONIS: Hang on a second.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Hang on a second.

The Hon. J.J. Snelling: Listen and you might learn something, Steven.

The SPEAKER: The Minister for Health is warned.

The Hon. A. KOUTSANTONIS: It is very, very important that the Leader of the Opposition asks that question because it says a lot about his motives. He knows full well—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned.

The Hon. A. KOUTSANTONIS: He knows full well that all national reforms have a lead legislating jurisdiction. Sometimes it is the commonwealth, sometimes it is Victoria, sometimes it is Queensland, sometimes it is South Australia or other jurisdictions. We are the lead legislator in this state. All legislation is agreed by the COAG. We don't make the decisions here in our cabinet on our own; they are made—

Members interjecting:

The Hon. A. KOUTSANTONIS: Members laugh. They are laughing at the bills they voted for. This is the process of thought that they have. They have been in opposition for 15 years. They have been briefed on—

The SPEAKER: The Treasurer's druzhina will not help him.

The Hon. A. KOUTSANTONIS: They get briefed on the COAG processes. They get briefed on the COAG reports. Indeed, the deputy leader has turned up to COAG meetings. I remember when I was transport minister, she came to a COAG meeting ready for the induction into the COAG. It was the inauguration of the deputy leader. Of course, she wasn't banking on the leader telling everyone to vote Labor but, apart from that, she attended, so she knows the way that this is structured. Of course, importantly, members opposite are briefed on all of this.

When we come together as a country and set the rules for the National Electricity Market, we do so by consensus. Those rules are no longer working for us. Is the leader really saying that we should be saying that because we are lead legislator, we can't exercise our sovereignty; because we are lead legislator, we can't criticise the National Electricity Market; because we are lead legislator, we can't attract privatisation; because we are lead legislator, we can't say privatisation isn't working; because we are lead legislator, we can't say AEMO dropped the ball; because we are lead legislator, we can't say that the market isn't working for Australians anymore? Why is that? Why can't we say that? We are a sovereign state and we will exercise our sovereignty.

Members interjecting:

The SPEAKER: The members for Davenport and Chaffey are warned for the second and final time. The member for Stuart is still with us.

ELECTRICITY MARKET

Mr VAN HOLST PELLEKAAN (Stuart) (14:26): A supplementary question: given the minister's answer about how COAG works and how the national legislation works across all states, if he is unsuccessful tomorrow in his phone hook-up in convincing the COAG Energy Council to allow South Australia—

The SPEAKER: It's expressed in a hypothetical way.

Mr VAN HOLST PELLEKAAN: —to retake control of our power network, will he introduce legislation into this parliament to do it anyway?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:26): First and foremost, I will be outlining to the COAG my concerns about the operation of AEMO. I will be outlining my concerns about the operations of the South Australian Power Networks. I will be outlining my concerns about the event that occurred in New South Wales, as I am sure the New South Wales minister will be, when AEMO gave the New South Wales government a lot more notice than they gave us.

I would like to know some answers, as I think most of my COAG colleagues want to know, as to why the price signals, which are the armoury, the tools, that AEMO have to incentivise new generation on to meet demand, didn't work. What was it about that Wednesday when prices were at the highest possible cost to the market? Why is it that that second unit didn't turn on? Why is it that, in a jurisdiction like New South Wales, which has one of the highest penetrations of coal-fired generation in the world, they couldn't meet their demands with their so-called beautiful, base load coal?

Mr Marshall: They are completely different reasons.

The Hon. A. KOUTSANTONIS: Completely different reasons! It wasn't hot in New South Wales? It was hot here. What were the differences? The differences were this: demand management by AEMO. They can't let the North Shore go out. We can't help the North Shore with our power, so they are all over it, but in South Australia, 'We just dropped the ball. We got our demand management wrong.' It's not good enough. We want to know exactly why it occurred and what we can do to make sure we fix it.

About the operations of AEMO, I have had a conversation today with the federal minister, minister Frydenberg, and we have agreed to work together to understand exactly what AEMO did wrong, what we can do to repair it, and what the COAG can do to get through this energy situation together and to work cooperatively together. We are going to have our disagreements. We are going to disagree on renewable energy. We believe renewable energy is the path to the future; members opposite think that coal is. If coal is the solution for South Australia, why did the coal-fired power station close?

The SPEAKER: Point of order.

Mr VAN HOLST PELLEKAAN: I ask you to direct the minister to answer the question: will he introduce legislation to the parliament if COAG disagrees that South Australia take over its own control again?

The SPEAKER: I think the Treasurer has escaped the hawser of relevance, so if he could come back to the substance of the question, that would be good.

The Hon. A. KOUTSANTONIS: Thank you again for your guidance, sir—always valuable information to the house. The government reserves its rights on all matters when it comes to retaking control of our system, whether it be expenditure, whether it be intervention, whether it be rule changes, whether it be legislation. We reserve our rights on everything. I tell you what we won't do. We won't be making contradictory statements like 'We support a nuclear power station but not a

dump,' 'We support gas-fired power stations but not gas mining,' 'We don't support renewable energy but want intermittent energy in Port Augusta.' It has to be consistent, thought out—

Ms Sanderson interjecting:

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

The Hon. A. KOUTSANTONIS: —policy that will actually make an impact on the National Electricity Market and make power work for South Australians again.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned.

POWER INFRASTRUCTURE

The Hon. T.R. KENYON (Newland) (14:30): My question is also to the Minister for Mineral Resources and Energy. Can the minister inform the house about the current state of electricity infrastructure ownership in South Australia and how it has evolved?

The SPEAKER: And those who are on two warnings, if they utter a sound outside standing orders, they will depart. Treasurer.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:30): Thank you very much, sir. I thank the member for Newland for his question and his keen interest in the ownership structure of South Australia's electricity assets. I think the majority of us are aware by now that the Electricity Trust of South Australia (formerly known as ETSA) was privatised by the former government in 1999. ETSA was established by the Hon. Sir Thomas Playford, who looks down in disapproval now on his current party, in 1946 as a publicly owned utility responsible for providing electricity to all South Australians for the public good of equity. ETSA, which controlled the major power stations near Port Augusta and Torrens Island, expanded the electricity distribution network in and around a system that benefitted the entire state.

According to reports, by the end of the Playford era, South Australia had one of the cheapest and most efficient electricity networks in the world—quite a claim for a state of our size and our population, given the number of customers that would have to have been as a ratio on that distribution network. That all changed in a fateful decision in this parliament in 1999 when a decision was taken by former premier John Olsen and current shadow treasurer Rob Lucas in another place to privatise the Electricity Trust of South Australia.

Members interjecting:

The Hon. A. KOUTSANTONIS: Apparently, we were told it was because of risk. This is apparently—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey will depart for the next hour under the sessional order.

The honourable member for Chaffey having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS: The sale of our electricity network—this was apparently when the Leader of the Opposition was still at school, as he recently explained on radio on the public broadcaster. He was in school in 1999—yes, in school. The sale of our electricity network—

The Hon. S.E. Close interjecting:

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

The Hon. A. KOUTSANTONIS: —saw the transmission assets separated and sold off to international interests. The Chinese state-owned enterprise, State Grid, purchased the electricity transmission network, I am advised, that would later operate as ElectraNet. The distribution network was sold to CKG, where it retained the name ETSA Utilities until 2012 when it changed its name to

what we are now familiar with, SA Power Networks. I understand that the Queensland government also purchased a portion of our distribution networks as well.

Due to the stringent provisions of the privatisation contracts, South Australian consumers have suffered from the lack of competition that now exists in all areas of the market. This also means that the levers available to us to positively influence the power price are now severely limited because of those seated opposite.

It is very difficult to unscramble an egg, but we are developing a plan to intervene into the market to create a more reliable, cleaner and affordable energy network in the spirit of Sir Thomas Playford. I look forward to detailing this plan to the house and I look forward to members' support because I think there are many members—and I was here in 1999, not in school, even though I am younger than the Leader of the Opposition. I was in the parliament at the time we privatised the electricity networks. I remember making an impassioned plea to the Premier at the time not to do so. I remember the great words of the then member for Playford, the young Jack Snelling, arguing that Sir Thomas Playford was looking down disapprovingly on his heirs and successors. A great speech to the parliament and unfortunately for us, they didn't heed that warning.

The Hon. J.J. Snelling interjecting:

The SPEAKER: The Minister for Health is warned for the second and final time.

The Hon. A. KOUTSANTONIS: Now we are in the hands of people who are interested in nothing else than profit rather than the people of this state.

POWER OUTAGES

Mr VAN HOLST PELLEKAAN (Stuart) (14:35): My question is again to the Minister for Mineral Resources and Energy. Will the minister now answer the question he was asked on Tuesday and tell the house what contingencies are in place to prevent further major blackouts following the closure of the Hazelwood power station in six weeks?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:35): I'm not so much concerned about the next six weeks as I am about next summer.

Mr van Holst Pellekaan: But that was the question.

The Hon. A. KOUTSANTONIS: Well, that's not what you said. I am concerned. That's why the state government will be making interventions. I do point out that, if we had a national coherent policy of an energy intensity scheme, there would be no concerns because we would have our gas-fired generators incentivised to be on more often and we would more than adequately meet our demands. They would be writing more contracts into the market and of course we would have a much more fluid electricity market.

In the absence of that national leadership, in the absence of a price on carbon and in the absence of an energy intensity scheme, we will have to take matters into our own hands and do something that we think will alleviate that risk. Once that plan is finalised, we will be in the parliament letting members know. Members will debate it, no doubt. They will talk about it. No doubt the Leader of the Opposition has already made up his mind to oppose whatever it is. Whatever we announce, he will oppose. He will ring up the Prime Minister and ask permission to either support or oppose, because the Prime Minister was the one who decided that he would oppose—

Mr GARDNER: Point of order: standing order 98. The Treasurer is straying a long way from providing information.

The SPEAKER: And on what grounds?

Mr GARDNER: On the grounds that whoever on the opposition might be phoning whoever, when he potentially introduces something he hasn't told us about yet is hardly relevant information on behalf of the minister for his responsibilities.

The SPEAKER: I will listen carefully to the minister's remarks to ensure he ties them up with the question.

The Hon. A. KOUTSANTONIS: I'm very keen to meet those contingencies. I think those contingencies will be met with of course a great deal of renewable energy. Renewable energy is a great way of meeting a lot of those demands and I point members to a very interesting article that was in *The Advertiser* about investment and innovation in renewable energy. It was called 'Board blue-blood to build policy changes', and it was about a young enthusiastic member for Norwood who was going to change the world about innovation.

He talks about all his business experience. He doesn't mention Wokinabox once. It's all about everything else but Wokinabox, but he talks about innovation and he talks about the great shame of the Premier's cut in the innovation package for renewable energy. Renewable energy, he thought, could meet those challenges.

Mr Marshall: In six weeks' time, when it closes, what contingencies has the government put in place?

The SPEAKER: Let me listen to the minister.

The Hon. A. KOUTSANTONIS: We believe that renewable energy mixed with gas can meet these demands, and in fact from AEMO's own report, in a day of record demand, we could have met all our own needs. We had sufficient energy in the state to meet those needs, had it not been for the market failing and not turning on that second unit at Pelican Point. What I expect the market to do under normal circumstances is, when ENGIE close their position in Victoria, they will have to somehow enter the market with their two units here to protect their positions and of course offer contracts because it makes sense the way they are structured to be out there offering retail markets.

Of course, we found that the market failed for us on Wednesday, and it failed because the national bodies that run our electricity market proved that they were unable to predict demand and they didn't act early enough. Why wait till 3 o'clock? What were they doing at 10 o'clock and 11 o'clock? What were they doing the day before? It's not as if we didn't know it was going to be hot. It's not as if we didn't know it was going to be tight. It's not as if we didn't know that there was a heatwave across the country.

Mr Knoll: What they didn't know was how much wind was going to be blowing. That's what they didn't know.

The Hon. A. KOUTSANTONIS: Well, again, it's the ideological attacks rather than this technology-neutral attitude that the Prime Minister has called on. We need to have a technology-neutral response to this, taking into account emissions. That's how you get the market to reform. Members opposite are ideologues; they just want coal. The private sector can't run the coal industry. The private sector can't run a coal-fired power station; they failed. They want to socialise it. They want the government to run it.

The SPEAKER: The minister has escaped any relevance. He is now debating the matter. The member for Stuart.

RENEWABLE ENERGY TARGET

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): Given that the minister in his answer said that he strongly supports a national emissions intensity scheme, does he support a single national renewable energy target?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:40): I support the national renewable energy target and the state-based renewable energy target.

Members interjecting:

The Hon. A. KOUTSANTONIS: Honestly, if we didn't have him, we would have to invent him. If we didn't have Steven Marshall, you would have to make him up. So apparently a renewable energy target that we have taken advantage of for $6 billion worth of investment and a thousand jobs is okay but, whatever you do, don't set your own aspiration. As we have seen in reports today, had it not been for the states doing the heavy lifting, they would be almost nowhere near their renewable energy target, and the Prime Minister is the one who signed the Paris agreement.

None of us in this place criticised the Prime Minister for signing the Paris agreement. None of us criticised the Prime Minister for bringing the energy minister—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: It is remarkable the length, depth and breadth of the Leader of the Opposition's lack of knowledge about energy, and no amount of fake laughter, no amount of shouting and no amount of telling people that they are wrong and he is right will change the facts. And shouting at me won't change that they have no policy on energy. They have no policy on energy, none whatsoever.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned. Do you think, minister, you have provoked the leader at all?

The Hon. A. KOUTSANTONIS: No, sir, I think he was born that way.

POWER OUTAGES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42): My question is to the Acting Premier. Which one of your government is actually working on keeping the lights on rather than fighting over who is going to get seats in parliament?

The SPEAKER: It's high-octane rhetoric and I imagine the Treasurer will reciprocate.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:42): Fancy the front: selling the assets, privatising them and then complaining about the way they are run. Really? How about an apology? How about an apology from Rob Lucas? How about Rob Lucas comes out and says, 'We were wrong. We were wrong to sell ETSA. It hasn't worked. It was a mistake.'? How about an apology? At least SAPN had the ability to apologise; why don't members opposite?

ADELAIDE FRINGE FESTIVAL

The Hon. S.W. KEY (Ashford) (14:43): My question is directed to the Minister for the Arts. Minister, would you be able to tell us what events we can look forward to in the 2017 Adelaide Fringe?

The SPEAKER: The cultural attaché.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:43): I know members of the house will believe parliament being back for another year is the most exciting thing to happen in Adelaide, but I can go one better. Tonight, we will see the opening of the Garden of Unearthly Delights before tomorrow's official kick-off of the 2017 Adelaide Fringe. With over 1,100 artists, the 2017 Fringe promises to be bigger and better than before, with a mix of new talents and our old faithfuls pulling together an exciting program. With the mystical unicorn as its mascot, this year's Fringe is encouraging everyone to be whatever you want to be, with a month of arts and cultural activities not just across Adelaide but across the state, and it is not true that the member for Finniss is doing a tribute to Mr Bean.

As well as our regular satellite events, such as the Desert Fringe at Port Augusta and the Salisbury Secret Garden, this year the Fringe is venturing into the Hills with a program at Stirling, and heading further south, hitting the Sir Robert Helpmann Theatre in Mount Gambier. I understand that for one night only, 'Growing up in Glencoe, the confessions of a cow botherer', the member for Mawson will be doing a show in the South-East—get in early, buy up now.

On top of the ticketed shows and events is a wide range of free activities, including night markets at Victoria Square, a free concert series at the garden, the Digital Arcade experience at the State Library and, always poignant, Tindo Utpurndee Kaurna welcome and the sunset ceremony tomorrow night on the front lawns of the Museum. The projections along our cultural boulevard of North Terrace will be back for one weekend only, providing an extra element for families travelling into town for opening night and Saturday night's annual Fringe parade.

This year, we are welcoming the BBC to South Australia as they team up with ABC Adelaide for the Fringe Fling, which will see a special live broadcast from one of our newest Fringe venues

and our most iconic landmark, the Adelaide Oval. The show will be broadcast across Adelaide and into Scotland and is part of our Made in Adelaide campaign at the Edinburgh Fringe.

I do need to give special acknowledgement to all the tradies who have seen all four seasons over the last few weeks, from torrential downpours to 42° heat, to bring to life what promises to be an excellent festival vibe across many of our Fringe venues and hubs. Of course, it would be remiss of me not to thank Heather Croall and the team at the Adelaide Fringe for the incredibly hard work that they have put in place to bring this year's Festival to fruition.

I would like to also thank and acknowledge BankSA for their continued support as major sponsor of the Fringe, and this is celebrating a 12-year partnership. I encourage everyone to head to the Adelaide Fringe website and see more of what this year's festival has in store.

ELECTRICITY GENERATION

Mr VAN HOLST PELLEKAAN (Stuart) (14:46): A question again for the Minister for Mineral Resources and Energy: can the minister confirm that in the last quarter of 2016, 61 per cent of South Australia's total electricity supply, or 1,488 gigawatt hours, was delivered by renewable generation and, if so, has the government failed to disclose that its own target has been exceeded because this extreme penetration of intermittent energy sources exposes the South Australian network to much greater risk of blackout than anywhere else in Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:47): And yet the shadow minister writes to me asking for more intermittent renewable energy in Port Augusta.

Mr van Holst Pellekaan: In storage.

The SPEAKER: The member for Stuart is on two warnings.

An honourable member interjecting:

The SPEAKER: No you weren't.

The Hon. A. KOUTSANTONIS: So intermittency is okay if it's got storage. So are the issues of intermittency the problem of our frequency control or about demand management, or is it all too much for you to understand—not you, Mr Speaker, but members opposite? How can the member hold in his mind the two opposing thoughts, when he is saying that there is far too much renewable energy in the system, yet write to me and put on Twitter that he has written to me wanting more renewable energy? Which one is it?

Mr GARDNER: Point of order: the minister was asked whether 61 per cent was the figure for the last quarter of last year, and all of his answer has been commenting on members of the opposition.

The Hon. J.M. Rankine interjecting:

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

The Hon. A. KOUTSANTONIS: We have an aspiration of obviously a 50 per cent target because we think it brings investment and it brings jobs and creates wealth in the state. Of course we are trying to meet our Paris commitments as a nation.

An honourable member: It's unaffordable.

The Hon. A. KOUTSANTONIS: Well, if it's unaffordable to meet the Paris commitments, why did the Prime Minister sign that agreement as members interject? So if members are going to attack the Prime Minister, at least have the courage to do so publicly rather than by sneaky little interjections.

I have to say that the truth about renewable energy is not the boogieman that the opposition makes it out to be. Renewable energy is good for our country. Renewable energy creates jobs and wealth and provides us with competition. It is affordable. It helps meet demand. The mythmaking by the coal lobby and the conservative end of the political spectrum, quite frankly, is misguided. If the

last quarter was 61 per cent, 80 per cent, 40 per cent, 43½ per cent, either way we are treating the NEM as one market—one market. If it's one market—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yeah, yeah! So it's not now one market. So the members who sold the asset into a market now say it is not one market; it's a series of small little markets. If that's the case, it's broken because it is meant to be one big market. That is what members opposite don't understand about renewable energy. Quite frankly, renewable energy is good for our economy. It's good for the state. If it was doing harm to our economy, we would say so.

ELECTRICITY GENERATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:49): Supplementary to the minister: what was the penetration of renewable energy in the December quarter last year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:50): I will get a detailed update for the house.

Mr Wingard interjecting:

The SPEAKER: The member for Mitchell is warned.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is called to order. Member for Stuart.

ELECTRICITY GENERATION

Mr VAN HOLST PELLEKAAN (Stuart) (14:50): Supplementary question: given the minister's answer to my question, can he advise the house how many blackouts South Australia experienced in the last quarter of last year?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:50): There was a statewide blackout because of a storm that members want to blame on renewable energy. Which blackout in this state has been caused but wasn't impacted by weather? Which one wasn't impacted by weather? Which blackout wasn't impacted by weather? Even the Prime Minister, after having received a briefing from his own agency—

Mr Wingard interjecting:

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

The Hon. A. KOUTSANTONIS: —was forced to admit—

Mr Marshall: Everything is weather for him.

The Hon. A. KOUTSANTONIS: That's what the Prime Minister says. Well, again, the perfect gift that keeps on coming. The Prime Minister gets up in the parliament and says it's the weather that caused the blackouts, not renewable energy, yet members opposite want to believe it was renewable energy. The Prime Minister, through investigations by Fairfax, found that he actually got briefed by AEMO, that it was the storm that caused the blackouts. Now members opposite are saying it's renewable energy. Get a briefing!

TOBACCO REGULATION

Ms DIGANCE (Elder) (14:51): My question is to the Minister for Mental Health and Substance Abuse. What initiatives is the South Australian government undertaking to ensure businesses comply with state tobacco laws?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:52): I would like to thank the member for Elder for her ongoing concern about public health policy in our state and her commitment to that space. Members may recall that as of 1 July 2016 smoking has been banned in public outdoor dining areas in South Australia.

SA Health has been busy informing and responding to community and business inquiries and complaints, with information and resources mailed to over 1,000 businesses.

The department also conducts targeted inspections at popular dining precincts. The South Australian government is committed to reducing the harms of tobacco on our society and working with businesses to achieve that. We have had a constructive relationship with the Restaurant and Catering Industry Association and the AHA during this time.

I have been advised that during the two-year period, between July 2014 and June 2016, approximately 2,200 retail tobacco licences were held by South Australian businesses, 1,166 compliance inspections were conducted and 55 local government officers were authorised in South Australia to enforce smoking bans in seven council areas, including major hospitality and retail precincts in the Adelaide CBD and the Holdfast Bay area.

I would like to point out that this is about empowering business owners and premises. These initiatives are about helping change the way we deal with smoking habits in our state. Recent statistics show that 12 per cent of adults in Adelaide smoke daily, less than the national metropolitan average of 12.7 per cent. The regional average for South Australia is 15.8 per cent, well below the national average of 18 per cent. The South Australian government believes in working cooperatively with businesses to reduce the harms of tobacco use in our state.

The opposition's stance on e-cigarettes is a stunt and nothing more. Their proposal is underdone on many fronts, including the lack of any emphasis on enforcement or even attempting the legal complexities of this policy space.

Mr GARDNER: Point of order: the minister is debating.

The SPEAKER: Worse than debating, the minister is reflecting on a decision of the house and agitating again a debate and a vote that the house had this morning, so I would ask her to move away from that. Minister.

The Hon. L.A. VLAHOS: I have concluded, thank you, Mr Speaker.

NORTHERN SUBURBS SCHOOLS

The Hon. A. PICCOLO (Light) (14:54): My question is to the Minister for Education and Child Development. What is the state government doing to support students and schools in the northern suburbs?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54): I am delighted to receive this question from the member for Light, who has stood up for the schools and students, particularly in his area, for many years. I hope he continues to do that for a long time. He and I recently visited Munno Para Primary. It was the first time I had been to that school, and a delightful, well-kept and well-presented school it is. The children there are receiving excellent education. They are receiving education on the basis of interventions that are largely funded through the Gonski arrangement that was struck some time ago with the federal government.

Over the past four years, including this year as year 4, they have received $560,000 through the Gonski arrangements. That has resulted in the school being able to identify early when children are struggling with their literacy or their numeracy, the foundation blocks of a decent education, and being able to fund interventions to support those students. Naturally, that support is not yet sufficient to make a significant difference. What we are looking forward to are the final two years of Gonski, when the money really accelerates.

As the house may or may not be aware, the Gonski arrangement is significantly back-ended for South Australia. In fact, the first four years, of which this grant of $560,000 for Munno Para Primary is an example, represents a mere 23 per cent of the total Gonski funding coming for our education system. We are very much looking forward to the next two years. However, there are, as members will be aware, two very serious threats to that funding. The first is that the federal government has, at this stage, refused to continue its commitment to those final two years and, as members will be aware, are therefore threatening our schools with a loss of $335 million.

For Munno Para, that figure translates into something like $360,000 that they will not be receiving in the final two years as a result of the federal government stepping away. What was of concern to me recently, when discussions about funding for Gonski were raised—it is continuously raised with me by members of the public, members of the education system and occasionally members of the media—was that it is now unclear whether the state level of funding will be committed to for the final two years in the event of a change of government at the next election.

The final year, worth something like $90 million from state funding, is now called into question, which for Munno Para translates into $100,000 of state funding to add to the funding that is being cut by the federal government. There are those who claim that money makes no difference. I do not think there is a single parent who engages in fundraising for their school who believes that is true. Of course it matters how you spend the money. A school like Munno Para spends the money in an extraordinarily good way, intervening to support students to get the education they need and deserve.

Another example in the northern area, of course, is all of the secondary schools that have formed a coalition called NASSSA. They have been so successful in supporting students to complete school and, at the same time, to get VET training, that they won the Australian Training Awards at the end of last year, which is an extraordinary achievement. I thank the member for his question. Schools in the north are doing well but are imperilled through a series of threats to their funding over the next couple of years.

CITY OF ONKAPARINGA

Mr PISONI (Unley) (14:58): My question is to the Minister for Local Government. Is it the minister's view that the City of Onkaparinga's decision to pay the CEO's Kooyonga Golf Club membership was an appropriate use of ratepayers' money?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:59): I thank the member for the question. First up, decisions of a council are made by the elected members of the council. The question the member is asking is for a minister to determine the remuneration of each council. What I will—

Mr PISONI: Point of order: I think the minister has completely misunderstood my question. My question was whether the minister believes it is an appropriate use of ratepayers' money.

The SPEAKER: If the member for Unley gives me another point of order like that, he will be departing. Minister.

The Hon. G.G. BROCK: The elected members of a council are elected by the communities themselves; they are democratically elected. They will make the decisions of each council, and if the member has been involved with the council, as the previous shadow minister has been as an ex-CEO—

Members interjecting:

The Hon. G.G. BROCK: I am sorry, I apologise, I didn't realise that. He understands that the elected members make those decisions.

Ms Sanderson interjecting:

The Hon. G.G. BROCK: They make those decisions—

The SPEAKER: The member for Adelaide is warned.

The Hon. G.G. BROCK: The council have that opportunity to debate that within their meetings. If elected members don't believe that it is appropriate for a CEO to have those conditions, then in actual fact it's up to the elected members to make that decision. If the residents themselves are not happy with that, they have the opportunity to go through the—

Members interjecting:

The Hon. G.G. BROCK: The member for Finniss has asked for transparency. I have to honestly say that my disappointment stems from any council not making decisions as openly and transparently as possible. The issue is that there are regulations out there. I haven't made a habit of

publicly discussing individual cases in regard to the Ombudsman's reports—I do not do that—but I have been in this house and, with the previous shadow minister, we have been very, very honest about that. It is up to each elected member and council to be as transparent as they can, and I would hope that the shadow minister understands that.

CITY OF ONKAPARINGA

Mr PISONI (Unley) (15:01): Supplementary question: how can residents take action against what they believe are inappropriate decisions of the council if they are done in camera?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:02): Additionally, under the Local Government Act 1999, as the shadow minister would be aware, remuneration information for CEOs and other council staff is freely available to the public through the Register of Salaries that councils are required to maintain and provide access to through their principal office. Information must be declared on a council's salary register, which includes the salary or the classification level covered by an award for each staff member and details of other allowances and benefits payable or paid or provided for the benefit of each employee.

The Hon. J.M. Rankine interjecting:

The Hon. G.G. BROCK: Again, it is important that the sector has confidence in an understanding of the constituent's benefit.

The SPEAKER: The member for Wright is on two warnings.

The Hon. G.G. BROCK: Again, I will go back: regulations have been made, and if people have an issue with the council not being open and transparent, they can go through the Ombudsman and make the complaint.

CITY OF ONKAPARINGA

Mr PISONI (Unley) (15:02): Supplementary: can the minister advise the house if the payment for the golf fees were, in fact, on the register?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:03): I had a discussion with the mayor and they are calling a special council meeting on Tuesday to debate this exact issue.

Members interjecting:

The SPEAKER: Has the member for Unley quite finished his uncontrolled outburst?

Mr PISONI: I think so, thank you, sir.

The SPEAKER: Splendid. Deputy leader.

ROYAL ADELAIDE HOSPITAL CONSTRUCTION SITE INCIDENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:03): My question is to the Attorney-General. Will the Attorney-General now direct the Coroner to immediately commence an inquest into the deaths of Mr Castillo-Riffo and Mr Steve Wyatt, which have been prevented from proceeding at this stage while the criminal cases were pending?

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) (15:04): I thank the honourable member for her question. I have always taken the view since I have been doing this job, as I think pretty well all of the predecessors I know of have taken the view, that it is not for me, or the Attorney-General, to generally go about telling the Coroner when, how and in what circumstances to intervene in a matter and conduct an inquiry. The Coroner has jurisdiction to deal with a great many circumstances and, as far as I am concerned, it is appropriate for the Coroner to make those determinations for himself.

He knows what the list of pending matters before him looks like, he knows what priorities he believes should be accorded to those matters, he understands the circumstances that constrain him or the circumstances relating to his allocation of time. As you know, the Coroner has an Assistant

Coroner, but they do not have an infinite number of people to hear things. I don't think it is appropriate for the Attorney of the day to be going around telling the Coroner, 'You are, in effect, no longer in control of your list. You will be directed by the Attorney to upset arrangements you have made.'

It is true, as I know you will be aware, Mr Speaker, that the Attorney does have the capacity to give instructions of that nature to the Coroner under the Coroners Act. However, I have taken the view that I cannot foresee a circumstance—one may arise, but I cannot see a circumstance—where I would not allow the Coroner to make his or her own determinations regarding these matters and the order in which they are to be dealt with by the Coroners Court.

ROYAL ADELAIDE HOSPITAL CONSTRUCTION SITE INCIDENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): A supplementary: given the Attorney's indication that he will not direct the Coroner, has he made any inquiry of the Coroner as to whether he intends to progress to have an inquest in relation to these deaths?

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) (15:06): Again, I thank the honourable member for her question. As I have tried to indicate, I take the view that the Coroner is the person best placed to work out, amongst all the matters that come to his attention, which ones should be dealt with and in what order or priority they should be dealt with. I don't make it my practice to inquire of the Coroner about particular matters, and this case is no exception.

Having said that, I have never had the view—and have no reason to have the view—that the Coroner doesn't give due consideration to matters that are brought to his attention. My observation of what the Coroner has done over many years is that where there are matters, particularly ones of public concern, his tendency is to have a good look at them. Ultimately, that is a matter for the Coroner.

SCHOOL BUSES

Mr VAN HOLST PELLEKAAN (Stuart) (15:07): My question is to the Minister for Education and Child Development. Can the minister explain to the house why, when a student is given permission by the education department to bypass his or her zoned school, that student is not entitled to a seat on the school bus which is already travelling to the alternate school?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:08): That is the general policy, that the free transport that is provided to students further than five kilometres from their nearest government school is confined to doing that task. It is possible that the member is raising a particular issue that has been raised with me in recent times about a child who had permission—I believe it has also been raised by the Minister for Regional Development—because of a particular matter where another school was more appropriate. I have asked the department to look into whether there is any flexibility for that particular case.

Generally, we manage a very complex transport policy. We manage it diligently and we manage it to the best of our ability. Additional places, if they are available, are provided to students, but what we are attempting to do is respond to need without creating too much cost.

Grievance Debate

LABOR GOVERNMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:09): The last time I stood and talked about the Labor Party's plans to get rid of the honourable member for Croydon and his replacement to become the Labor leader, I was talking about the Hon. Peter Malinauskas. Well, here we are. That was back in December and, despite rumours whizzing around faster than the Premier's wind farms, Labor members said that was not going to happen, that notwithstanding the rumours that was not going to happen. Well, it is February and guess what? It is happening.

I, for one, Mr Speaker, am devastated that we are not going to be blessed with your quintessential personality after 2018. We now know Mr Malinauskas has confirmed he is moving into Croydon. He wants the member for Cheltenham's job as Labor leader. The Labor leadership transition will probably not be like it was the last time Mr Malinauskas told a Labor leader it was time to go. He will not, this time, be able to walk arm in arm with the member for Playford, his partner in crime, as he did last time. Why? Because the member for Playford is too busy.

He is, of course, trying to get rid of somebody else, and guess who that is? The member for Playford, who is busy slashing the services down there at the Modbury Hospital, is trying to blast out the member for Florey. The last bastion there, she is fighting away in her electorate, and in comes the member for Playford to smash her out of the way. It is the Labor Party's plan to parachute the architect, in the end, into the seat of Playford.

Who would that be? It is of course the architect of that filthy 2010 election campaign, Mr Michael Brown. The former state secretariat and also the architect of that disgraceful 'put your Family First' dodgy how-to-vote card wants to take the place of the member for Playford. Obviously, we see the right faction in total chaos. 'Mess' is an understatement.

Of course, it is not just confined to the right. The Premier's faction is in a bit of trouble as well. Why are they ripping themselves apart? Today, we know that the head of the Maritime Union, Mr Jamie Newlyn, is not happy with the deal that has been stitched up—not that you would have anything to do with that, Mr Speaker, of course—to parachute the AWU official Justin Hansen into the Legislative Council. He is not a happy boy at all.

So, in a late development—it takes three to tango in the Labor Party—we have Mr Hansen, Mr Newlyn and now we have Mr Trevor Smith from the CFMEU. He wants a part of the action, so there will be a nice little tussle there. You then have the failed candidate for the seat of Dunstan, Ms Jo Chapley. You smashed that election and you are back here with us, leader, and we are so proud of you.

What is Ms Chapley doing? She is currently treating the South Australian parliament a bit like a supermarket: you just move along from aisle to aisle until you find a seat that you like. She has now decided she does not want to run in Dunstan. You have obviously killed off that idea, leader. There is now speculation she will be running in King, but what did we have yesterday? We had the announcement that she is going to run in the state seat of Adelaide. Rachel, you are going to give her a hard time, I can tell you. While the Labor Party is fighting, blackouts are rolling out across South Australia. Would somebody please get back to work and turn on the lights?

The SPEAKER: Is that all there is? The member for Elder.

CITIZEN OF THE YEAR AWARDS

Ms DIGANCE (Elder) (15:12): I rise today to pay tribute to and celebrate the achievements of schoolchildren in my electorate of Elder to whom I had the privilege, at the end of the 2016 school year, to award Citizen of the Year awards in recognition of their endeavours. There is no denying that a good education is essential in creating the best citizens of today and tomorrow, and I have the honour of presenting an annual award to students nominated by their schools who are deemed to demonstrate exceptional behaviour.

The award is based not just on academic achievement but on the behaviours that students demonstrate. Some of the requirements for nomination for the award are that the students show great community spirit, respect for others, a willingness to help their fellow students as well as their teachers and a drive to improve themselves and the school community. I want to congratulate the winners who have made their schools and communities proud, and would like to take this time to speak briefly about the schools and the students.

Firstly, Forbes Primary School is a school of excellent community spirit that prides itself on its diversity. The students are from a wide range of socioeconomic and cultural backgrounds. Forbes is in the process of developing a new STEM facility after receiving funding from the Weatherill government, and I look forward to meeting the future scientists, mathematicians and engineers who will be nurtured by this facility.

Forbes nominated two exceptional young women for the award this year: Maryam Hamoshi and Abby Logan. Maryam and Abby were nominated for their constant willingness to help others and also their confidence and grace in always stepping forward to represent the student body as school ambassadors, as Student Representative Council representatives, and taking every opportunity to be leaders at their school.

Ascot Park Primary School is a school dedicated to its principles of respect, responsibility and excellence. It aims to educate and encourage its students to be the very best community members possible. The two students nominated by their school were Calvin Currie and Dylan Ling. Calvin and Dylan were both recognised as school leaders who importantly demonstrated attributes of respect to all, always seeing the opportunity to help others, taking on responsibilities within their school and being true community focused role models.

Edwardstown Primary School is known for its community involvement, including its incredible Strawberry Fair, which is a well recognised and attended local event. The school is also known for its emphasis on teaching, caring and respect. The young women who were nominated are brilliant examples of their success, Stephanie Nyrgaard and Tabitha Warde. Stephanie and Tabitha impressed their teachers with their excellent attitudes and willingness to help others while showing great respect, responsibility and maturity.

Next comes Christ the King which is a welcoming Catholic school which values respect of diversity and fosters community, and teaches that education and faith go hand in hand in encouraging students to be respectful, engaged members of the community. Lucas Kelly and Ruby Wellington were the two nominated students, as they showed a kind and respectful nature with dedication to their schooling through being positive role models, caring for their fellow students and showing leadership.

Clovelly Park Primary School is a culturally rich and diverse school emphasising the relationship between students and their parents/carers and the staff. Their students are taught that they are welcome within the community and can achieve great things no matter a person's background. Lara Keen and Matthew Alymore were chosen for being great school community role models, consistently working hard and demonstrating respectful behaviours with great attitudes.

Kilparrin Teaching and Assessment School is another school where I gave awards which is dedicated to students with sensory impairment and additional disabilities. It prides itself on developing each student to be their best. Two of the outstanding students are Allira Prosser and James Sweet, nominated because of their determination to expand their learning and a willingness to work with their carers, teachers, physios and OTs to overcome obstacles. They definitely persevere, and I will be very pleased to be hosting them and their caregivers and friends tomorrow for a tour of Parliament House and afternoon tea.

Lastly, Marion Primary School is a school aimed to develop independent thinkers for the future with values of caring, community and respect. The two students nominated were Naomi Lea and Isaac Johnson for being proactive and dedicated students working to build an inclusive school community involved in organising school activities and sporting events and also being members of the Student Representative Council.

Thank you to all the staff, parents, carers and volunteers who contribute to all the wonderful schools in the electorate of Elder. To the students named here today, I congratulate you all and encourage you to continue to always be your best.

POWER INFRASTRUCTURE

Mr WINGARD (Mitchell) (15:17): I rise today to speak about our ongoing electricity crisis in South Australia and, yes, it is another day, another debacle from this atrocious state Labor government. When it comes to our state's electricity crisis, it has been nearly 15 years and the blackout Premier and blackout Treasurer, who also doubles as the blackout energy minister, have absolutely no idea what is going on here in South Australia.

They blame our energy crisis on everyone but themselves. However, what Labor cannot escape are the following facts. It has imposed job-destroying ideological restrictions on the production of energy. It has put green ideology before investments and jobs. As a result, South

Australia has the most expensive and least reliable electricity in the nation. That is some achievement after 15 years in government.

At the beginning of 2002, Labor promised an interconnector to New South Wales. Having failed to honour that promise, it is now making more promises: to dramatically intervene in the market, to tear up existing contracts and to expose South Australia to sovereign risk. There is also great confusion between the blackout Premier and the blackout Treasurer, who as I said doubles as the blackout energy minister. They are very confused.

The blackout Premier said he was going to abandon the National Electricity Market. He was blaming AEMO, the Energy Market Operator for our blackouts. He was so disgusted, so disappointed and so angry that he was going to remove South Australia from the National Grid, and we were going to 'go it alone'. That is what he wanted to do, and that is what he said.

Then, this morning, on ABC radio, the blackout Treasurer who doubles as the blackout energy minister said, 'We can't go it alone.' He says that it cannot be done. We have the Premier saying one thing and the Treasurer saying the other. These guys are not even talking to each other. What sort of idea do they have about how the energy market works in this state? This is clearly policy on the run. To have this confusion between the Premier saying one thing and the Treasurer saying another is incredibly frightening. It is clear that neither the blackout Premier nor the blackout Treasurer knows what is going on. In fact, the blackout Treasurer does not know what is fact, what is fiction, what is fake news and what is an alternate reality.

Earlier today, he was asked about renewable energy targets—the 50 per cent state-based renewable energy target or the 23 per cent federal renewable energy target. Which one did he agree with? What was his answer? He agrees with both. How ridiculous! What does he want—a 73 per cent renewable energy target? This guy is struggling like you would not believe. After 15 years in the job, he has no idea what is going on. Perhaps his plan is to keep the lights off in South Australia long enough. Perhaps he thinks that, with the lights off, South Australians will not wake up to the fact that he and the blackout Premier have absolutely no idea.

Their flip-flopping stance between jumping out of the National Energy Market or staying in it is evidence that they are just pulling ideas from the sky. They are making this up on the run. This is not how you run a state. The blackout Treasurer was embarrassed again when he attacked AEMO for not turning on Pelican Point. He claimed on ABC radio that Pelican Point could be fired up in an hour when the load shedding happened, when the rationalising of electricity happened in South Australia—more fake news from the blackout Treasurer, more alternate facts on the fly.

The reality is that ENGIE, the operator of Pelican Point, told AEMO that it could not bring Pelican Point online for four hours—not one hour but four hours. Again, the blackout Treasurer is just making this up on the fly, throwing out for furphies on radio, hoping that perhaps in the darkness, South Australians will not listen to or understand what he has to say. Pelican Point had no gas supply and no gas contract in place to turn on in an hour, so the Treasurer was just making things up on the fly. How embarrassing for someone who has been in this place for a long time and in fact has been energy minister for six years.

This government has been in control of this state for 15 years and we can see the mess that is being created with our energy. Industry is suffering, BHP is looking at buying generators, businesses are looking at buying generators. The cost of doing business is just going through the roof and it really is hurting all South Australians.

What we cannot avoid are the facts. When last week's load shedding occurred, wind was supplying less than 3 per cent of our peak demand. On the other hand, the coal-fired interconnector from Victoria was supplying almost eight times as much, yet Labor continues to demonise coal. What hypocrisy, what dishonesty. We need to get the mix right, but Labor is out of excuses and South Australians want Labor out of office.

AFL NATIONAL WOMEN'S LEAGUE

Ms WORTLEY (Torrens) (15:22): Australian Rules Football is a name synonymous with Australian culture and our national identity. Nevertheless, it is men who have traditionally played the sport that so many hold dear, the sport that rules and divides our workplaces and family rooms

nationally. This year is different. A few Saturdays ago, I had the privilege of watching the Adelaide Crows women's team take on Greater Western Sydney. After a lifetime's wait for many keen, able women footballers, it took less than a minute for the Adelaide Crows women's football team to let it be known that women's football had arrived. What a feeling!

The Adelaide Crows ran onto the field and through the banner, which read, 'We've pushed the barrier, made dreams come true. Now let's make some history. We have a job to do.' The year 2017 marks the national women's football league's inaugural season, over 150 years after Australian football was first played in this country. As the siren blew, four quarters later, the Crows had cemented their place as big players in this new competition.

The founding of the AFLW is the culmination of many years of advocacy on the part of community football clubs and the AFL's own commitment to the establishment of a national televised women's league. In 2010, the Australian Football League commissioned a report into the state of women's football around the country. The findings showed that women were highly represented in the sport nationally, which spurred the AFL Commission to begin working towards the establishment of the national women's league.

The success of exhibition matches in 2013, 2014 and 2015 accelerated the AFL's plans for a nationwide women's competition to 2017. There are eight teams competing in this year's competition representing the established football clubs: Adelaide Crows, Brisbane Lions, Carlton, Collingwood, Fremantle, Greater Western Sydney, Melbourne and the Western Bulldogs. Other state teams have expressed their interest to play in the competition in the future. In its third week, the women's league is gaining unprecedented momentum, with calls for upsizing the stadium capacities for upcoming matches and averaging a TV viewership in the hundreds of thousands, up to a million.

Though it is the national women's football league that is currently holding the public's attention, women's football has been a prominent aspect of the Australian sporting world for many years. Women's Australian rules football began to grow rapidly in 2000, with the number of registered teams increasing by a phenomenal 450 per cent. Moreover, in 2015, 163 new women's Australian rules football teams were formed and 284,501 players took part in organised games. This number continues to rise, with 380,000 players taking part in organised games last year, not to mention the millions of female spectators who represent approximately 50 per cent of all spectators at matches across Australia, a proportion unique to the Australian game.

The rising popularity of the AFLW is also cultivating South Australia's SANFL Women's League and the South Australian Women's Football League. This weekend is the start of the inaugural SA state women's league season. The women's state league will address the current gap in the competition pathway between the existing South Australian Women's Football League and the inaugural AFL women's league. This elite state-level league competition will provide South Australian women with the opportunity to compete against the state's best.

In SANFL, North Adelaide's captain, Jessica Edwards, will be at the helm of a strong side of girls eager for the cup. Edwards played for the Adelaide University side last year and, despite early reservations about tackling, Edwards now says it is one of her main passions. She would love to be at the AFL level at some point and thinks this is a great pathway to get there. It is likely the state competition will unearth the rising stars of the AFLW.

Late last year I met the Gaza women's football team at Klemzig. I have also seen them out at training at Klemzig and, last Sunday, I met some of the young girls registering to play. It made me reflect on my own experiencing playing football at my local primary school. I was made an example of by the deputy principal, Mr Woods, who had me stand out the front of the school assembly, informing all present that I would miss out on my lunch times for the whole week because 'we all know girls don't play football'. Well, for the record, Mr Woods, you were wrong.

LIBERAL PARTY

Mr DULUK (Davenport) (15:27): A very good on-baller, I would have thought, member for Torrens. I rise today to talk about the enormous potential of our wonderful state; potential that desperately needs to be unlocked. To unlock that potential, South Australia needs a government that is able to lift its gaze beyond the horizon and envisage the South Australia of tomorrow. We need a

government that has a vision, commitment and leadership to take the bold steps to build the South Australia that we need: a South Australia where business can succeed, a South Australia where there are employment opportunities and a South Australia where the lights stay on.

Thankfully, the Liberal Party will be the government that has that vision, a vision that includes a transformational upgrade of South Australia's freight export infrastructure. Those on this side of the house are committed to helping South Australian businesses grow and prosper and improving the lives of South Australians through safer roads and better traffic conditions. Globe Link will deliver a generational upgrade of our freight export infrastructure, creating new jobs, sustainable jobs and transforming South Australia's economic capacity.

For too long, our export industry has been has been in reverse, neglected by an old and tired Labor government that has simply run out of ideas. Transforming our freight network is fundamental to this state. Over the past 15 years, South Australia's share of national merchandise exports has shrunk from 7.3 per cent to 4.3 per cent. That is a woeful performance and an indictment on 15 years of Labor government.

We need a government committed to unlocking the productive capacity of South Australian business and exporters, a government committed to investing in productive infrastructure and developing efficient market access, a government that will help our local companies gain the competitive advantages they need to get our premium quality South Australian products to market across the globe, to untap those hundreds of millions of middle-class people living in China and across our Asian neighbours.

A 24/7 freight hub at Murray Bridge will provide unprecedented access to international markets, and the intermodal export park will provide a unique merging of transport networks, combining road, rail, air and sea freight movements. We need a vision to grow that export capacity and we need a plan to ensure South Australia remains relevant to the national rail freight network. Capacity constraints along the rail freight line through the Adelaide Hills are expected to meet and reach capacity by 2030, and other states are already planning for this inevitability. South Australia must do the same.

The Adelaide-Melbourne railway line has served us since the late 1880s, but the tight curves, steep gradients and height restrictions along the Adelaide Hills corridor limit the ability to increase the freight load and, with South Australia's freight task expected to increase by 90 per cent, as I said, by 2030, the existing line simply will be unable to meet future demand. We need a modern rail freight network, a network capable of capitalising on improved technology and modern operational practices including longer double-stacked trains.

Of course double-stacked trains are not what we want going through the Adelaide Hills and through the Mitcham Hills, so an alternative needs to be found—a network capable of increased train speed and load-carrying ability, a network that will provide internationally competitive transport outcomes for South Australian businesses, exporters and potential investors by improving end-to-end supply chain efficiencies.

We need an alternative corridor for heavy freight that will deliver enormous benefits as well. A dedicated heavy road freight corridor will also abate the noise that Mitcham Hills residents hear through the wheel squeal of our trains, and having that rail freight out of our suburbs will ensure that bushfire risk is mitigated through the Adelaide Hills on catastrophic fire days. There has been a lot of concern in my electorate, and the new parts of my electorate of Waite as well, about the heavy number of trucks on our metropolitan roads and there is a big concern for people who live along Cross Road about the transport minister's desire to have road freight going down Cross Road onto South Road and down to the port. Globe Link will ensure that this does not happen.

Globe Link will ensure that we move road freight away from Portrush Road and, of course, Cross Road as I just said, and away from the South Eastern Freeway. It will reduce congestion and make the daily drive safer and quicker for many South Australians. Globe Link is an investment in South Australia's future. It is an investment that is critical to our economic future and it is an investment that is fundamental to improving the lives and wellbeing of South Australians.

MEMBER'S REMARKS

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) (15:32): As a general principle, I try to refrain from personal criticism of fellow MPs, except where they have attacked me. This sitting week provides me with the first opportunity to deal with defamatory and untruthful remarks made by the Hon. R.L. Lucas MLC in the other place on Wednesday 7 December 2016, during the last week of sitting. Mr Lucas falsely asserted that I had not been telling the truth in regard to ministerial travel, that I had engaged in a deliberate strategy to conceal the cost of such travel, and that I had taken 224 days of gazetted leave in 2015 and 2016. Mr Lucas went on to launch other offensive personal attacks.

All of these claims are untruthful. He used parliamentary privilege to defame with a view to media reporting the falsehoods, which *The Advertiser* did do on 10 December. Two days ago in this house, I corrected those claims and reports and established beyond reproach that all the obligations expected of me and my office had been complied with. I have raised the matter with *The Advertiser* and I will be taking formal action in regard to the publicly repeated comments by the member for Schubert. I note Mr Lucas has not had the courage to repeat these falsehoods outside the parliament.

I know Rob Lucas well, having served closely with him from 1997 to 2014. He is a cancer in the heart of the Liberal Party that should have been plucked from it years ago. He is one of the principal reasons the state Liberals nearly lost the 1997 election and have lost the last four subsequent elections. This is a man who, as education minister from 1993 to 1997, closed schools and scrapped music programs in public schools, leading to major embarrassment for premier John Olsen, who was stalked during the 1997 campaign by the Croydon Primary School community.

This is a minister who made a mess of every aspect of the sale of ETSA and did so without the protective measure of a Riverlink interconnector to New South Wales. Rob Lucas's arrogance and incompetence in government have left a legacy that South Australians are still paying for. This is a man involved in the savaging of the premiership of Dean Brown and who was a beneficiary when John Olsen promoted him as treasurer in 1997.

This is a man who called for and arranged a special general meeting of the joint Liberal party room late at night in the Old Chamber of parliament during a sitting week in August 2000 to urge us all to expel the member for Hammond, Peter Lewis, from the Liberal Party. Rather than keep Lewis in the tent, Lucas ensured that he was demonised. Had he not done so, Peter Lewis may not have run as an Independent and been in a position to bring down the Liberal government in 2002. The state Liberals have Lucas to thank for that.

When I became leader of the state Liberals in 2007, it was clear to me and to a majority of Liberal MPs, many of whom told me so, that Rob Lucas was yesterday's man—and that was 10 years ago. I removed him from the shadow cabinet because I knew he would oppose change, and he did. He opposed moving football to the city, he opposed the renewal of the Adelaide CBD spelled-out in my 2008 master plan for Adelaide, he opposed an ICAC. He proposed nothing; he opposed everything.

I was not alone in identifying the member as a leech on the party's leg. A former party president jettisoned him from the state executive after concerns about leaks to the media and his arrogant and obstructive behaviour. The leaks stopped with his departure. He raised no significant funds for the party's effort at any time in my observation. In one 12-month period, it was reported that Mr Lucas failed to represent the party at a single community event. He offended the Greek Orthodox community by dragging them into a dispute over a community grant, and Liberals were ostracised by that community for years. Even when, as leader, I asked him to desist, he continued.

Mr Lucas used the Budget and Finance Committee to undermine his House of Assembly colleagues and to promote himself. His loyalty to any leader is contingent upon his own self-interest. His contribution in the current parliament has been to tie up government departments with requests for mountains of documents and trawl through them for an out-of-context piece of information that he can offer to a journalist in exchange for a prominent quote from him. He targets the personal information of individual public servants.

In summary, Lucas is the chief architect of the low profile, small target strategy, which brought four election failures. He raises no money and he has no ideas. I am not surprised at the cowardly defamation he delivered on 7 December; it is totally in character. It would be a benefit to all MPs if Mr Lucas, after 12,520 days here, retired in the next few months and made way for new talent. It is surely the worst parliamentary record in the state's history. He is a merchant of misery, and I would suggest that he ceases his unheralded personal attacks and gets on with the job.

Bills

STATUTES AMENDMENT (REGISTERED RELATIONSHIPS) BILL

Introduction and First Reading

Ms HILDYARD (Reynell) (15:39): Obtained leave and introduced a bill for an act to amend the Family Relationships Act 1975 and various other acts to make provision for registered relationships. Read a first time.

Second Reading

Ms HILDYARD (Reynell) (15:39): I move:

That this bill be now read a second time.

Last year, our parliament made considerable headway in reforming the laws that discriminate against members of our community who identify as lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ). I am very proud of what our parliament has achieved so far with and for our LGBTIQ communities, but there is still more to be done. South Australia has a celebrated history as a state dedicated to achieving equality and fairness for all its citizens.

At the opening of parliament in February 2015, His Excellency the Governor announced that the government would invite the South Australian Law Reform Institute (SALRI) to review legislative and regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status. SALRI then delivered a number of reports setting out recommendations for reform. On 26 July 2016, this parliament passed the Statutes Amendment (Gender Identity and Equity) Bill 2016, which removed binary notions of sex and gender and amended provisions of South Australia's legislation which previously failed to set out how the law would apply to a person who is intersex or gender diverse.

The bill also removed interpretive language in South Australia's legislation that had the potential to discriminate against people based on their relationship status. This parliament has also recently passed the Births, Deaths and Marriages Registration (Gender Identity) Amendment Bill 2016, which aims to remove discrimination experienced by LGBTIQ South Australians by providing for a simpler, more direct and less invasive process for people to change their registered sex or gender identity on the formal record.

The parliament also passed the Relationships Register (No 1) Bill 2016, which establishes a relationship register that will allow unmarried couples, whether in heterosexual or non-heterosexual relationships, to register their relationships, receive a certificate of registration and know that their relationship is respected and recognised in South Australia. The Statutes Amendment (Surrogacy Eligibility) Bill 2016 is also currently before the parliament. The bill, if passed, will grant same-sex couples the right to access assisted reproductive treatment and surrogacy.

This bill is consequential to the Relationships Register (No 1) Bill 2016, which implements the recommendations set out in the SALRI equal recognition of relationships report as they relate to the establishment of a relationships register, amendment of access and eligibility provisions and the amendment of the Wills Act 1936. On the commencement of the Relationships Register (No 1) Bill 2016, unmarried couples, both heterosexual and non-heterosexual, will be able to register their relationships. It is intended that, once a relationship is registered, the same benefits as are currently afforded to married South Australians are extended to persons who are in registered relationships.

The Relationship Register (No 1) Bill 2016 goes some way to achieving this. However, in order for the intentions of this bill to be fully realised, the South Australian statute book has been reviewed to locate all instances where a marriage or domestic partnership is referred to, and, where appropriate, this bill will amend those references to include a reference to a registered relationship.

Our government has been working hard to bring about equality for all South Australians. It is my hope that, through finalising this reform to the recognition of relationships in South Australia, we come one step closer to bringing about equality for all South Australians.

I commend this bill to the house and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Family Relationships Act 1975*

4—Amendment of section 11—Interpretation

The proposed amendment amends the definition of close personal relationship to refer to sex or gender identity rather than 'gender' and inserts a definition of registered relationship in the appropriate place to mean a relationship that is registered under the *Relationships Register Act 2016*.

5—Substitution of section 11A

As a consequence of the *Relationships Register Act 2016*, the proposed amendment amends the definition of 'domestic partner' to include persons who are in a registered relationship with one another.

6—Amendment of section 11B—Declaration as to domestic partners (other than domestic partners in registered relationship)

This amendment allows for evidence that a person was, at a particular date, in a registered relationship with another person to be provided by producing a certificate issued under the *Relationships Register Act 2016*.

Part 3—Amendment of *Civil Liability Act 1936*

Part 4—Amendment of *Governors' Pensions Act 1976*The amendments proposed to the preceding Acts are consequential on the Relationships Register Act 2016 and operate to amend the definition of 'domestic partner' to include persons who are in a registered relationship with one another, and to insert, in the appropriate place, a definition of registered relationship to mean a relationship that is registered under the Relationships Register Act 2016.

Part 5—Amendment of *Housing Improvement Act 2016*

7—Amendment of section 4—Interpretation

This amendment inserts a definition of domestic partner to the effect that it will have the same meaning as under the *Family Relationships Act 1975*, which as proposed by the amendments in Part 2 of this measure, includes persons who are in a registered relationship with one another under the *Relationships Register Act 2016*.

Part 6—Amendment of *Inheritance (Family Provision) Act 1972*

Part 7—Amendment of *Judges' Pensions Act 1971*The proposed amendments to the preceding Acts are consequential on the Relationships Register Act 2016 and operate to amend the definition of 'domestic partner' to include persons who are in a registered relationship with one another, and to insert, in the appropriate place, a definition of registered relationship to mean a relationship that is registered under the Relationships Register Act 2016.

Part 8—Amendment of *Parliamentary Superannuation Act 1974*

Part 9—Amendment of *Police Superannuation Act 1990*The proposed amendments to the preceding Acts are consequential on the Relationships Register Act 2016 and operate to amend the meaning of 'putative spouse' to include persons who are in a registered relationship with one another. The amendments also insert, in the appropriate place, a definition of registered relationship to mean a relationship that is registered under the Relationships Register Act 2016. The amendments also allow for evidence that a person was, at a particular date, in a registered relationship with another person to be provided by producing a certificate issued under the Relationships Register Act 2016.

Part 10—Amendment of *Public Trustee Act 1995*

Part 11—Amendment of *Southern State Superannuation Act 2009*

Part 12—Amendment of *Superannuation Act 1988*The proposed amendments to the preceding Acts are consequential on the Relationships Register Act 2016 and operate to amend the meaning of 'putative spouse' to include persons who

are in a registered relationship with one another, and to insert, in the appropriate place, a definition of registered relationship to mean a relationship that is registered under the Relationships Register Act 2016. The amendments also allow for evidence that a person was, at a particular date, in a registered relationship with another person to be provided by producing a certificate issued under the Relationships Register Act 2016.

Part 13—Amendment of *Supreme Court Act 1935*

8—Amendment of section 13H—Pre-retirement leave

The proposed amendments are consequential on the *Relationships Register Act 2016* and operate to amend the definition of 'domestic partner' to include persons who are in a registered relationship with one another, and to insert, in the appropriate place, a definition of registered relationship to mean a relationship that is registered under the *Relationships Register Act 2016*.

Debate adjourned on motion of Ms Chapman.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 3) AMENDMENT BILL

Introduction and First Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:44): Obtained leave and introduced a bill for an act to amend the Rail Safety National Law (South Australia) Act. Read a first time.

Second Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:44): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Rail Safety National Law (South Australia) (Miscellaneous No 3) Amendment Bill 2017, which amends the Rail Safety National Law. The Law is contained in a schedule to the *Rail Safety National Law (South Australia) Act 2012*.

In December 2009, the Council of Australian Governments agreed to implement national rail safety reform, that created a single rail safety regulator, and to develop a rail safety national law, which a rail regulator would administer. The national rail reform aims are to:

- support a seamless national rail transport system;
- not reduce existing levels of rail safety;
- streamline regulatory arrangements and reduce the compliance burden for business; and
- improve national productivity and reduce transport costs generally.

The Rail Safety National Law commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator (ONRSR) was established as a body corporate under the Law, with its scope now also enacted through legislation in all jurisdictions, except Queensland, which is expected to become a participating jurisdiction on 1 July this year.

The National Transport Commission, the ONRSR, together with jurisdictions, developed the Law and are also responsible for identifying legislative amendments. Ministers of the Transport and Infrastructure Council are responsible for approving the Law and its amendments. This Amendment Bill was approved by the Council on 4 November 2016.

South Australia, as host jurisdiction, is responsible for the passage of the Law and any Amendment Bills through the South Australian Parliament. Once commenced in South Australia, each participating jurisdiction has an Application Act that automatically adopts the Law and subsequent amendments into its own legislation, except in Western Australia, where its Parliament needs to approve all amendments.

During its first three years of operation, the regulator has successfully discharged its obligations under the Law including facilitating the safe operation of rail transport in Australia by providing a scheme for national accreditation of rail transport operators and promoting the provision of national policies, procedures and guidance to industry, further progress in the consolidation of national rail safety data information and education and training for safe railway operations.

This Bill constitutes the third amendment package to be considered by Parliament. The first amendment package commenced on 1 July 2015 and the second on 1 September 2016.

When the ONRSR was established in 2012, the investment in major rail projects had an estimated value of $15.4 billion, however in 2016 major rail projects announced or having already commenced are in excess of $60 billion and the ONRSR is not resourced to provide this level of oversight.

Consequently, this amendment package introduces powers for the Regulator to charge additional fees for major rail projects, which are designed to ensure that regulatory oversight of operations can be properly maintained as the number of rail projects increases. The Bill also includes a review mechanism that will allow a rail transport operator to seek a review of the Regulator's decision that a project is a major project.

This Bill also:

- specifies the Rail Industry Safety Board Limited as a prescribed authority for purposes of sharing information to achieve national law objectives;
- clarifies that a registered person may surrender a private siding from its registration without the need to surrender the entire registration or go through a variation process as is currently the case;
- introduces a procedure for a rail transport operator to surrender an exemption granted by the Regulator, separate to the Regulator's powers to suspend or cancel an exemption.

Subordinate legislation will specify the additional project component fee amounts and the criteria that the Regulator must consider when determining whether a project component fee is payable.

The Bill has the support of Ministers of the Transport and Infrastructure Council and major stakeholders, including rail industry associations. I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Amendment provisions

Clause 3 provides that the amendments set out in Part 2 amend the *Rail Safety Law* set out in the Schedule to the *Rail Safety National Law (South Australia) Act 2012*.

Part 2—Amendment of *Rail Safety National Law (South Australia) Act 2012*

4—Amendment of section 13—Functions and objectives

One of the functions under current section 13 of the Act is to engage in, promote and coordinate the sharing of information to achieve the objects of Rail Safety National Law, including the sharing of information with a prescribed authority. This proposed amendment will include Rail Industry Safety and Standards Board (RISSB) Limited as a prescribed authority.

5—Amendment of section 64—Application for accreditation

The amendment proposed to section 64 will allow the Regulator, on receipt of an application for accreditation—

- to notify the rail transport operator in writing—
  - that, in addition to the application fee referred to in subsection (2)(d), the Regulator is considering charging the operator the application (complex operations) fee prescribed by the national regulations; and
  - that the operator may, within 7 days or such longer period as is specified in the notice, make written representations to the Regulator showing cause why the application (complex operations) fee should not be charged; and
- to consider any representations made under this provision and not withdrawn.

The Regulator may only send such a notice to the applicant if the Regulator is of the opinion that the scope and nature of the railway operations in respect of which accreditation is sought is such that the scale and complexity of the regulatory oversight that will be required by the Regulator in respect of the operations will be significant. If the Regulator proceeds with a decision to charge a rail transport operator the application (complex operations) fee, the Regulator must notify the operator of that fact and include in the notice—

- the reasons why the Regulator is charging the fee; and

- the date on or before which the fee is to be paid; and
- information about the right of review under Part 7 of the Law.

6—Amendment of section 76—Annual fees

The proposed amendment to section 76 will allow the national regulations to provide that a decision of the Regulator to charge a particular fee according to a factor determined by the Regulator is a reviewable decision under Part 7 of the Law. This amendment is related to the amendment proposed to section 64.

7—Amendment of section 94—Surrender of registration

The proposed amendments to section 94 are to clarify that, where a rail infrastructure manager of a private siding is registered in respect of more than one private siding, the manager may surrender registration in respect of one or more of those private sidings without having to surrender registration in respect of all of the manager's private sidings.

8—Substitution of heading to Part 6, Division 2, Subdivision 4

The substituted heading proposed by this clause is consequential on the insertion of new section 213A by clause 9.

9—Insertion of section 213A

213A—Surrender of exemption

Currently, the Law makes provision for the cancellation or suspension of an exemption under the Law. The proposed new section will make provision for the surrender of such an exemption along similar terms as the surrender of an accreditation or a registration.

10—Amendment of section 215—Reviewable decisions

The proposed amendments to section 215 are consequential on the amendments to the Law proposed by clauses 5, 6 and 9.

Debate adjourned on motion of Ms Chapman.

SUMMARY PROCEDURE (INDICTABLE OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:46): I rise to speak on the Summary Procedure (Indictable Offences) Amendment Bill 2016 and indicate that I will be the lead speaker for the opposition on this matter and possibly the only speaker. Nevertheless, it is a bill of considerable consequence, and I propose to take some time to outline the opposition's position. Whilst we look to the improvement of the procedures in respect of the processes of the court, we consider there are some significant defects in respect of the approach adopted by the government as has been prosecuted by the Attorney-General.

In short, this bill was introduced by the Attorney-General on 16 November last year. Prior to that, there had been some consultation about a circulated draft bill to the legal community. The bill substantially makes changes to the criminal procedure and the conduct of criminal trials in South Australia. The government claims that the aim is to encourage better pre-trial disclosure from both the prosecution and the defence, that is, to be at an earlier date and to provide more options to enter a plea earlier in the trial process.

If I were to make any comment in respect of that general pronouncement, it would be that, whilst there are clearly proposed new procedures in the bill to require the defence to enter a plea earlier and to enter into disclosure requirements earlier with significant penalty if it fails to do so, it does not actually have a similar obligation, with penalty, for the prosecution. It is this lack of early disclosure that creates the fundamental flaw in the approach the government has taken in respect of this reform.

The other bill under discussion during the course of the negotiations on this bill is the Sentencing Bill 2016. I do not wish to traverse the detail of that, other than to say that it has been developed contemporaneously and was introduced also last year. The government then did not progress the debate on the Sentencing Bill on the basis that there were sentencing discount clauses,

which are a feature in both of the bills, and thus the Sentencing Bill, until this week, has taken a prominent place but has now lapsed into the background.

In short, the Sentencing Bill proposes to set not just a refreshment of our sentencing laws in South Australia. It is a full rewrite of the act post the investigation by John Sulan, former judge of the Supreme Court, who kindly undertook a review in relation to this matter and consulted widely. While I am here I will thank him for his service to the parliament in conducting the same.

Until this week, the Sentencing Bill has been kept in tandem but has, as of this morning, been delegated to be dealt with behind this bill, or at least to follow this bill rather than precede it. That may require some other matters to be raised by the opposition in the joint party room on the basis of the government's decision to reverse the order of these bills. Nevertheless, we will attend to a number of those matters during the period from the end of the session today until the resumption of the parliament later in the month.

The bill before us rewrites the Summary Procedure Act 1921 to the extent that it purports to incorporate five changes. These largely reflect what the government claims, and the Attorney in his second reading contribution claims, are the areas of reform. In respect of the informations (not as in data but as in a document) charging an indictable offence, within this key area of rewriting the first is to combine the requirements from the Criminal Law Consolidation Act and the current Summary Procedure Act to detail what particulars must be included in the informations charging an accused with an indictable offence. That is outlined in clause 100 of the bill.

The second aspect of this key change is to determine in what forum a charge with multiple offences—that is major and minor—will be heard. The second key area of reform is in respect of the recommittal proceedings. The government says that this is to determine what documents and information a defendant must be given before their first court appearance in relation to their charge. That is including a copy of the charges, a description of the offending, forms for electing where the trial will be held, a notice about sentencing reductions, and the process of entering a plea. The new regimes are to be under clause 105.

Also under this area, South Australia Police may appear before a magistrate regarding an indictable offence until the DPP considers the preliminary brief provided to them by South Australia Police. This section states that South Australia Police must also provide a preliminary brief to the defendant's lawyer and file a copy for the court. That new procedure is outlined in clause 106.

Also in this pre-committal proceeding is the claim by the government—which is possibly one of the most controversial areas—that it is to introduce a section which prohibits pre-committal subpoenas for major indictable matters. This is the new regime under clause 107. Clearly this has caused much concern and is the basis of much submission from a number of the key stakeholders in the area as to how it is to apply, the lack of ill that it is to cure, and the consequential failure of the very objects of this act; indeed, to be at the severe prejudice of the defence. These are all matters that need to be traversed, and I will doing so in the course of this contribution.

The third major area of reform the government wants to deal with is the committal process. As I am sure most members would be aware, in serious matters in the Criminal Court, these cases simply do not come before a court as such to have a trial or receive a plea. There is a necessary interim step, and that is a committal hearing. Sometimes, oral evidence is given; sometimes, documented evidence is given, but it is essentially a process where the court needs to determine whether there is sufficient evidence to have a trial in the first place and to have someone committed for that purpose.

Under the new committal procedure, the bill removes the requirement for a defendant to make a plea during a committal hearing; however, they can still do this if they wish. The defendant may advise the court that negotiations are being undertaken with regard to a plea and have their sentence discount reflect this time if within one month of the committal. That new regime is in clause 110 of the bill.

Secondly, the bill requires that the prosecution file a brief, at least four weeks before the date of the hearing to the Magistrates Court, containing witness statements, copies of documents establishing guilt, evidentiary material and any other relevant material. That is outlined in clause 111.

Thirdly in this area, the timing changes around the filing of documents by defendants is extended to four weeks, as outlined in clause 112.

The fourth major area of reform is the forum for trial or sentence. What is proposed here in the bill is that, for major indictable offences, if a defendant pleads guilty and both the defence and the prosecution agree for the sentencing to occur in the Magistrates Court, then a magistrate can hear the matter. That is outlined in clause 116(1).

The fifth major area of reform again attracts some significant controversial comment and response, and that relates to the procedure following the committal for trial or sentence. These are the rules upon which the trial is to progress and the obligation of the parties in respect of that lead-up to the ultimate determination, whether that is on the ultimate sentencing or, if a plea of not guilty prevails, for the trial and determination of the matter.

In this area, the bill has a new provision for magistrates to commit a date for arraignment if the magistrate has deferred the matter for trial in a superior court. That is in clause 120 of the bill. The prosecution, under the bill, must provide a case statement, which includes the information against the defendant, to the court and the defendant's lawyers no less than six weeks before an arraignment date. This is under clause 123, and I will come back to that in due course because of the concerns and the weaknesses of the application of that.

In this section, the bill also requires that the defence lawyers provide a case statement no more than four weeks after being provided with the prosecution case statement, which I have just referred to. The defence statement must include the defendant's defence, including particular defences to be relied upon. This essentially is a new regime which has been replicated from the existing New South Wales model in respect of indictable matters.

There is to be an obligation recorded in the legislation of continual disclosure applying to both parties' case statements. This reinforces in a statutory manner the intent to ensure that that obligation is known not only at the time of the obligations to file but as a continuing obligation for disclosure of material facts, etc., in relation to the matter.

The other area in this section relates to the expert evidence details, which, as proposed, must be provided to the court and prosecution at the same time as the filing of the defence case statements. There is also provision, and it is by a new provision which is inserted into the legislation, to allow a judge to make an adverse comment to the jury if the defence has failed to file their defence case statements within the prescribed time. This is clause 125. A new provision is also inserted which provides that subpoenas may only be issued by a master of the court upon application to them by party. Subpoenas will not be issued if the party applying has not lodged a case statement, and that is incorporated under the new clause 126(2).

It is fair to say that under this section, as to the procedure following committal for trial or sentence, comes the most contentious area that has attracted the most comment, as I have said. The rules that are to apply, firstly, to the prosecution and the defence are not equal, and that highlights that there are a number of problems in relation to that. I think it is going to be arguable that they are even fair, but certainly they are not consistent with providing just and equitable access to a trial process to protect the interests of the innocent.

It is a sobering reminder, when I look at this type of legislation, of how important it is to remember that we have a legal system which respects the rule of law which recognises the separation of powers and understands the importance of having a system which has a strong and independent judiciary and court system to protect against the excesses of executive government, or indeed anyone else, to protect the interests of our members in the community and to maintain a standard in a civil society.

I place that on the record in the context of this piece of legislation because it is not entirely unremarkable legislation. It is just that it does not, in my view, necessarily achieve what it is supposed to be doing. Secondly, I am not certain that there is an ill to reverse that needs remedying from which the change of the procedure in relation to indictable matters is going to offer some comfort or resolution or a better system.

Let's consider for the moment what is the problem. The Attorney, when he outlined his contribution to the parliament, claimed that the changes were necessary and designed to enable courts, police, forensic services and prosecutors to focus their resources where they are most needed and ease the pressure on our court system.

The Attorney set out in his second reading contribution that of the annual reports to the parliament, some are public including the Report on Government Services, which is often known as RoGS. In 2016, he claimed he indicated that notwithstanding the South Australian District Court had the second highest rate of criminal finalisations, that 22 per cent of outstanding matters had been pending for over 12 months. He also went on to say that the annual report of the Office of the Director of Public Prosecutions for 2014-15 showed that the reasons for vacated trials in Adelaide across the Supreme and District courts included 35 per cent that were vacated due to late guilty pleas. In addition, 14 per cent were discounted by the DPP, while almost 20 per cent were vacated because there was no judge or courtroom available.

The clear inference of the information outlined by the Attorney in his second reading speech was that the problem here was the vacation of trials in the superior courts due to late guilty pleas. Of course, he has taken out a very small portion of that from the report, but what is interesting to me is that when one looks at the Courts Administration Authority Annual Report 2015-16, which may or may not have been available to the Attorney when he actually tabled this legislation, bearing in mind that that was on 16 November last year, just before the parliament rose, it appears that it had been completed.

It was tabled this week in the parliament, not last year. I am pleased to say that at least we had the Attorney-General's Department's annual report, but others were missing and this was one of them. But I do not doubt for one moment that the data from it was available to the Attorney, and I suggest that that should have been brought to the attention of the parliament, not conveniently quote the data from the preceding financial year.

There is some very interesting information in this report, much of which I will be highlighting in other debates but, for those who follow the concerns raised by the Chief Justice as to the difficulty in management of a court system in providing a report on the courts for which he is responsible overall as the Chairman of the Courts Administration Council, in respect of the facilities they utilise, he said:

> The poor building condition of many of our [courtrooms] continues to be a serious concern. Storm rain breached fragile, old box guttering and flooded two chambers on two levels of the Supreme Court, forcing judicial officers and staff to evacuate. A subsequent investigation of the roofing led to the discovery of a sizeable pocket of pigeon waste in the roof space.

I assume that to be pigeon poo, not dead pigeons. He continues:

> Pigeon waste poses health risks equivalent to asbestos exposure. It required immediate removal. Scaffolding [was] stood at the front and side of the Sir Samuel Way Building for months this year to allow workers to stabilise its crumbling facade.

It is not beyond the wit of anyone reading that to understand that, to start with, the infrastructure in which the courts operate has considerable deficiencies, so much so that the Chief Justice has reported to us this week in this report the need to in fact evacuate some of the judiciary and staff during the operation of their business.

It is hardly surprising that you start to get a picture of some of the other factors, and possibly more pressing factors, that are referred to by the Chief Justice as to why there is such a delay in respect of the administration of justice in the court, why there is such a problem in respect of how quickly they are able to progress their work and provide for timely outcomes of criminal matters.

The annual report also highlights the other initiatives that of course have been undertaken during the year, in the hope of being able to progress the court system in an efficient manner and undertake its business. It tells us that it has achieved a $2 million reduction in expenditure, which it has been obliged to find as some kind of efficiency measure. That savings target of $2 million was met within the year.

So far, we have pigeon poo in the gutters, a poor and decaying court structure and an efficiency dividend of a cut of $2 million. We are starting to see a picture of some of the challenges that the Chief Justice is facing, as the head of the court, in being able to manage the workload. In the superior courts—and this is where we are talking about indictable offences being dealt with—there are 12 judges in the Supreme Court and 20 judges in the District Court in South Australia.

In respect of the Supreme Court, the Chief Justice identifies several factors as to why there has been a delay in the 'smooth progress' of the court dealing with the criminal workload. Interestingly, it is the same for the District Court as it is for the Supreme Court. On page 16 of the annual report, he states:

> Several factors affected smooth progress of matters. These included a shortfall in numbers of judicial officers available for rostering, availability of courtrooms, increased complexity of cases, availability of specialist reports to the court and decisions by defendants to change pleas to guilty shortly before or on the day of trial.

The basis upon which the Attorney has brought to the attention this reform and asks us to support it is only one factor that the Chief Justice has identified. Without going into the detail of the other factors, I hasten to add that none of the other factors has been addressed. That is not to say that the Attorney and the government have not been on notice of these matters, because the Chief Justice made the point in last year's annual report as well as in this year's annual report on page 19, where he states:

> In particular, the Supreme Court sat regularly in three courtrooms each week, which reduced the number of courtrooms available for the District Court.

He then outlines the sick leave of some of the judges. He continues:

> At present, there are 100 matters older than two years, which is an increase from 88 matters in this category in the previous reporting period.

The Attorney is on clear notice that there are a number of other factors that are frustrating and impeding the smooth and timely progress of matters through the court system, but none of those is being dealt with in this instance by this legislation. To the best of my knowledge, there have not been any announcements of new judges, how to deal with the complexity of cases or the availability of courtrooms. I certainly would have noticed if they had announced a new court. They have done that several times before, so I have a very thick file on it. Of course, sadly, it is usually followed a few months later with an announcement that it has been cancelled, so we are still waiting for that to be remedied.

In respect of the availability of specialist reports to the court, although the Chief Justice does not elaborate, from what I can see in the content of his last report this usually relates to professional witnesses, forensic testing and things of that nature, where we know there is a very substantial delay. Forensic Science SA is a major area within the Attorney-General's Department, which I think has a budget of about $200 million. In fact, I think it has a bigger budget than the Director of Public Prosecutions has. In any event, it is a very substantial and important part of criminal justice because it undertakes a number of forensic assessments and is most valuable in the negotiations between prosecution and defence and also in the administration of justice, if the matter progresses through the court.

It is well known that there is a very significant delay in the availability of DNA sampling that is tested for forensics for a number of our cases. Bear in mind that Forensic Science SA does not just have a responsibility to do work for criminal trials. There is other work that is to be done by their division, not the least of which is sometimes necessary in respect of deceased persons, and that may not be as a result of any criminal conduct but testing needs to be undertaken.

Most of us here in this parliament will have had letters from family members of a deceased person who are anxious to have a ceremony, burial or cremation, but it has been held up, sometimes months and months, because of the delay in forensic assessment. Again, that is no direct reflection on Forensic Science SA. I do not wish in any way to be critical of them. I make the point, though, that they have a huge workload and they are simply not able to get to this.

In the criminal law world, in the prosecution of these cases, where people have been charged with major indictable offences—these are the pointy end of the pencil so to speak—quite often those accused are waiting in our prisons, held in custody until their committal and/or trial. Sometimes they can be bailed for a period of time but usually, once committed to trial for serious offences, they are

kept in custody. They can languish away in gaol for two years and even longer if, of course, their case is listed and they are not reached, and I am going come to some examples of those shortly. This is a very unsatisfactory situation if they are guilty, and absolutely unconscionable if they are innocent, because of the time spent in custody deprived of all the freedoms we currently enjoy.

The government has, through the Attorney-General in this bill, presented to us a new procedure that they say is to deal with late guilty pleas that therefore cause some impediment to the smooth progress of cases. The inference, might I say, is that the government is saying that we need to penalise particularly the defendant or their lawyers because it is their fault. I will come to the provisions outlined in this bill as to how the government says it is to be achieved. If we look at the bald assertion that the decisions by defendants to change pleas to guilty shortly before or on the day of trial, implicit in that is that it is their fault that they have taken all the time of the court for a prolonged period unnecessarily and that if they had pleaded guilty earlier that would have saved a lot of time, money and resources for the court administration and therefore that would be a better system.

But even in that statement, it is not difficult to imagine a number of cases where a defendant's opportunity to enter a plea of guilty, either to a different or lesser charge because there had been fruitful negotiations preceding it, or the disclosure of material that otherwise had been kept undisclosed resulting in discussions that then culminate in a plea of guilty being entered into, could have been entirely the fault of the prosecution.

The prosecution may say, 'It's not really our fault because we are in the police prosecution unit, or we are in the DPP,' (Director of Public Prosecutions office), and, 'We've tried to do everything we could to get our professional witness available and his report done, or her forensic assessment done, but we are held up by the delays in these other services,' many of which are either provided by or paid for by the Crown, by the government, under the responsibility of the Attorney-General.

The Attorney-General needs to address the deficiencies that are there before he starts to implement what is a regime of punishment, mostly for the defendant, to try to remedy a problem. The Attorney has this on his desk. How does he fix it? He goes to the most vulnerable. He takes the cheap option, and that is to say to the people of South Australia, 'I'm going to fix this. I am going to implement legislative and statutory obligations for the confinement of the terms upon which a case is to be operated. The case plans are to be restricted in time. The opportunity to explore defences are to be confined. The defendant is able to be punished if there is a failure in a time limit.'

We are not talking about a road traffic offence. I want to remind members that we are talking about major indictable offences. We are talking about serious crime. We are talking about treason, murder, robbery, acts of terrorism, all of which are heinous crimes if the offender is found guilty or ultimately confesses to being guilty. They are also the subject of imposition as charges on members of the public who are innocent.

As I have said before, not only is it the responsibility of the South Australian government to provide a service to protect against that, to have a court system and to fund it, but it is also the obligation of this parliament to make sure that we do not crush or diminish or extinguish the very rights that protect people against the inappropriate or unlawful conduct of others in their quest to save money rather than follow the pursuit of justice.

Can I then address the matters of great concern to the stakeholders in this matter who have, over a number of months, been involved in the discussions and contributions to try not only to assist the Attorney to come up with a procedure, if there is opportunity for improvement in the procedure in relation to criminal cases, but also to not unfairly act to protect others.

In respect of the sentencing reductions, some significant changes have been introduced in respect of the incentives for people to enter an early guilty plea. I can say from this side of the house that we supported the government in following up significant amendments to legislation back in 2015, I think, though may be wrong. I recall that Hon. Brian Martin AO, QC reviewed an operation of the guilty pleas act and provided a report in late 2015. Consequent to that, this parliament considered how we would reform and adopt the recommendations of that review by providing for a graduated scheme of percentage of penalty—that is, time for imprisonment terms—if you plead early.

It was a significant reduction in the sentence, up to about 40 per cent, on the basis of the earlier someone pleaded, the greater the relief they could apply for. The eligibility for that was really time based. There was also an addition in that legislation to give a reward, I suppose, of a reduction in sentence for someone who might assist the prosecution or the police in their inquiries in respect of other offences and other offenders. It is commonly known as the 'supergrass law'. In that latter area, to the best of my knowledge, it has been used extremely rarely.

There had been an informal procedure that the courts, defence and prosecuting counsel had undertaken in the past that seemed to work quite well. Nevertheless, the government put into statutory form a procedure for how to reward someone—who was either awaiting sentence or had been sentenced and was in prison—who was looking to receive some remission or reduction of their time. This was to 'grass' (a colloquial term) on another case so that their evidence might assist the ultimate detection, prosecution and conviction of another party or parties.

Unfortunately, it has been rarely used under this new statutory regime. That is probably unsurprising. We raised some concerns about formalising it in this way, requiring it to have an application in the court rather than the informal way it was dealt with. Unsurprisingly, we do not have any serious criminals come forward to make an application because, of course, they know that the people who are fearful of them telling of their circumstance may well hunt them down and cause them some injury. This is what I would call a fairly blunt and clumsy approach to the sentencing reduction from that aspect. It is of no surprise to me that it has hardly ever been used.

Nevertheless, regarding the rest of the bill at the time, I have to say that we strongly supported the government looking at a system of benefit, that is, to have a carrot instead of a stick in relation to encouraging early guilty pleas. I know there has been some review of that, probably a bit prematurely. I think even the reviewer made the comment at the time that it was premature to make that assessment because no more than one full year—I think it was only a part of a year—had been reviewed. Even though further statistical information was available in the following period before we received the report, none of that was taken into account or reviewed.

We are still not really much the wiser as to how effective that has been. Nevertheless, in the course of the review of sentencing law, which, as I say, is now within another bill, this bill purports to improve the operations of the criminal justice system, they say, by reducing those current delays and backlogs by again reviewing the incentives to get people to plead guilty early. Whilst we have looked at that, there is probably not much justification to change what we have. What is important is that we make sure that what we have is being implemented, rather than interfere with that process again.

When Mr Martin reviewed some of the sentencing reduction law, apparently he identified four other areas of the sentencing act where amendment was needed, and that is in this bill. They include:

- amending the timing and quantum of sentencing reductions applicable in consequence of the reform package;
- introducing a maximum 10 per cent reduction as an incentive for complying with pre-trial disclosure and for cooperative conduct of the defence case;
- ensuring that the court has regard to the timing of negotiations where those negotiations result in a different charge being laid to replace an earlier charge in respect of the same conduct; and
- setting out the process for applying the available sentencing reductions.

They have been incorporated in the bill. I go back to the five areas of substantial reform that the bill otherwise hopes to set out in its new regime which, as I said, is flawed. It is not terminal, to the extent that it does not mean that the whole of the bill should fail, but it seems to me that there needs to be some significant amendment.

It would probably be remiss of me, and even the whole of the parliament, not to recognise the new appointment of the Attorney-General and his position of Senior Counsel. I think he appeared before the Supreme Court to hear the wise words of the Chief Justice. The role of Attorney-General is a very interesting one, and it compelled me to look back at some comments made by the

Attorney-General, not at that hearing but at the time that he was appointed as Attorney-General. On 5 May 2010 in the Supreme Court, having been appointed Her Majesty's Attorney-General, he said:

> The role of the Attorney-General in the contemporary Australian setting is a different and somewhat complex one. In South Australia—

Mr PICTON: Point of order: I fear that we may have strayed from discussing the bill at hand.

The DEPUTY SPEAKER: We may have.

Ms CHAPMAN: The Attorney-General is quite happy to hear it.

The DEPUTY SPEAKER: I do not know that that is true; you are misleading the house now. He is not happy to hear it at all. I will listen very carefully. I know you would not put my position in any further danger, would you?

Ms CHAPMAN: Thank you. The quote continues:

> In South Australia the Attorney-General is a member of cabinet, and so is bound and constrained by cabinet rules in exactly the same way as any other cabinet member. This much is clear.

He goes on later in his contribution, having reflected on the assessment by the late Chief Justice, His Honour Len King, when he said:

> A strong, fiercely independent judiciary and legal profession is essential for a viable democracy and the rule of law. Anyone who doubts this might care to reflect on the comparative social and political histories of Australia and Argentina since 1990.

He goes on to talk about the significance of judicial independence and his concept of civil society. I reread that in the light of what we are being asked to consider in this bill. The new and novel approach to punishment, particularly to allow for adverse comment when there had not been the formality of compliance of a formal proceeding or a time, I found an extraordinary inconsistency.

I should not have really been surprised because the Attorney has surprised me a bit this week in legislation that he has brought into the parliament, including the child protection reform which is now before us. I am not going to reflect on the detail, but the capacity and the apparent appetite that the government has for reversing onus of proof, for removing ministerial responsibility and transferring it to executives, has come to a new level, and that is reflected in this bill and others.

I find it quite disturbing, actually, and I find it inconsistent with what I think the Attorney had committed to when he took on the position of Attorney-General. If that was not clear enough, it is grossly inconsistent with the commitments he made as a newly honoured Senior Counsel late last year. Back in October, I think, when the Attorney-General received silk, there being a special sitting of the Supreme Court, His Honour the Chief Justice said:

> The independence of the legal profession buttresses the independence of the judiciary…together, they are supporting pillars of the rule of law.
>
> Other arms of government sometimes act inconsistently with the rule of law [through] needless legislative abrogation of common law rights [and] executive interference with the court procedure and process. As leaders, it's a responsibility of an SC [Senior Counsel] to defend the rule of law against encroachment of this kind.

Along with other members receiving appointment as Senior Counsel, the Attorney-General stood and said, 'I respectfully accept my appointment and confirm I will maintain the standards and observe the undertaking.'

However when we look at this bill, which was tabled within weeks of that special sitting, it was very concerning to see what was proposed in the introduction and the penalties that would apply if there was a failure to deal with case statements. If that was not bad enough, the attempt to exclude the defendant or their representatives from rightful access to material which is necessary for them to consider in the protection of their rights, consistent with the right to be recognised as innocent until proven guilty, has been offensive.

I, for one, am quite concerned at the approach the government, spearheaded by the Attorney, is now prepared to undertake to try to justify the management of the criminal law system, a court process, which is under severe pressure. The government does have other options and could have looked at reform of this area—that is, the procedural area—not by cherrypicking out the little

cheap and easy bits from the New South Wales or Victorian systems, or any other system, but by looking carefully at where it might be improved without impeding or impinging on the rights of an accused person.

However, the government did not do that. I suggest that the government took the cheap option and is proposing to introduce what could be a brutal regime of exclusion, placing a person who is accused of a serious criminal offence in an impossible position. The Attorney does not have to take my word for it, there are plenty who have pointed this out to him and to those advising him. There was every opportunity to have some reform, even to look at some improvement and models that may not have been very expensive but that could have worked.

In short, one option was to look at the whole of the Victorian system and how they operate the procedure in respect of indictable offences but, quite clearly, the government, even if they looked at the Victorian system, had made an assessment that, if they were to adopt that approach, which was fair to all parties in respect of a proceeding, then they would have to introduce and inject significant extra resources into the prosecution resources, whether that is the DPP, the police who undertake a prosecutorial role or the other very important support services.

They would have to have a lot more money in relation to forensics. They would need to be able to afford to train and/or consult with the private sector in respect of expert evidence, and they are just not prepared to do it. So, regrettably, we have a situation where they have taken out parts which, as a whole, reflect poorly on the government and produce an outcome which I suggest is dangerous.

Let's look at those who have made a contribution in this area. I will start with the President of the South Australian Bar Association, Mr Ian Robertson SC. He has made a very significant submission to the government in an attempt to persuade them to review the matter. I will refer to a contribution that came to him from one of the most senior at the criminal bar, Lindy Powell QC, who presented her consideration, which was forwarded to the Attorney:

> Thank you for forwarding me a copy of the South Australian Bar Association response to the Summary Procedure (Indictable Offences) Amendment Bill 2016. I wholeheartedly endorse the submissions made on behalf of the Association.

There is then an apology in relation to the delay in her response and reference to her personal experience of collapsed trials during the calendar year of 2016, similar to 2015 and 2014, providing some detail in respect of why that had happened. She goes on to say:

> I am firmly convinced that the problem is a procedural one and it is an appalling mistake to deal with it by altering the substantive law and particularly the right of individuals to a fair trial.
>
> I have been agitating for many years for procedural changes which could overcome the now longstanding problem. Given that my experience is that it is the last minute briefing of trial counsel by the Office of Director of Public Prosecutions which is the most serious cause of the problem (as manifest by my 2016 experience), that problem should be first addressed before any change is contemplated of such drastic nature as contemplated by the Bill. In the early 1990s I was on the Duggan Committee which first introduced directions hearings. The Committee determined that directions hearings should all take place before 10.00am each week day morning, specifically to allow trial counsel who would be capable of identifying the real issues in the case to attend. Over the years and perhaps for budgetary reasons, junior members of the ODPP [Office of the Director of Public Prosecutions] now attend at almost all directions hearings. They have no, and certainly no detailed, knowledge of the issues in the case, and are incapable of any proper discussions to resolve the matter. Indeed, in my experience, they will often object to a suggested trial date on the basis of an absence on holidays of a police officer who did no more than to convey an exhibit from the Police Property Section to the Forensic Science Centre. I doubt that intervention by the Court can solve this problem.
>
> Further, it is my experience on many occasions solicitors employed at the ODPP will neither negotiate an appropriate alternative plea to resolve a charge or charges (emotively and wrongly, in my view, often referred to as plea bargaining), agree facts for trial or reduce the number of witnesses to be called by the Crown at trial for fear of binding the prosecutor eventually briefed for trial just days before commencement to a course with which he or she does not agree.
>
> Over and above these problems is the longstanding problem of the failure of investigating authorities and the ODPP to make proper and timely disclosure of the case against the accused addressed in SA Bar's submission and that of David Edwardson QC, which I read and also support.
>
> I have suggested, in discussion and in writing over several years, that a trial should be immediately undertaken of a rolling list in at least two of the criminal trial courts in Sir Samuel Way Building. The trial could be limited at first to matters where the accused is legally aided. It could also be limited to trials for accused who have not

elected for trial by judge alone. This would enable the DPP to brief or to allocate, say, three prosecutors for each of the two courts. The Legal Services Commission could do likewise for the defence. (This may not be necessary from the defence point of view as I have no doubt the defence counsel could respond to a rolling list in the way that they already do to circuit lists in the District Court in Port Augusta and Mount Gambier. The prospect of a rolling list for a month must be more palatable than the constant refrain of 'not reached'.) When each jury retired to consider its verdict, the next jury could be empanelled and the trial commenced. It is my experience that this approach was often adopted by experienced criminal judges in the past and I have seen many verdicts taken with the jury simply lined up in front of the jury box where the fresh jury were sitting. There is no doubt that there would have to be some economic projections undertaken to establish that this would be a more financially advantageous way of running prosecutions and defences but, personally, I have no doubt the advantages would be very real.

I think consideration also should be given to criminal matters being managed via a docket system as occurs in the Federal Court. If cases, and particularly cases which involve multiple accused or complex issues—

which I interrupt to say has been identified by the Chief Justice as an area of concern for the delay—

were allocated to a single judge from the first arraignment, then I believe that early resolution of these matters would inevitably occur if the DPP could be persuaded to brief counsel in those matters from the time when a trial judge was appointed. I have utilised the recently granted ability under the Rules to bring applications well in advance of the listed trial date for a stay of proceedings with success in two matters in the last 12 months. The early applications in both of my matters have not been resolved by Court order, but rather the bringing of the proceedings and the listing of the applications before the Court drove the DPP to brief counsel in the matters who, upon proper analysis of the prosecution case, determined that a *nolle prosequi* should be entered. I have not included either of those matters in my attached 2016 experience. All seven of the included matters are matters which have not gone to trial as a result of something happening immediately before a trial was listed to commence.

I add one final comment. I doubt the Attorney or indeed the Premier while acting for injured workers or plaintiffs in their previous professional lives would have tolerated a situation of no judge or court room being available to hear their clients' trials on a day set many months and sometimes a year in advance of that trial. They, too, like criminal solicitors and barristers would have been left in a dilemma as to what they could possibly do about charging those clients for the costs thrown away in getting the matter up for trial and the days set aside for the hearing of it, given that the adjournment is through no fault of the client. Nor would the Shadow Attorney tolerate such treatment of her family law clients. My view is that, of course, they would be entirely justified in being intolerant of a system that allows the current injustice to be perpetrated.

Yours sincerely

Lindy Powell

Ms Powell is not the only one with an extraordinary amount of experience, but it is fair to say that in all of my career she has been Senior Counsel and has had a very substantial role in dealing with the most serious of criminal cases. Of course, she is famously known for her work in relation to the war crimes cases that were started but seemed to be aborted in the end largely because of the age of the accused. However, her view on this matter should weigh on the Attorney's consideration. If he gets it wrong or he wants to jump to the easy, cheap option, then he has to understand that there are very real consequences of what he is proposing. Furthermore, she does not just criticise but adds helpful and practical ways in which there could be some improvement.

I recently received correspondence from Mr Jon Lister, dated 18 October 2016, which he sent to the Hon. John Rau. I am not sure if that was just before or just after he had been appointed as Senior Counsel but it does not give him the SC title, so I am assuming it was days before he actually accepted his appointment. The letter states:

Dear Attorney-General

I am writing to express my disgust with proposals contained in the Summary Procedure (Indictable Offences) Amendment Bill 2016, particularly with respect to the effect of sections 107, 123, 125 and 126.

The proposed fetters upon the Accused's right to subpoena relevant and important material will have two significant effects: more unfair trials occurring and an increase in, rather than a reduction of the trial list—it is often the case that subpoenaed material causes a prosecution to be discontinued or resolved by a plea to a less serious charge.

A subpoena is the only mechanism by which an Accused can compel prosecution authorities to comply with disclosure obligations. Moreover, it is the mechanism to compel the production of relevant evidence at all stages of the criminal process both at summary and superior court levels. This often has the effect of ensuring that relevant dates, including trial dates, are not vacated.

Frankly, I am astonished that you have proposed ss123-126. They carry no sanctions whatsoever for non-compliance by the Prosecution and, alarmingly, derogate from both the fundamental right of an Accused to silence in

an adversarial process and the critical importance of any civilised legal system of the principle of legal professional privilege. In short, these are scandalous and shameful proposals which diminish the dignity of your Office.

I have practised the criminal law in this State for over 40 years. I believe I can offer a number of suggestions which would have the effect of reducing the number of defended cases while ensuring that the needs of the community for a fair and rational criminal justice system can still be met. I would welcome the opportunity to discuss these if that would be of assistance.

Please re-consider the bill and remove the repugnant provisions proposed.

The Law Society and the SA Bar Association have put in powerful and lengthy submissions. I do not propose to go through all of that today, but it is fair to say that they say there are really four areas that are just not acceptable. One is this restriction on the capacity to subpoena or, in some instances, to remove the right to be able to subpoena at all. The second is in the area of the process to be undertaken for the obligation of the prosecution to provide a case statement within a certain time and then for the defence to provide a case statement within a certain time, without any penalty whatsoever for the prosecution if they do not do the right thing. Nevertheless, that is totally offensive.

Probably the most puzzling of the reforms proposed by the Attorney is that the new provision allows a judge to make an adverse comment to the jury if the defence, but not the prosecution, has failed to file their defence case statements within the prescribed time. What is going on here? In that regard, I went straight to our side of politics to say that that provision, in the absence of it being equal to both the prosecution and the defence—which, even if it was, would have been inappropriate—is absolutely unacceptable as a tool where there can be adverse comment by the judge, which of course then is put to the jury, who are the determinants of the substantive matter as to guilt or innocence. That is just extraordinary.

I took it to our party room and explained to them that I had had a meeting with the Attorney-General in respect of a briefing on this bill, together with Ms Mellor, who is the Chief Executive of the Attorney-General's Department, and other important people who are familiar with the drafting of the bill. In the course of that meeting I said to the Attorney, 'Why would you possibly want to add in a provision where there could be adverse comment that could be made by a judge in a circumstance where there has been a failing on behalf of the defence but not the prosecution?'

The answer to that was that it was not necessary because the prosecution had an obligation in respect of compliance. I do not think he used the sort of model litigant explanation that is usually a wraparound for all the things he says that have anything to do with the government. I said, 'If that's the case and the prosecution is already under that obligation, what is the problem with putting it in there?' I think the gist of the response to that was that they would obviously look at that aspect.

Meanwhile, I went to meet with the Director of Public Prosecutions, because of course he is under an independent commission, to ask him his view in relation to aspects of the bill, including whether he would consider that it would be reasonable that the prosecution be also inserted into this new and novel way of bringing people to account for compliance in relation to filing their case statements.

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

Ms CHAPMAN: Unsurprisingly, he said no. I said, 'If you felt that you were not able to identify from here what you would be obliged to do and how it would work, it is probably reasonable to assume that the defence would not know about what the extent would be, what comment could be made, the detail of it or the subject matter in it.'

We had a general discussion about the potential—even worse really—of a situation prevailing where adverse comment was made, creating a situation where there would be an appeal and/or a retrial. Because the judge is also completely in the dark about what is to be applied here, what they could say and how far they could go, it might create the opportunity for an appeal, which could lead to possibly having to start all over again.

His clear position was that, whilst he was not able to particularise how this would work and what the restrictions would be for the defence, he did not want to be in it. He certainly was not prepared to say, 'That's reasonable. Just put us in the same; we will both be in the same boat. If neither of us does the right thing—if neither of us complies with our case statement obligations either

in time or content—then we are both facing the wrath of the judge and potential adverse comment to the jury.'

I do not blame him. It is not unreasonable for him to say, 'Why would I want to get into something when I've got no idea how it's going to work?' We do not want to be part of a situation where we might trigger that position, but I say to the Attorney: how can you possibly justify having a provision for some kind of penalty that could fracture the whole progress of the case in an orderly manner and, in fact, cause it to be redone and cost more money and take more time and take up more court space without there being some equitable approach?

Personally, I do not see any justification for it at all. I assume that this is what is left after the Attorney attempted to introduce other regimes of punishment for not complying with a strict regime of timing. The current position, and probably the most effective way of dealing with the inadequate compliance by any party to proceedings, is to direct that they pay the legal costs of the other party, obviously having to carry their own legal costs at the same time. Sometimes there is an opportunity to order that they pay the costs of the court and costs that might be thrown away of witnesses who have had to travel from interstate and all those sorts of things. There are ways of introducing cost orders from one party to another.

At one stage, I seem to recall—and I stand to be corrected if it was not in this bill—there was a provision in one of the drafts for the counsel for the defendant to pick up the bill. As the Attorney may have already found out, there are certain circumstances where a court can direct legal representatives to be personally responsible for legal costs. Usually it has to be for very good reason, in particular if there was conduct on behalf of the practitioner that was totally out of order and for which their client should not be punished by having to pick up a court order.

In fact, I was reading just yesterday the legal practitioner annual disciplinary report (now under the stewardship of Commissioner May) and, coupled with that, the legal practitioners' tribunal annual report, which was tabled in the parliament this week. There were two cases that I noted had been referred back to court for penalty by the Supreme Court in regard to two practitioners who had either deliberately misled, or recklessly given misinformation to, a court. That is reprehensible. I do not know the particulars of those cases. It may be that the punishment will not just be cost orders: it may be that a suspension or disqualification of their practising certificate may follow.

As I said, I do not know the details of the cases, but we take very seriously circumstances where a legal representative, by their own conduct, acts in a manner that is unacceptable or even unlawful, for which their client should not have to meet the burden of any costs or consequence. We have a process for that, so I was a bit surprised to see an attempt to demand of the defendant certain commitments on the basis that, if it did not happen, then the lawyer was going to have to pay and it would be a personal cost, as though this was some automatic position. I am pleased to say that that did not survive some of the earlier drafts.

The new provision in relation to the subpoena process is very much more restricted—in fact, you have to go off to a master under this regime, on an application, to have the opportunity to issue a subpoena for the production of documents. In short, this is to direct the person who receives the subpoena that the items referred to in it have to be produced either to the court or to the person. Sometimes, there are subpoenas for people to turn up, but it is usually in relation to documents. The subpoena power is critical in the need to protect defendants to be able to make an informed choice about their guilt or innocence in respect of a certain charge.

Sometimes, we see a situation where the late production of material by the prosecution results in informed discussion—sometimes, a plea is entered in relation to the charges; sometimes the charges are reduced, the plea is entered and the case is over. Great. However, to have a situation where you cannot get a subpoena at all if you have not filed your case statement completely defeats the purpose of having a subpoena. The purpose of having a subpoena is to know fully what the position is and then be able to consider whether there is any defence for that position and be able to outline in the case statement for the defence what the outline of the case is and what defences are going to be relied upon.

This is criminal law 101. I just do not understand why the government, through the Attorney, is so hell-bent on curbing the subpoena power, especially when, if the documents are produced early,

it is so valuable in an early resolution of matters to clarify what the case is. We had a situation last week where a case regarding a workplace matter was pulled two years and seven months after the death of the worker in the workplace. It related to Workplace Health and Safety prosecutions, presumably in relation to either the failure or recklessness of the employer, in this case, with regard to the protection of employees (in this case, an employee on a scissor lift) and, indeed, on a broader level, all those workers in that environment.

A matter of days before the trial, the case was pulled out on the basis that they were not progressing; that is, the prosecution made a decision not to enter a case against the defendant—'a nolle entered', as they used to say—and basically everyone goes home. We do not know all the details of what happened there, but what I do know is that whatever happened behind the scenes that persuaded the prosecution at the last minute to pull out the case would have to be pretty good, because it still leaves this very puzzling situation of why it sat in the courts for two years, having interlocutory hearings, requiring evidence to be gathered, witness statements to be taken, photographs to be made and briefs to be prepared.

These are not small single appearances: they are multiple appearances in court. They involve an enormous number of court staff, and obviously the industrial court in that case had to allocate judicial time and other time to it. Barristers are reading briefs and people are conducting interviews. These are complex matters. They did not go on for five minutes: this is two years.

I find it incredible that the Attorney does not appreciate the significance of what is actually going on out there and that there are good, experienced people who are prepared to say to him, 'Look, there is always room for improvement. In fact, there are some good aspects to the bill you have presented us, but in these four key areas you are going to cause a major harm to the fairness of trials and the proper access to justice for those who are charged with serious criminal offences. And in doing so, you are not going to remedy other major problems; you are going to take away the tools for early disclosure that exists, and you are going to give a licence to those who do not comply with an early and continuous disclosure obligation and every opportunity to get away with it every time.'

The position from our side is that the subpoena rules, which are incorporated in clause 126, will be opposed by the opposition. I will vote against them today. The reason we had not formally prepared an amendment to oppose the clause was that perhaps foolishly I had accepted, after discussions with the Attorney, that some common sense and basic wisdom would prevail and the government would remove the subpoena restrictions that were to be imposed.

We had instructions to oppose that if the government did not turn up with amendments, and that appears to be the case, because I have read some amendments that were sent through to my office this morning, which have now been tabled, and there is no reference to that. So, we will be opposing that and formally lodging an amendment in the other place to discharge those clauses. I further give notice that we will be opposing the clause in respect of adverse comment, which is clause 125 of the bill in the form of amendment No. 1 outlined in the amendments standing in my name. I do not think I need to repeat all the details about them, but that is clearly the case.

I have outlined the concerns that we have raised about the case statement procedure. Again, we do not have an amendment to try to remedy that, and the reason is that we were hopeful that the government would have listened and that there would be some amendment to this to bring it into some order. We are not averse to having a reasonably structured regime of case statement lodgement, that is sensible, but there must be a process by which there is some penalty. If there is going to be a penalty applying to one, there has to be a penalty applying to the other. That is the first issue.

Secondly, simply having a provision in the act which says that there is an obligation of continual disclosure applying to both parties' statements after you have already allowed them to get away with filing an inadequate case statement in the first place is not sufficient to remedy that defect. We are happy to work with the government to find a practical way around that. If they are not interested in talking to us about it, then we will draft our own and consider the presentation of that in another place. As I have indicated, I do not propose to speak at length on the very lengthy submissions of both the Law Society of South Australia and the South Australian Bar Association, but I will simply summarise because I do not want to ignore their very wholesome and, I think,

persuasive arguments. Anyone reading those submissions would be wondering why we are even discussing this bill today.

They made some significant comment about the sentencing bill and the discounting, and I only mention that because, again, there is reference to the current discounting regime, which is something they consider should remain. In respect of the subpoenas, to which I have referred, they are very clear about that remaining available in the pre-committal stage, and that it is, from their perspective, quite inconsistent with the intent of the bill, which is claiming to facilitate early access to information.

Similarly, in relation to the matters of concern that I have already put and those expressed, they too raised queries about the case statement requirement and its effect on the accused having to prove their defence. They were quite clear on the reference to the adverse comment clause, to which I have referred in detail, and that it should be removed entirely. The SA Bar Association was particularly strong on the three areas that I have outlined, namely: the case statement regime; the adverse comment to the jury for defence only; and, the subpoena restrictions.

Finally, in respect of the material that has been presented to the government, I thank other members of the profession who have really tried to offer to the government an opportunity to remedy the defects of this approach. Most recently, in fact just yesterday, I received a letter from David Edwardson QC, also an experienced barrister in the criminal law area. He wrote to the Attorney-General as, I think, a final plea to try to see some common sense in the approach taken, bearing in mind that in previous submissions, like the SA Bar Association's general submission, he had commented about the importance of reform and preparedness to have some review of that.

He felt that there are aspects of the bill that certainly are worth a try, even if they were not completely agreed to, but he confirmed his resolute opposition to the proposals in clauses 107, 123, 125 and 126: suffice to say they cover the matters that we have referred to.

Mr Edwardson did say that, whilst he had raised the detail previously, he considered that the approach that was now being taken was a strike at the heart of the fundamental principal that 'the Crown has no right to notice of the issues which an accused proposes actively to contest'. He says:

These provisions undermine the right to silence and the right against self-incrimination. I have already referred you to the well known High Court decision of *Petty v The Queen* (1991) 173 CLR 95.

In light of the Chief Justice's remarks which you embraced at the Special Sitting—

he is referring to your acceptance as senior counsel—

I sincerely call upon you to adhere to your responsibility as an SC 'to defend the rule of law against encroachment by arms of government that act inconsistently with the rule of law through needless legislative abrogation of common law rights and executive interference with court procedure and process'. These provisions fairly and squarely fall within that category.

In my earlier submission I identified what I regard as the most critical problem that lawyers in the criminal law face and that is the failure of the prosecuting authorities to make relevant disclosure in a timely fashion. Late disclosure has the inevitable consequence of matters being taken out of the trial list. I provided you with very clear examples in October and November 2016 where I lost two months of my work without consequence to the Crown because of the late disclosure by both the State and Commonwealth DPPs.

I can inform you that the same thing has happened this year with my trial listed for the whole of March being vacated again because of late disclosure by the Commonwealth and consequently I have lost three out of six months work for this reason.

I have just been advised by a fellow barrister that on 6 February he was compelled to apply to vacate a trial that was listed to commence on 7 February due to late Crown disclosure. This was an AFP—

that is Australian Federal Police—

Commonwealth matter and he was instructed by a private firm of solicitors. He received an expert e-crime report late on Friday 6 February 2017 annexing over 200 pages of internet history records that significantly changed the Crown case. The new evidence was such that almost all of the work completed to prepare the defence case fell away. This type of late disclosure happens every day and without any consequence to the Crown.

Last year, I applied unsuccessfully for a conditional stay of a prosecution until the CDPP—

that is the commonwealth DPP—

paid costs thrown away, consequent upon late disclosure. The Court was not persuaded that the conduct of the Commonwealth was sufficiently serious to justify such an order.

The Bill requires defence disclosure without committing the DPP to full disclosure before the case statement is provided and without committing them to the case to be presented against the accused.

I have already addressed the consequence of the defence being denied the opportunity to issue subpoenas at any stage in the course of criminal proceedings (a right which is fundamental to the obtaining of relevant evidence and defending any charge and which the Crown remain entitled to deploy as and when it considers it appropriate). The Bill does not even give power to a magistrate or judge to make disclosure orders. This Bill seems to cherry pick procedures that exist in other jurisdictions (Victoria and New South Wales) without embracing the whole package of procedural reforms which have evolved in those States and certainly without binding, or penalising, the Crown in the same way the Bill seeks to bind and penalise those accused of serious criminal offences. It is another example of South Australia providing 'justice on the cheap' without any regard for the consequences of the rights of individuals.

I note that Michael Evans QC was recently appointed by the Government as the Chief Judge of the District Court. Chief Judge Evans has enormous respect in the profession and I am sure that his appointment will provide a massive change to the way in which the Court previously operated.

Mr Attorney SC, I earnestly invite you to reconsider your position in respect of the provisions that the South Australian Bar and those of us who are experienced in this area of practice, are so offended by.

Yours faithfully

J D Edwardson QC

That is up to yesterday. They are still trying to say to the Attorney, 'Please, wake up and understand what is at risk here. We are still prepared to talk and discuss amendment. What you are doing is going to introduce a major fracture to what has been centuries of developed protection through our legal system.' All laws are open for review and all laws can be improved—there is never any question about that—but this bill imposes a strict regime on the defence and punishes them, yet it does not place a similar provision on the prosecution or provide them with the resources they might need to ensure that they can operate as efficiently as possible and ensure that their material is produced. In the absence of either of those options, or both, those provisions in the bill should fail.

As I said when I began my remarks on this matter, I consider the conduct of the government and the Attorney-General to be dangerous, particularly in relation to the bills this week where they have taken reform in criminal procedure, protection of the Crown and ministers, and the reverse of onus of proof. This has crystallised my view that the Attorney-General seems to be plagued with some form of madness, afflicted with a false sense of self-importance, consumed with a determination to be insincere in what is really to be remedied here, or all of the above.

This is a new paradigm. We might be just over a year out from the next election, but if we have a continuation or a perpetuation of this type of approach, asking this parliament to tear down the very fundamental principles of the rule of law and separation of power in this state, then you can rest assured that I will be a warrior every day against 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) (17:25): I thank the deputy leader for her remarks. Unfortunately, there are a number of things that were said with which I disagree, many of them because they are demonstrably incorrect, many because they do not indicate a balanced understanding of what we are trying to do, and I will try to go through those in an orderly fashion. The first point relates to the process.

This package has been worked on for a considerable period of time and has been the subject of an enormous amount of consultation. At the end of the day, there are a number of interests here to be balanced up. There is the public interest in having an effective justice system (and that interest is an overarching consideration), and there is the interest in having fair and reasonable opportunities for the prosecuting authorities of the state to be able to do their job in a reasonable fashion. There is a reasonable expectation that people charged with criminal offences in this state will receive a fair trial; and, last but certainly not least, there is the reasonable expectation on the part of victims and their families that matters that come before the courts will be dealt with efficiently and, hopefully, in a way that does not expose the victims to further traumatisation by having to go through unnecessary

trial procedures. The importance of considering the impact of all of this on the victim and their family is something that should not be lost in the conversation.

The deputy leader has quoted from a number of letters that she has received. If my memory serves me correctly, those letters have universally come from people who speak on behalf of the defence bar. Of course, they are entitled to speak on behalf of the defence bar, but when you look at all the interests that we are attempting to balance, the defence bar is but one of a number. They are not the only interest, they do not speak for everybody and, quite frankly, they have a professional self-interest in seeing things remain pretty much exactly as they are.

We have listened very carefully to comments made by a number of people, including the defence bar, and we have modified the original proposal in light of their submissions. The proposal that we put forward now is a balanced proposal that takes account of submissions made by them, but the test as to whether or not we have listened to them is not whether we have accepted and adopted, unquestioningly, every proposition they have advanced; the question is whether we have considered them and, where appropriate, taken them on board, and where not we have said, 'We do not agree with you.' Basically, that is the position in which we find ourselves. I seek leave to continue my remarks.

Leave granted; debate adjourned.

GENE TECHNOLOGY (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:30 the house adjourned until Tuesday 28 February 2017 at 11:00.