

**HOUSE OF ASSEMBLY****Thursday, 6 July 2017***Parliamentary Procedure***SPEAKER, ABSENCE**

**The CLERK:** I advise the house of the absence of the Speaker. I call the Deputy Speaker to take the chair.

The Deputy Speaker took the chair at 10:30 and read prayers.

**The DEPUTY 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***PUBLIC INTEREST DISCLOSURE BILL***Conference*

**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) (10:31):** I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

**INDEPENDENT COMMISSIONER AGAINST CORRUPTION (SERIOUS OR SYSTEMIC MISCONDUCT OR MALADMINISTRATION) AMENDMENT (NO 2) BILL***Second Reading*

**Mr MARSHALL (Dunstan—Leader of the Opposition) (10:31):** I move:

That this bill be now read a second time.

This is a real test for this government today. They failed the test the last time it was brought to this house. In fact, it was brought to this house many, many months ago by the deputy leader. That bill was designed to provide the commissioner against corruption in this state with the opportunity, at his discretion, to hold open hearings.

When we introduced that bill, it sat on the paper for an extended period of time and it was only brought to a vote late last month. At that opportunity, the government squibbed. The government said, 'No, we want to continue this toxic culture of cover-up and secrecy in this state. We reject what the Independent Commissioner Against Corruption has called for and we want to continue with this completely unacceptable situation, which is not in the public interest, and it's certainly not in line with public expectations.'

Since the rejection of this bill, the people of South Australia have made very clear—extraordinarily clear—what they expect from their government. They expect their government to fulfil the requirements laid down by the Independent Commissioner Against Corruption, Mr Bruce Lander. He says that he wants to have open hearings at his discretion. He has more specifically said that he wants to have open hearings as they relate to the Oakden crisis presided over by this negligent government for an extended period of time.

I make the point that in the other place the Hon. Dennis Hood has introduced an identical bill to that which the Liberal Party has put in place. The other place has passed that bill. Every non-government member of the Legislative Council has supported this bill because every

non-government member of the Legislative Council knows that this is in the best interests of transparency and doing the right thing by the people of South Australia.

It has passed that house. It returns to this house and today comes the day of judgement where this government can do the right thing by the people of South Australia. More importantly, they can do the right thing for the families of the victims of this Oakden tragedy. I have met with those families subsequent to the rejection in this house, the disgraceful rejection of this very sensible bill which is supported by the Independent Commissioner Against Corruption.

They are dismayed. Their families have been affected very significantly by the failures of this government over an extended period of time. They urge all members of this house, Liberal, Labor, Independent, the Greens and the crossbenchers, to support the Independent Commissioner Against Corruption. They urge every member of this parliament to do the right thing. The Legislative Council has done the right thing. They have passed this bill and it now returns here today.

The ICAC commissioner himself has requested these amendments to allow him to have the discretion to hold open hearings in relation to maladministration—not corruption, maladministration. He does not indicate to the opposition that he will be holding open hearings for every single case. This is some of the nonsense that has been put about by the government, that all of a sudden every single public servant in this state will be subject to open hearings. That is not his intention, but he has publicly called for the discretion to hold an open hearing for Oakden. He says that he needs it to expose a decade of neglect and abuse at this state-funded facility.

The government's refusal to support this bill is a continuation of their toxic situation of cover-up and secrecy here in this state. This bill is no more or no less than what the commissioner himself has called for. It does not cover corruption. It is completely at the discretion of the commissioner. As I said, I personally met with representatives of the families and their key request to me was to keep fighting for open hearings so that the truth can be known and the people of South Australia can know what has occurred.

In particular, they believe, and I support them, that by having an open hearing it will get greater publicity and other people will come forward to fill in the missing parts of the story of what occurred with the tragic circumstances of their family members at the Oakden. To date, the government stands opposed to the pleas of the families. Only today, we have found out that the Premier is not honouring his commitment to the families that the Coroner is funded to undertake any of the inquests that he needs to make in relation to Oakden.

He needs to explain to the people of South Australia in this chamber this morning why this commitment that he has made has been broken. He needs to explain it to the parliament, he needs to explain it to the people of South Australia, but most importantly he needs to explain it to the families of the victims at Oakden. The Premier has made it clear that it will stand by its position. My plea is that the government reconsiders this. My plea is that the Independents—the member for Florey, the member for Waite, the member for Frome and the member for Morphett—consider this very carefully and that at the opportunity to vote they consider the families and they consider what is in the best interests of the people of South Australia.

I believe that if the Premier honestly believes that this is in the best interests of all South Australians, he should show the courage of his convictions and not have a binding vote of his party but instead have a conscience vote in this parliament. Let the people of this parliament decide without a binding vote of the Labor Party what is in the best interests of the people of South Australia. I thank the Hon. Dennis Hood for introducing this bill. It is an important bill. The government has an opportunity to do the right thing by the people of South Australia and we hope that they do also support this most important bill today.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (10:39):** I rise to oppose this bill. Of course, we were debating this bill just a month ago and it was disposed of. So this is transparently a political stunt to bring back a bill that had already been debated and rejected by this chamber just a month ago. It can only be that.

The first thing I should do is address the present contemporary concerns that are expressed about this issue, namely, the concerns expressed by the families of the Oakden victims. My message to them is that they will get a public finding, and I fully expect that it will be published. It is at the

discretion of the commissioner, but I fully expect that he will publish his findings, so they will see the transparency and the openness that they expect from this inquiry. I think the sad thing about this is that some—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on both sides of the chamber! Your leader was heard in silence. I remind members of the standing orders. The role that you have asked me to play is to keep order in the house. I need your cooperation to do that.

**The Hon. J.W. WEATHERILL:** Can I say to the families of the Oakden victims that they will have public findings and they will have an open and high-integrity process which leads to that. There should be no doubt cast on the integrity of this inquiry. I think the sad thing is that the public debate has cast doubts on the integrity of this inquiry and that should not have happened. It is regrettable that a public debate has been raised about what will be, I think, a high-quality piece of work that will be carried out by the well-respected Independent Commissioner Against Corruption exercising his powers as an ombudsman.

**Mr Marshall:** He wants the open hearing.

**The Hon. J.W. WEATHERILL:** That's a very good point from the Leader of the Opposition, because it goes to the heart of the desperation of those opposite. Those opposite, after the Gillman inquiry, were faced with the very same arguments. After the Gillman inquiry, the Independent Commissioner Against Corruption asked for public hearings, and this parliament considered that request and rejected it. It rejected it for good reasons. The question becomes: why are those opposite changing their position in relation to public hearings in relation to the Independent Commissioner Against—

*Mr Marshall interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**The Hon. J.W. WEATHERILL:** The Liberal Party had an opportunity in the upper house to reject their position. On the public record, we had the shadow treasurer, the Hon. Rob Lucas, make it clear that he supported the status quo. They had the opportunity to consider the issue and they decided that the idea of public hearings in relation to the independent commissioner's role when he is performing his Ombudsman's function was not a good idea.

So what has changed? What has changed is the increasing desperation of those opposite concerning their electoral prospects. We have seen it today with the cancellation of pairs, against parliamentary convention. We have seen it with the rejection—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**The Hon. J.W. WEATHERILL:** —of the budget, once again a breach of convention. This is what happens when an opposition becomes a little desperate in the lead-up to an election and starts—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** This is a—

*Members interjecting:*

**The DEPUTY SPEAKER:** Members are making it increasingly difficult for me not to start calling them to order and warning them, which would have a detrimental effect on question time, I presume; so I am asking you to cooperate and observe the standing orders. Premier.

**The Hon. J.W. WEATHERILL:** This is important because both of these issues, the rejection of the budget and also the voting for the public hearings in relation to the ombudsman powers of the

Independent Commissioner Against Corruption, are the sorts of things you would advance if you expected to remain in opposition. Can I say to the frontbenchers over there, if they were ever serious about—

**Mr Gardner:** Just because you're afraid of scrutiny.

**The DEPUTY SPEAKER:** I call the member for Morialta to order.

**The Hon. J.W. WEATHERILL:** If those opposite are ever serious about becoming ministers of the Crown in the government, you will be hoping against hope that this goes down. You will be hoping that we are successful.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** You will, and I will tell you why. I will explain why.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.W. WEATHERILL:** Let me explain why.

*Members interjecting:*

**The DEPUTY SPEAKER:** Premier, could you just sit down for a moment. Everyone who has moved their lips is called to order. The only people who did not say anything are the members for Bright, Goyder, Davenport and Mount Gambier, and I do not think the member for MacKillop said anything either. And the member for Morialta is warned for the first time.

**The Hon. J.W. WEATHERILL:** The way in which this operates is that when an inquiry is being conducted by the Ombudsman, it is a relatively informal process. At the moment, people come along without legal representation and propositions can be put without being tested. Imagine if all of that was made in the public sphere and untested allegations were made publicly against a minister of the Crown. In the period between when the allegation being made and the time it was rebutted, or even when the findings are made—which could be many months and was, actually, in the case of the Gillman inquiry—it would render the position of the relevant minister untenable. That is really what you are voting for here.

Maladministration is a very broad concept. Just imagine if you are a minister and the head of a department and something goes wrong and an inquiry is conducted by the Independent Commissioner Against Corruption and you are called up before such an inquiry and somebody—maybe to try to protect themselves, a public servant who decides to throw a minister under a bus—makes an allegation. During the period of that allegation being made and the period of it being rebutted, or, indeed, the findings being made, it could destroy your career. I will give you one example of some poor gentlemen in the New South Wales system, Dr Peter Phelps, a Liberal New South Wales parliamentarian who made a statement about the New South Wales ICAC. He said:

Nobody wishes to be seen to be opposing anticorruption measures—which is ultimately how it is usually and falsely portrayed—but we all know about the structural failings of the existing regime. You have a situation where a person is innocent of any wrongdoing, but they suffer guilt by association for merely attending a hearing of ICAC.

The names of witnesses are reported in the media with comparable frequency to those [who] are actually accused of misbehaviour. But in the eyes of the public, even the mere attendance at ICAC attaches to the person a stench of corruption.

The existing system is actively aided and abetted by many areas of the media, notably the Fairfax press and the ABC—

**Must be Liberal—**

The reason for this is not hard to fathom, and does not rely upon vainglorious notions of the 'noble role of the fourth estate'—rather, ICAC simply provides great copy.

There is no need for investigative journalism; you can just transcribe the lurid sections of the day's proceedings. You can slaver over the prurient details and faithfully recite the promises from Counsel Assisting of expectant horrors to come. Whether these horrors ever eventuate is irrelevant; whether the person's wrongdoing is ever evidenced in later hearings, is also irrelevant. All that matters is that you, as a journalist, have your story for the day and 'bugger the reputation' of those who [would] be falsely implicated.

If you are going to advance the idea that somehow an ombudsman's inquiry is different, I refer you the remarks that were made by the independent commissioner himself. He insists on being called the Independent Commissioner Against Corruption, and cavilled against the suggestion, when the Attorney suggested he was acting as the Ombudsman—

**Mr Gardner:** As you have as well.

**The Hon. J.W. WEATHERILL:** —that he was doing so.

**The DEPUTY SPEAKER:** Member for Morialta!

*Mr Marshall interjecting:*

**The Hon. J.W. WEATHERILL:** He insists on being known—

**The DEPUTY SPEAKER:** Leader!

**The Hon. J.W. WEATHERILL:** —because he wanted, appropriately—I do not suggest it is inappropriate—his inquiry to be given the gravity of being conducted by an Independent Commissioner Against Corruption. Having done that, once it becomes apparent that you are called before such an inquiry, the process of guilt sticks to you.

Nobody likes the idea of anything being dealt with in private. Everybody likes the idea that everything should be public. I am sure all our friends up there would love to see the soap opera played out on a daily basis with ministers trekking along and being uncomfortable in relation to questions being asked. Make no mistake that what would happen is it would slow down the processes in the work of the Ombudsman. The very first thing is that everybody would want to know what the contentions were that they had to grapple with, what it meant and whether there were going to be allegations against them.

The second thing that would happen is that everybody would seek to be legally represented. The third thing that would happen is that witnesses would then know that they are going to have their evidence in the full public gaze and many of them may choose not to be witnesses in those circumstances. All those things would undermine the relatively informal and important process.

My plea to the house is this: do not take this short-term, opportunistic decision. It will damage the workings of government. It will not protect those families of the Oakden victims. They will get a proper and full public explanation of this inquiry when it is published later this year, as I fully expect it to be.

**Mr DULUK (Davenport) (10:50):** I rise to support the bill introduced by the Hon. Dennis Hood in the other place. It is quite the opposite, Premier: this bill and the opportunity for an open ICAC is an opportunity to give the people of South Australia a voice, for the people of South Australia to know what this government has been hiding for years from the people of South Australia, and to have their faith restored in our systems and in our institutions that has been so lacking, for so long, for so many years by those opposite.

Ultimately, this bill will allow the ICAC commissioner, in his capacity as the commissioner, not as the Ombudsman, to hear those hearings as he sees fit, with his integrity and discretion to have that hearing in public. Why would any of us want to oppose transparency? What do we have to hide? As the member for Waite said yesterday in his deliberations about the bank commission: open and clean air is the best disinfectant. Why would that same principle not apply to this Oakden scandal?

I know why the government does not want to have an open hearing into Oakden—because they are embarrassed about what an open hearing may bring out in the lead-up to an election. That is the problem, because if they were not embarrassed about what it will bring to the fore there would be no problem. We already have the reviews that have been undertaken by government agencies—and these reviews have been going on for a long time—but this government has not brought those reviews and findings to the people of South Australia.

Finding No. 2 of the review found that the Oakden facility is more like a mental institution from the middle of the last century than a modern older person's mental health facility. That is the type of information that the government would not want in the public domain. If you were afraid of

open hearings, as they are, you would not want the people of South Australia to know that staffing at Oakden has been inadequate for years and years and years. You would not want them to know that there has been a culture of corruption, cover-up, poor morale, disrespect, bickering, secrecy, an inward-looking approach, control and a sense of entitlement and indifference.

This is the culture that has been happening at Oakden. This is the culture of this government, and you do not want to see that culture available to the public because you are embarrassed by it. But if you had nothing to hide, you would support these most important measures. If you were not embarrassed and you had nothing to hide, then you would not have your review into Oakden only looking at 2016; you would go back through the whole term of government. You have not allowed that to happen, and the only way that it will happen, the only way for the families of the victims and those who have been affected and those who have died in these institutions and their families to get the respect and the closure they need is to have an independent and public inquiry into Oakden so that they can have their belief and faith restored in our system.

They are not going to get it from this government. They are not going to get it from the Premier. They certainly will not get it from the Minister for Mental Health, who has been presiding over the Oakden scandal and has failed to answer question after question. They will not use parliament as the right forum to be open and honest. They will not use the department as the right forum to be open and honest. All we are left now is for the people of South Australia to have an independent commission against corruption to use its discretion for an open hearing. If we cannot support that in this parliament, then I think that reflects poorly on all of us.

As the leader alluded to in his speech, the only people who are stopping an open inquiry into Oakden are the government and those members who support the government. Those Independents opposite who support the government and the Labor Party themselves are the only people in this parliament who do not support open hearings; the rest of the crossbench does, as so many of us do, and that is what we need.

They do not want to hear the story because if we have an open inquiry into this Oakden mess, we will know that for years and years recommendations from departments, from the Office of the Ageing and from people implementing the dementia action plan in 2011 have been calling for more funding into Oakden and into mental health and geriatric facilities in South Australia. Going back to the Chief Psychiatrist's report, from way back in 2007 we know that there was a need for more funding into Oakden. We know that there were all these plans and recommendations to be put into place, but they have not been implemented by this government.

We cannot trust this government to do the right thing. We cannot trust the ministers to do the right thing. All South Australia and South Australians have now is the commissioner himself to allow there to be at his discretion an open inquiry into Oakden so that the people of South Australia and the victims of the families of the Oakden facility can have their say in public.

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (10:55):** They can throw the vibes across, criticise and goodness knows what else, but personally this is an issue that we really have to think very seriously about. The first thing I want to do—

*Members interjecting:*

**The Hon. G.G. BROCK:** You may interject, you may criticise and laugh and all that, but first of all I want to make it very clear to this house—very clear—that when I make any decisions in the house I make them with the very best intentions and with information with regard to that. I have given this very, very important issue of open hearings a great deal of thought and very careful consideration. I have not taken the decision or any of my decisions in this house lightly. I try to do the right thing by what I consider the best for the long term and the best opportunities at the end of any investigation.

What occurred at the Oakden facility is clearly a very serious matter that deserves thorough investigation and an explanation as to why and how it happened. I think we would all agree in this house that the community wants and deserves to know the answers. To those opposite, I want those answers, as we all do. Others in this place may well have different agendas, but my decision has been made on the basis that hearings are private for a very good reason: to ensure people's privacy,

and that is a prime concern for me, especially for persons compelled to appear and answer questions. They and their reputations must not be placed at risk or subject to public scrutiny at the investigation stage.

The Premier has indicated—and I also read about Dr Peter Phelps, the New South Wales Senator, and I am not going to go over that again—

**Mr Tarzia:** It is exactly the same. That's the same notes.

**The Hon. G.G. BROCK:** People on the other side can threaten me, but I will always vote with my conscience. Whether the commissioner has his hearings in—

*Members interjecting:*

**The DEPUTY SPEAKER:** Minister, sit down. I remind members on my left of the standing orders and the necessity to give each member the respect that they deserve while they are on their feet. I will have to start bringing members to order and warning them, which will affect, as we said before, question time. Minister.

**Mr Pengilly:** Plagiarism.

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

**The Hon. G.G. BROCK:** Whether the commissioner has his hearings in public or in private, he will hear all sides of the story and produce a public report at the end of his deliberations—not a secret report, as has been mentioned in the media and by others, but a public report for everyone to read. This can be done, as has occurred in other investigations, with witnesses feeling confident to come forward and present their cases without being judged by others on a daily basis. Any individual is entitled to the presumption of innocence.

We need to be very careful to avoid situations where witnesses, including doctors, nurses, carers and ministerial staff, are not prejudged or tagged in any way during public hearings. We must avoid situations where allegations may be reported extensively in the media on one day only to be overturned in evidence given by other witnesses at a later time during the hearings. This would be unfair to witnesses appearing who may not have legal representation or the resources to protect themselves.

In many cases, they would also not have the necessary skills to deal with the media after giving their evidence in public. I do not think that any of us would want to see a media pack waiting outside the hearings each day, ready to pounce on witnesses who have testified in good faith. We have seen many occasions, particularly interstate, where witnesses have been completely exonerated but only after their reputations, health and wellbeing have been permanently, utterly and unfairly damaged. Mud sticks.

A daily parade of witnesses before the media will not make this investigation effective: it will hinder it. Again, I repeat: the commissioner will produce a public report at the end of his investigations. I want to ensure that this investigation results in systems and procedures being put in place so that our elderly residents are looked after compassionately and safely. As I said earlier, I am very concerned about what happened, and I want answers. We all do.

*Parliamentary Procedure*

## VISITORS

**The DEPUTY SPEAKER:** Before I call the next speaker, I would like to welcome today to parliament Mr Takahashi Tomomoto and Mr Mick Suzuki, who are from Bridgestone in Japan. They are the major sponsors of the World Solar Challenge from Darwin to Adelaide. They are guests of the Minister for Tourism, Agriculture and lots of other things. We welcome them to our parliament today and acknowledge the importance of the World Solar Challenge, which I personally follow every year. I am very pleased to see you here. We hope you enjoy your time at parliament.

*Bills***INDEPENDENT COMMISSIONER AGAINST CORRUPTION (SERIOUS OR SYSTEMIC MISCONDUCT OR MALADMINISTRATION) AMENDMENT (NO 2) BILL***Second Reading*

Debate resumed.

**Mr TARZIA (Hartley) (11:01):** As a politician once said, 'In any race, you can always back vested interest.' That is what we just saw then from the Independent member; we saw vested interest at work. The Independent member even picks the same example the Premier used. Could you not find two examples? What an absolute disgrace. It was probably the same speechwriter as well. The Premier stands up and he pontificates, and he uses language like 'the bill was disposed of' and it was 'thrown in the bin'.

This is the sort of language that the Premier uses, as if it is almost a transaction, that because it is hurting the government he has to dispose of it; he has to get rid of it. He talks about the fact that he is worried that public hearings will become a soap opera. Well, what we have here is the next series of *Survivor*. They are willing to do whatever it takes to get ahead, whatever it takes to slot the next one. This minister has been hopeless, so what have they done? They have slotted her and put her in the other house, thinking that she will fit in there out of the public eye in this place. It is an absolute disgrace.

The Premier says that the reason he refuses public hearings is that it has the potential to become a soap opera, but we know the real reason. The real reason is that he is worried he will lose all control over the process. It will be there, it will all come out in public and ultimately it will cost this government. It will be the final nail in the coffin for this putrid government he has led, time and time again, scandal after scandal, in all different portfolios. In public hearings, we know that the minister's complete incompetence will continue to be exposed, and we know that it will be lengthy. It will go on for a number of months.

Bruce Lander QC is a good man, an intelligent man and a wise counsel. He has dedicated his entire life to seeking justice for victims like the families involved at Oakden. He even says that this government does not have the appetite for transparency. He has been calling for more transparency measures since Gillman, where we not only saw a final report but what did we see? We saw an interim report. Who knows how that went, if that was edited. Then we saw a final report. It is essential that the ICAC, in this instance, be allowed open, independent hearings. It is imperative for the public's confidence in our hearings and our judicial system.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr TARZIA:** It is imperative for the families of the victims of the disgraceful Oakden saga that they have the chance to see a fair trial in public. We know that a fair trial and a public hearing will give context. It will give context to the families because there are some things that you cannot see in black and white, Premier. You need context, and that is why these victims need to see this.

What have we got here? We have a secret state. If the minister had acted like this in any other forum, she would have been sacked, except under this protection racket that is the state Labor government of 15 years. But do not take my word for it. Why don't we ask the families involved? Let's ask Alma Krecu, who says that her late father was abused and overmedicated at Oakden. She said it was an absolute disgrace that hearings into potential misconduct and maladministration would remain behind closed doors.

What about Barb Spriggs? Barb Spriggs, whose husband, Bob, died after alleged mistreatment at Oakden, said she was disappointed and frustrated that the government had quashed the push for transparency. She said, 'We want it to be exposed so that it makes other people aware that if you do wrong then it's going to be made public.' Do not take my word for it; perhaps take the word of the victims and the victims' families, who have gone through so much and who do not deserve to go through more than they already have. We applaud the member in the other place for putting



this bill forward. I again ask the Independents to have a good look at themselves and support our bill.

**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) (11:05):** I rise to signal that I will be opposing the measure, having given it considerable—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**The Hon. M.L.J. HAMILTON-SMITH:** —thought over many years, and I am going to explain briefly why. This measure is not being brought forward by those opposite because they are deeply—

**Mr Bell:** Your new mates.

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

**The Hon. M.L.J. HAMILTON-SMITH:** —convinced on the principles of the matter. It is not being brought forward by them because they are genuinely concerned about Oakden or any other matter. It is being brought forward for purely political reasons. I will view it on the basis of whether it is good for the state, good for victims and good for maladministration issues and that alone.

I want to cut straight to the premise upon which the measure is based. Essentially, the argument coming from those opposite is that it is secret, that the commissioner, Mr Lander, and his ICAC is incapable or is unable to release at the end of his inquiries a publicly disclosed and fully thorough revelation of all the issues raised over not only Oakden but subsequent matters, including the accusations and the counteraccusations—all the facts.

The assumption in the bill is that the fully public, fully open, fully disclosed report that we will get at the end of the process is somehow flawed and secret. Of course, the commissioner even has the option of producing an interim report. The reality is—

**Mr Bell:** When did he last do that one?

**The DEPUTY SPEAKER:** Member for Mount Gambier.

**The Hon. M.L.J. HAMILTON-SMITH:** —the commissioner can reveal everything. The premise upon which the bill is based is flawed. There is no secrecy. Everything is in the report. The commissioner has the option of outlining chapter and verse every accusation and claim made by the victims at Oakden—and everybody's heart goes out to all involved in those tragic circumstances on both sides—and I am very confident that he will do that.

I met with the commissioner recently and talked through with him the issues he has raised and we had a very good discussion. I must say, I think he is doing a fantastic job and I have great confidence that he will give us a fully public, fully disclosed, fully open, fully accountable account of everything that has happened here. There is no secrecy. The accusation that things are going on behind closed doors is completely flawed.

If the commissioner chooses to, whatever evidence is taken privately he can certainly get right out there. The fact is that nothing will be or stay behind closed doors except if the commissioner wants it to remain there. The fundamental proposition is wrong, and that is that there is no secrecy. It all will be revealed. The Oakden victims will get to put everything down in evidence.

Everyone involved on the Public Service side will also have their opportunity to be heard before the commissioner. We will get it all and it will be fully open, it will be fully public and the media can crawl over it. So, it is based on a false proposition. What the opposition actually wants is a media circus in the lead-up to the commissioner's report. As has been explained by my honourable friends on both sides in earlier contributions, that brings with it some complexities, issues and severe damages. There is a second reason that I will be opposing it, and that is that such a circus is not good government.

Be careful what you wish for over there. Members over there may not realise but, other than ministers, you have no legal protection at all to cover costs—none. None of you in opposition has any legal protection at all. Any matter you are involved in you will pay for out of your own pocket.

This media circus that you want to bring upon South Australia will require people to lawyer up on all sides. It will be a circus. The media will love it, of course, and they have encouraged you and you have taken the bait, just as you have with blocking the budget. They will love it because they will sell newspapers. It will be very entertaining, hearing accusations and counteraccusations, but will it lead to a better outcome? No, it will not.

The current arrangements will give us a fully public, fully open, fully disclosed report. I know that this commissioner, because he is a very good man, will make sure that everything that needs to be said publicly is said. The only difference is that you will have to wait so that both sides of the argument are fairly and reasonably presented and a considered and balanced report is given. Those opposite may not like that, certain elements of the media may not like that, because the circus will not be in town. But they will get the truth from Commissioner Lander, I have no doubt. He will reveal whatever it is he thinks it is in the public interest to reveal.

The system we have at the moment is the right one for the truth to come out in a way that is fair to all involved; the right one to ensure that everything is publicly, openly and properly disclosed for media, public and parliamentary scrutiny; and it is the right one to ensure that government, whether it is Labor or Liberal, is not tied up in circus after circus dealing with process issues rather than the good government of the people of South Australia. For those reasons, I urge all members to vote against the measure.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** I welcome to the gallery today students from years 5 and 6 from Mawson Lakes School, who are guests of the member for Port Adelaide. We welcome them to parliament. We hope you very much enjoy your time here today, and we look forward to your next visit.

#### *Bills*

#### **INDEPENDENT COMMISSIONER AGAINST CORRUPTION (SERIOUS OR SYSTEMIC MISCONDUCT OR MALADMINISTRATION) AMENDMENT (NO 2) BILL**

#### *Second Reading*

Debate resumed.

**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) (11:11):** I will not traverse the ground that has been covered by previous speakers. Obviously, I agree with all the contributions on this side of the house. If I could, by reference, simply repeat everything that the last speaker for the government said because he has been able to summarise that in very practical, real terms. Can I say that all of us on this side of the house are deeply concerned that the relatives and friends of those people who may have been, and in some cases definitely have been, abused in this facility have the opportunity to see that there is a full and open inquiry into those matters.

I am absolutely convinced that the commissioner in undertaking this will thoroughly examine everything, will listen to everything they have to say and will leave no stone unturned on their behalf. Ultimately, as has just been observed, he will produce a public report wherein he will have had a chance to balance up all the allegations, all the responses, all the answers, and he will be in a position to satisfy, I think, the natural and entirely understandable feeling of the relatives of people who have been in that facility that the truth is discovered.

However, primarily what we are doing today here is a stunt. This is a stunt which has been basically seen as an opportunity for some of the young pups over the other side to take a race around the track chasing the plastic rabbit, and in those circumstances—

**Mr PENGILLY:** Point of order, Madam Deputy Speaker: the Attorney-General referred to 'young pups' on this side, relating to—

*The Hon. A. Koutsantonis interjecting:*

**Mr PENGILLY:** I ask he withdraw and apologise.

**The DEPUTY SPEAKER:** Order!

**Mr PENGILLY:** I will take you on any day, sunshine.

**The DEPUTY SPEAKER:** Are you accusing him of misleading the house? I must apologise I was speaking to the whip. I will listen to him carefully.

**The Hon. J.R. RAU:** Madam Deputy Speaker, I can assure the member for Finnis I was not referring to him. Can we just observe two things which fell from the lips of the member for Hartley in his interesting contribution? The first one is he apparently has a copy of an interim report. We would all like to know a great deal more about that because the interim report is something which, as I understand it, might have been protected by various legal matters. It would be very interesting anyway and I look forward to him finding an explanation for that. I hope the commissioner reads this *Hansard* because he will be very interested in that, too.

The other thing is that the member for Hartley insisted on referring to what the commissioner is doing as a 'trial'. That is revealing because this is not a trial actually. Nobody is charged with anything. Nobody is actually facing any legal proceedings. There is a process in train at the moment to ascertain the truth of certain matters. It is not a trial. Nobody is on trial. Again, it is interesting, and I am sure Commissioner Lander will find reading his contribution very, very interesting.

The other reason this is a stunt, of course, is that as recently as last year, after the Gillman inquiry, this very matter of open inquiries was ventilated by the commissioner. It was considered by both houses of the parliament and both houses resolved that that particular state of affairs as it presently exists would not be disturbed.

I invite anyone to read the Hon. Rob Lucas' contributions. They are very interesting, as they always are. There are a few little Delphic comments where one can read between the lines. Perhaps it is because the Hon. Rob Lucas has had the experience of being a minister in a government that he is wary of foolish steps that appear to cause excitement with the fourth estate but do not lead towards good government. Even the member for Bragg, who, as we know, is not shy in saying a few things from time to time, did not agitate the issue of public hearings when this came up last time and was happy to see the bill go through as it was.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**The Hon. J.R. RAU:** It was September last year. Check it yourselves. Then we had the opportunistic stunt by the member for Bragg and others to bring this thing forward a couple of weeks ago in this place—

**Mr Gardner:** You voted to allow it to proceed.

**The DEPUTY SPEAKER:** Order, member for Morialta!

**The Hon. J.R. RAU:** —which was defeated, and of course, because they did not get sufficient public attention out of that and because the member for Finnis and the other young people over there did not get an opportunity to ventilate their views, they thought they would do it again to see whether doing it a second time would make it more interesting.

I want to finish with two points. Point No. 1 is that, understandably, in the minds of most people who are citizens of South Australia, partly because of the attitude of the commissioner himself and partly because of the attitude fostered by those opposite and the fourth estate, there is zero distinction in the public mind between the commissioner conducting a corruption inquiry using all the coercive powers as commissioner against corruption and the commissioner undertaking an inquiry into maladministration, in which case he is using the powers of the Ombudsman and acting in a matter that the Ombudsman otherwise would have been acting in.

There is no distinction in the public mind. Therefore everybody who is called, everybody who attends, everybody who has anything to do with it is, as far as the public is concerned, dragged in front of ICAC whether they be a target, whether they be a witness or whether they simply be there to

deliver documents. I get to this point: there may well be public servants or other people, perhaps quite junior people, who have very important information about this case.

There may be people who are scared to come forward to tell the commissioner stuff they know that could actually go right to the heart of this matter. Those people would not relish the opportunity of being dragged in front of ICAC, appearing in front of ICAC, being on the front page of the newspaper or being filmed going into and out of a building by the television news. Those people would find that quite intimidating and that is the reason we have particular laws about whistleblowers. What two things does the law say you cannot do to whistleblowers? (1) is to identify them in public and (2) is to victimise them. Those are the two things you cannot do to a whistleblower.

What those opposite want to do is to say to every potential whistleblower in this case, 'We are going to blow your cover. We are going to blow you out of the water, if you poke your head up to give information about this case, if you dare come out because you've got a nice quiet place when nobody knows what you know, you're the only one who knows, and you poke your head up and give some information. You will be the sensation of the evening on the news.' Well, there is zero public interest in that—zero. Everybody knows the people who will be coming before the commissioner. I am more interested in the people who should be coming but who may not.

This is a foolish stunt, it is contrary to good public policy, and it will actually discourage the many perhaps otherwise unknown people from coming forward and telling the commissioner what they know, and that would be an extremely bad outcome for the families in this case. This should be voted down again and I hope we never hear any more of it.

**Mr MARSHALL (Dunstan—Leader of the Opposition) (11:20):** I thank all members of the house for their contribution on this important bill that has been brought to our house. This government has been in power for too long. They are tired, they are dysfunctional, they are divided and they have been a failure to the people of South Australia. In the last few months, we have seen the full—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr MARSHALL:** —catastrophic consequences of this dysfunctional government. While they sit laughing opposite, the Oakden crisis has really been emblematic of the dysfunction and disregard that this government has had for an extended period of time. All they have left now is spin and cover-up, spin and cover-up. We see this every day, their massive spin machine out there, paid for by the taxpayers of this state, and cover-up of all their problems over an extended period of time. This has now become a pattern for this government. Let's not forget that it is not just this bill before the house at the moment but it is also bills that have been introduced and rejected by this government.

The Liberal Party's position on shield laws were rejected by this government and rejected by this Attorney-General. Our position of providing whistleblower protections in South Australia were, again, rejected by this government and rejected by this Attorney-General, and again we see this pattern continuing—cover-up. This government is now presiding over a toxic culture of cover-up and secrecy, which must be brought to an end. I have heard the arguments from those opposite. What we have had so far this morning is fake sympathy for the families and fake regard for the very deliberate recommendations of the ICAC.

What we really need now to see is action, not all this sympathy, not all this regard, but them actually taking some action. Now is the time of reckoning. We see those opposite and of course most disappointing of all is the Attorney-General, who recently awarded himself an SC. You would think that he would know better than to come into this parliament and start catastrophising the potential implications of giving the ICAC commissioner discretion to hold open hearings. All we heard from those opposite was their catastrophising a situation where apparently all public servants were going to have all their dealings aired in public. What a load of rubbish.

This is the considered recommendation of Bruce Lander QC, an eminent legal mind in South Australia, who has considered all these matters and this is his recommendation, which he has asked the parliament of South Australia to provide him with, and the government says no. Well, quite frankly, no further fake sympathy, no further fake regard, now is the time for action. Now is the time that the

government must listen to the ICAC commissioner, listen to the families and end this toxic culture of cover-up and secrecy.

The house divided on the second reading:

Ayes ..... 17  
 Noes ..... 21  
 Majority ..... 4

#### AYES

Duluk, S.	Gardner, J.A.W.	Goldsworthy, R.M.
Griffiths, S.P.	Knoll, S.K.	Marshall, S.S.
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.	Wingard, C.	

#### NOES

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

#### PAIRS

Bell, T.S.	Rankine, J.M.	Chapman, V.A.
Atkinson, M.J.	McFetridge, D.	Hughes, E.J.
Williams, M.R.	Digance, A.F.C.	

Second reading thus negatived.

#### *Motions*

#### **PARADISE INTERCHANGE**

**Mr TARZIA (Hartley) (11:30):** I move:

That this house—

- (a) condemns the South Australian Labor government for breaking its promise to the people of Paradise and surrounding areas to upgrade park-and-ride facilities at the Paradise Interchange;
- (b) condemns the government for abandoning this pre-election commitment and stripping essential services from the residents of the north-eastern suburbs;
- (c) notes that the Liberal Party will restore funding to upgrade Paradise Interchange; and
- (d) calls on the government to fulfil its election commitment and immediately restore the funding to upgrade the Paradise Interchange.

Users of the Paradise Interchange and nearby residents are sick and tired of being duped by the lies of this state Labor government. Travelling down Sudholz and Darley roads in the morning commute, it is clear that there is a parking issue at the Paradise Interchange. Cars are often stacked up along the sides of the busy main road. It is an issue that has particularly worsened in recent times, with overflows of parking going into residential side streets. The Paradise Interchange provides an efficient transport service to the north-eastern area, but it has been hindered greatly by a lack of parking.

It is all too common for commuters to feel the tension and anxiety in the morning commute. They drive to the interchange in the morning, hoping to make use of the O-Bahn service, only to find that the parking lots are often full. Unfortunately for them, the common solution is to park along the previously mentioned Darley and Sudholz roads or in the side streets. It puts commuters at risk as they exit their vehicles during peak-hour traffic and it creates congestion in neighbouring streets. One concerned resident who works nearby recently told me of his fears that it may only be a matter of time before someone is seriously hurt when they try to cross the road from the overflow of car parking across that road.

Many years ago, in the May 2011 budget, the state government announced funding for increased parking and bike storage, and they have continued to ignore this area. No additional parking spaces since then have actually been delivered at the interchange. Along with the member for Morialta, I was involved in lobbying the government through the collection of over 1,000 signatures, and over 300 in a recent petition, one of which was tabled, calling for a solution to the issue. I have also delivered a number of speeches to this place following years of community discussion on the matter. I have been out to the interchange and spoken to commuters, as well as mailing residents who live in the area. I have even launched an online campaign that has enabled many residents to join the conversation.

Even in the 2013-14 state budget papers, it seemed that there may have been an actual solution that this government may have delivered, that it would only be around the corner. Looking at Budget Paper 5, Capital Investment Statement, in the 2013-14 budget, I note that the state Labor government at the time committed \$18.1 million for additional park-and-ride parking spaces at Mount Barker, Tonsley and Paradise interchanges, as well as upgraded passenger facilities in the City of Adelaide. Also included in the budget and on the same page was funding for upgrades to the O-Bahn interchange. This included proposed expenditure of \$10 million to increase the capacity of existing park-and-ride facilities and provide more efficient and customer-focused passenger services and facilities.

Clearly, Paradise Interchange is yet to receive additional parking spaces. It is noted in the Annual Report Card 2012-13 of the Department of Planning, Transport and Infrastructure's planning strategy for South Australia that a significant major infrastructure project would include planning for new park-and-ride facilities at Mount Barker, Clovelly Park, St Clair, Tea Tree Plaza and Paradise Interchange. That is on page 14 of the DPTI Annual Report Card 2012-13.

On page 29, the document further states that there would be 330 car parks added at Paradise Interchange. Parking at the interchange remains a huge issue, yet the state Labor government this year committed to building park-and-ride facilities at Klemzig and Tea Tree Plaza, choosing instead to snub Paradise Interchange. It is almost like they did it on purpose.

I am continuously badgered by the Minister for Transport, and also the Treasurer, for voting down a toxic car park tax, which I am told was the reason for funding being pulled initially. We saw in the budget papers that money was allocated to Paradise Interchange for car parking before the car park tax was proposed. It is curious that funds were allocated before the car park tax birth in the 2012, 2013 and 2014 budgets. It is even more curious that now, without the aid of a car park tax, the Klemzig and Tea Tree Plaza interchanges have been allocated funds for additional park-and-ride facilities.

I quote one nearby resident's comments from an article in the East Torrens *Messenger* on 28 June 2017:

It doesn't make sense to me that Klemzig got funding and Paradise didn't... This is a much bigger [challenge].

I could not agree more. In the lead-up to the last election, the previous member for Hartley also gave false hope to the residents, and I quote an excerpt from his letter:

I would like to thank you for the significant investment being made to improve the O-Bahn especially the car parking at Paradise Interchange.

He goes on that they have campaigned for many years for these improvements and that they are pleased that the state government has responded with an investment of \$17 million, yet we still see the pressing need for more car parking at Paradise Interchange.

While the state Labor government promised to fund improved car parking at the interchange prior to the last election, they have failed to deliver. The community deserves better and we will not stop until our community gets its fair share. I am here today to remind our local people that it is only under a Liberal Party that the people of Paradise and surrounding areas will get the extra car parking facilities that they want and need. We will bring the community with us and we will get this car parking done.

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (11:36):** I rise to speak against this motion for one very good reason and that is because the member for Hartley is being, as he has been for the best part of three years now, deliberately misleading in the substance of this motion. He has, along with his colleagues on that side of the chamber, engaged in a campaign to manipulate the facts, to alter the truth and to paint a picture for his constituents that seeks to absolve himself and his Liberal Party colleagues of the blame that rests fairly and squarely on their shoulders for the reason why improved car parking facilities at the Paradise O-Bahn interchange have not yet been delivered.

Had the government been able to deliver the mandate that it sought and received at the 2014 state election, make no mistake, that car park would be built and today, on a working day, it would be being used. People who complain to the member for Hartley, who complain to me, who complain to the council, who complain amongst themselves about the inadequacy of the car parking facilities, have one person to thank; indeed, they have just under two dozen people to thank and that is those sitting opposite.

We made it absolutely clear in 2013 that we would be going to the state election promising a transport development levy. It is very clear what that development levy would have funded. It would have raised revenue so that we could invest in improved transport facilities. We were very clear that those revenues would pay for improvements to public transport, specifically, but not limited to, park-and-ride facilities. In looking at those park-and-ride facilities, we were very clear that Paradise Interchange would be the recipient of the benefit of those revenues.

But, just as we have seen with the craven, weak behaviour of the Liberal Party over the banking levy, as soon as a corporate vested interest makes their wishes known, they fold and they get in behind those corporate vested interests to the disservice and to the damage of South Australians and communities around our state. That is exactly what has happened here. Just so that they could protect the interests of a few car park operators here in the CBD, the hundreds of people who are finding themselves with unsatisfactory parking facilities at the Paradise O-Bahn interchange have been duded.

We made absolutely clear to the member for Hartley before he voted on that state budget in 2014 the repercussions of his actions if he voted with his colleagues to vote down that measure. The responsibility rests on his shoulders because it is a non-binding caucus over there. He had the freedom to part company on that vote with his colleagues, to put a stake in the ground and say to his constituents, 'I agree with what you're saying about the Paradise Interchange. It is important, it does need action, and on this matter I disagree with my parliamentary colleagues. I think we should deliver better parking services and facilities at the Paradise Interchange. I think I should make sure I'm doing my best to make sure that we've got improved facilities. I may not even like the concept of this levy, but in this case it's worth doing. In this instance, it's worth doing because I know the benefits it's going to deliver for my constituency.'

The Treasurer and I stood out there at the Paradise Interchange, and we made it abundantly clear that if he voted with his colleagues, if his colleagues in this chamber and upstairs voted down the state budget and the transport development levy with it, the Paradise Interchange would not be improved, would not be developed and there would not be any extra car parking facilities. It was made abundantly clear to the member for Hartley, and it was made clear to him before that vote.

And what did he do? He pretended the issue did not exist. He put his head in the sand. He walked away from the commitments he had given his electors at the 2014 election to stand up for their best interests and he sold them out. He sold them out over the Paradise Interchange just as he is selling South Australians, along with his colleagues, over the banking levy, just as—

*Members interjecting:*

**The Hon. S.C. MULLIGHAN:** It is ironic that we should have two regional members of parliament on the Liberal side start interjecting when I point out the uncomfortable truth to them that the banks that they are out defending are the ones that closed branches in their electorates.

*Members interjecting:*

**The DEPUTY SPEAKER:** Minister, sit down. The member for Morialta has a point of order.

*Mr Pengilly interjecting:*

**The DEPUTY SPEAKER:** Order, member for Finniss!

**Mr GARDNER:** Point of order: the minister is being irrelevant.

**The DEPUTY SPEAKER:** I will ask the minister to come back to the substance of the debate.

**The Hon. S.C. MULLIGHAN:** Thank you, Deputy Speaker. I appreciate the discomfort about talking about—

**The DEPUTY SPEAKER:** No, the substance of—

**The Hon. S.C. MULLIGHAN:** —three branches which have closed in Chaffey.

**The DEPUTY SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Three branches in 18 months.

**The DEPUTY SPEAKER:** Order, minister!

**The Hon. S.C. MULLIGHAN:** And you just spruik digital banking.

**The DEPUTY SPEAKER:** Minister, I am on my feet.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**Mr GARDNER:** Point of order: standing order 137. In defying your ruling, the minister now invites being thrown out.

**The DEPUTY SPEAKER:** It was very close, wasn't it? I am going to listen to the minister and draw him back to the substance of the debate.

**The Hon. S.C. MULLIGHAN:** Thank you, Deputy Speaker. Just as there has been a pattern of selling out South Australians from this Liberal opposition, so did the member for Hartley sell out his constituency—

*Mr Whetstone interjecting:*

**The DEPUTY SPEAKER:** Member for Chaffey!

**The Hon. S.C. MULLIGHAN:** —by voting against the upgrade of the park-and-ride facilities at Paradise Interchange—

**Mr Gardner:** Point of order.

**The Hon. S.C. MULLIGHAN:** He sold them out.

**The DEPUTY SPEAKER:** Order! We have a point of order.

**Mr GARDNER:** Standing order 127: imputing improper motive and making personal reflections on another member. The minister now has the trifecta of breaches of standing orders.

**The DEPUTY SPEAKER:** We do need to come back to the substance of the debate.

**The Hon. S.C. MULLIGHAN:** Well, Deputy Speaker, the point of order I would raise is that member for Morialta repeatedly interjects and interrupts the business of this chamber—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!



**The Hon. S.C. MULLIGHAN:** —which is a direct breach of standing orders.

**Mr GARDNER:** Point of order: the Speaker has insisted on referring bogus points of order as warranting a warning, that being a bogus point of order without reference to a standing order.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The house's time is precious. I am not sure that the best interests of the state and the house are being served here this morning. I am drawing you back to the substance of the debate.

**An honourable member:** He keeps interjecting with bogus points of order.

**The DEPUTY SPEAKER:** No, order! My role, as you know, is to prevent quarrels. I see a quarrel, so it is up to you whether we stop altogether or we do not quarrel.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! Both sides need to behave.

**The Hon. S.C. MULLIGHAN:** The member for Hartley deliberately voted in full knowledge that, if he voted against this budget in 2014, his electors would not receive an upgrade to Paradise Interchange. He was warned about that specifically.

*Ms Sanderson interjecting:*

**The DEPUTY SPEAKER:** Order! Member for Adelaide, I do understand why the Speaker hears your voice.

**The Hon. S.C. MULLIGHAN:** The Treasurer and I stood at the Paradise Interchange and made the choice abundantly clear for the member for Hartley—abundantly clear—and, knowing that, he came into this chamber and voted to ensure that those facilities were not upgraded. That was the choice the member for Hartley made and that is why we distributed materials. We told all those people who are forced to park out on Darley Road that the member for Hartley had, quite literally, sold them down the Torrens River. He had made sure that they did not have the upgrade to their facilities which the Labor government had promised them, which we had devised a way to fund and which we had committed to delivering.

For the last three years, the member for Hartley has carried on this campaign of crocodile tears about why his behaviour and his voting record in this parliament has denied his constituency the benefit the Labor government was prepared to deliver. That is exactly what has occurred over these three years. The horror for the member for Hartley, now that we are some eight months out, is that his constituency is going to be reminded chapter and verse about how his actions have caused them not to be able to park in upgraded car parking facilities. That is the truth of the matter.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order on my left!

**The Hon. S.C. MULLIGHAN:** He can gaze down at his navel all he likes, but those are the facts.

**Mr Whetstone:** Bring on Steven Rypp.

**The DEPUTY SPEAKER:** Member for Chaffey, I warn you for the first time. Question time looms, and I want you all here.

**The Hon. S.C. MULLIGHAN:** I have met with the City of Campbelltown, I have met with their mayor, and they said, 'What are we going to do in light of the member for Hartley's intransigence?' In fact, they were not his words, to be fair: they were mine. Yes, I will concede that: they were my words. What are we going to do with this situation? It is intractable for the council, and doubly so because some 12 or 18 months ago there was a private proponent, a developer, who wanted to develop some multistorey residential dwellings on Gameau Road, I believe it was, facing Paradise Interchange. That was resoundingly defeated at the council development approval level, mostly on the back of a campaign run by local residents who did not want to see that level of development and did not want to put up with traffic issues on their local street of Gameau Road.

We are now also in this intractable situation where not only have the actions of the member for Hartley denied people who use Paradise Interchange improved park-and-ride facilities but we also seem to be struggling for a solution on the same side of Darley Road as the interchange for multistorey car parking facilities because the local residents will not put up with the traffic that comes in with that. I would be prepared to work through a solution but, while we have a member for Hartley who is hell-bent on denying his constituency the benefits of better parking facilities, I am not sure what the way forward is.

Time expired.

**Mr GARDNER (Morialta) (11:48):** This is a very important motion. The fact is that Paradise Interchange is inadequate and needs to be improved. This government promised that it would improve it, and it has failed to uphold its promise. Though I have liked the minister for a long time as an individual, his speech has disappointed me greatly because it has laid open and bare for everyone to see the rotten, spiteful heart that defines this government.

It is actually quite an extraordinary claim that the minister has just made. He said that a government, whose sworn duty is to represent the people of South Australia and act in their best interests, made a political decision before the budget measure was debated in 2014. They said that, unless another member of this house ignored what they considered to be the merits of that budget measure, the merits of that legislation and voted for what the government said they should vote for, the government would spitefully respond by taking it out upon the residents of the eastern suburbs and the north-eastern suburbs—the residents of Hartley, the residents of Morialta, the residents of Newland, the residents of Florey—by not providing the infrastructure that that community needs and by not providing the infrastructure that the South Australian people deserve.

That is an extraordinary thing for the minister to have said. They have demanded that a member of this house ignore what they have sworn to do, that is, to take each piece of legislation on its merits or else the government will take vengeance upon their community and not provide the infrastructure that is required by that community. It is an extraordinary thing. It is a spiteful thing. It is a rotten thing.

I have to say, in a week that has been unusual, for me to say 'unprecedented', it is unprecedented for the minister to be so brash and so brazen in flaunting and boasting about the fact that he does not give a damn about what the people of the eastern suburbs or the people of the north-east need. People who live in Torrens, Newland, Florey, Morialta and Hartley use the Paradise Interchange on a regular basis, but their interests and their needs have been suborned to the Treasurer and the Minister for Infrastructure's political decision that they want to wreak maximum political advantage out of this false nexus they have drawn between the car park tax and the Paradise Interchange upgrade.

It is a false nexus. Let me take the house through why it is a false nexus. Firstly, the member for Florey, in debate in this chamber in 2012, I think, in a motion not entirely dissimilar to this one—although it did not refer to broken election promises because at that stage there had not been an election promise—in happier days between her and the Labor Party, outlined what was then the government's position.

At one stage in the debate she said I would be happy to hear what she had to say next, and I was happy to hear what she had to say next, because she then outlined that the Labor government had a plan that was coming in place to deliver an improvement to the interchange at Paradise. She was representing the minister. She was the Labor speaker on that motion and she said that the government was going to fix Paradise. That was the first instance.

The second instance was that the Paradise Interchange upgrade was promised by Grace Portolesi, the then Labor member for Hartley. The third instance was, as the member for Hartley has outlined, that the Paradise Interchange upgrade was included in the budget papers as an infrastructure measure that was going to take place.

The fact that at the same time in 2014 the budget papers included that infrastructure increase as well as the car park tax is not in any other way contingent. The Liberal Party had a clear mandate to vote against the car park tax, having taken our opposition to the people of South Australia and our

having been voted by the people of South Australia to sit in this house and undertake what we had promised to do. Not only that but we were also supported by 53 per cent of the population, of course.

The fact is that the car park tax funding that did not come through has not prevented the government from undertaking other park-and-ride facilities. In fact, other park-and-ride upgrades at Klemzig and Tea Tree Plaza were in place prior to the existence of the car park tax. They were promised prior to the last election and they took place. Since the car park tax was defeated, other infrastructure measures to park-and-ride facilities have been promised. Even in this very budget, we have had welcome improvements to park-and-ride facilities that are going to be undertaken at Klemzig and Tea Tree Plaza.

I have to say that the member for Hartley and I, as well as the Mayor of Campbelltown and others, have asked, 'Why on earth do they keep missing Paradise out?' The Minister for Infrastructure, perhaps inspired by the hubris of his own prowess in the debate, has laid bare the answer: it is a question of spite. This is now a government that brags about making decisions on infrastructure projects out of spite. The minister can do what he wants to me or the member for Hartley, but he is doing this to all the people of the north-eastern suburbs. He is betraying the electors of Newland, Florey and Torrens. He is betraying the constituents of our seats. He is betraying the people of South Australia and his oath to act in their best interests as a minister.

The government's duty is to govern in the best interests of South Australians. It is one they have clearly lost interest in. The minister says that the government had a mandate to introduce a car park tax, a mandate that about one in three South Australians voted for. What an extraordinary claim! The fact is that when the minister comes out to Paradise Interchange and gives politically grandstanding press conferences at which he says that because of one member's actions on a piece of legislation the government has made a decision that they are never going to support a piece of infrastructure in the member's area, that is an extraordinary abrogation of duty and it is a betrayal of the people of South Australia.

It almost seems trivial by comparison, but it was a pretty embarrassing mistake, so I will go there as well regarding the minister's complaints about the Gameau Road development. I draw it to his attention because it was not the Campbelltown council that knocked back the Gameau Road development, it was the Development Assessment Commission, which is the government's own instrument for overriding what local councils potentially want to do. So, if he has an issue with the Development Assessment Commission, I suggest he takes it up with the Minister for Planning.

What we should have been talking about—and I have been distracted for seven minutes by the minister's extraordinary statements—is the need for this car park improvement at Paradise Interchange. I have previously identified that the seven minutes a day that are proposed to be saved on average to commuters by the \$160 million O-Bahn tunnel is an average. If you are on the O-Bahn before 8 o'clock in the morning, before 8.30 in the morning, it is a lot less than that. It is only in the rush hour that that saving is really going to come into effect.

That seven minutes a day is less than the time it takes me to walk from my car in the paddock across the field to the platform and back. To do that, you walk across Darley Road, which is a significant road, as members from the north-eastern suburbs would know. The member for Hartley certainly knows. It is the boundary between Hartley and Morialta at the moment and soon it will be entirely within Hartley. I use that pretty much every parliamentary sitting week when I catch the O-Bahn, which I do pretty much every parliamentary sitting week.

It is a really dangerous road to cross. I am 38 years old and I do not consider myself to have movement difficulties, although it is not as easy as it used to be. I have crossed that road and been quite fearful of my situation. If they are parking across the road, it means they have got to the O-Bahn after 8 o'clock because there is never a parking space in the car park after 8 o'clock and there is often not a parking space in the car park after 7.45. The government has leased this space from the Paradise Community Church—the Influencers Church, as it is now—which is another 200 metres further away from the paddock.

The paddock next to the skate park, between the skate park and the Influencers Church, is where people park their car. Anyone getting to Paradise after 7.45 or 8 o'clock definitely parks their car there. Crossing that road is dangerous; I have been genuinely fearful myself. Some people go

above 60 km/h, and they often do after they have been banked up in traffic to the north or south of Paradise Interchange, particularly north and south of the river.

If you are running late for work, if you are trying to get across the road in a hurry, it is damn dangerous at the moment. I am very fearful. I join the member for Hartley on this. I am very fearful that at some stage there is going to be a terrible accident. We are very lucky and grateful that nothing has happened so far. The member for Hartley and I between us over the last eight years have collected thousands of signatures on petitions for this to be improved. One very important fact remains to be said: the Liberal Party, if elected to government in March 2018, has committed money and will deliver an improvement to the Paradise Interchange car park and I cannot wait for that to happen.

**Mr PISONI (Unley) (11:58):** Despite the argument we hear from the government that the member for Hartley is entirely responsible for the Paradise Interchange not being built because he voted against the car park tax, I put it to you that this decision not to build by this government was made the minute the numbers came in on election night in the seat of Hartley and they saw that they had lost the seat of Hartley. That was when the decision was made.

The decision was made then to punish the people of Hartley for removing the former member for Hartley and replacing her with the current member for Hartley. In other words, moving from a Labor candidate to a Liberal candidate as their member of parliament. That is when the decision was made by this government that they were not going to build the Paradise Interchange, and what was it based on? It was based on spite. We heard that confirmed by the minister.

It reminded me of a *Seinfeld* episode where Jerry Seinfeld bought a crested jacket. It was an expensive jacket, but he decided that he did not quite like the salesman and wanted to teach the salesman a lesson, so he went back to the store and said, 'Excuse me, I would like to return this jacket.' The salesperson said, 'Certainly, may I ask why?' Jerry Seinfeld said, 'For spite.' The teller said, 'For spite?' Seinfeld said, 'That's right. I don't care for the salesman who sold it to me.'

We now have a situation where the government does not care for the member for Hartley because the Labor member for Hartley is not there anymore. The teller said, 'I don't think you can return the item for spite.' Seinfeld said, 'What do you mean?' The teller said, 'Well, if there was some problem with the garment, if it was unsatisfactory in some way, we could do it for you, but I'm afraid that spite doesn't fit into any of the conditions of our refund.' I put that to the government: spite is not a reason to deprive the people in the electorate of Hartley the car park that you promised them time and time again.

We have fixed that problem. We have promised to build that car park. I cannot recall a week that has gone by that the member for Hartley has not reminded me of the commitment we have made to build that Paradise Interchange car park.

**Mr Pengilly:** A good local member.

**Mr PISONI:** He is an excellent local member and very, very focused on getting the best outcomes for his constituents. We will build that car park, not just because of the advocacy of the member for Hartley but because it is needed and it is the right thing to do.

The O-Bahn is an enormous success. Remember that it was in the three short years of the Tonkin government, from 1979 to 1982, that the O-Bahn was brought to South Australia—an extraordinary piece of infrastructure that has served the people of the north-east extremely well. We are enormous fans of the O-Bahn here. We own the O-Bahn. We brought the O-Bahn. The Liberal Party brought the O-Bahn to South Australia.

We need to do everything we possibly can to ensure that more people use that trunk route that gets them into the city from Tea Tree Plaza, Paradise or Klemzig very quickly. The more people who use it and the more times we can get buses running on that O-Bahn, the more traffic we will keep off North-East Road and Lower North-East Road and the less congestion we will have for the buses that are using those roads, for other public transport users and for those who are still using their cars to get into the city.

We support the car park as proposed by the member for Hartley. We support his advocacy for his constituents and, again, I congratulate them. After 3½ years, they are only really just getting

used to having a local member who services them, so congratulations to you, member for Hartley, on what you have been able to achieve, on the profile that you have given the people in the seat of Hartley in the Liberal party room and on how you continue to advocate for them.

Many shadow ministers, when they see the member for Hartley coming along in the corridors, try to go into an office before they get to him because they do not want to be bailed up about another issue that he wants us to look at in his electorate. He is a very, very strong advocate for his electorate, and I am sure that the people of Hartley would like to see him returned. I certainly hope that he is returned next year at the election because the people of Hartley need an advocate of the calibre of the current member for Hartley.

Look at the example from the other side: you are either with them or you are against them, 'How dare those people of Hartley decide that they wanted better representation than they had with Grace Portolesi, voting for the current member for Hartley. How dare they. We will punish them for that.' Just as in the *Seinfeld* episode, where spite is no reason to return a jacket, spite is no reason to deprive the people of Hartley of what you have promised them year after year.

**Ms SANDERSON (Adelaide) (12:05):** I rise to support the member for Hartley's motion regarding the park-and-ride facility or better parking at Paradise Interchange. It is incredibly disappointing to see that the government can find money for Klemzig and Tea Tree Gully, yet it is again ignoring Paradise. We heard the member for Morialta describe how dangerous it is parking there, and the length of time that it takes to walk to and from your car. Imagine if you are a female, walking there late at night. Even at 5.30pm, it is dark these days in winter, so there is also the danger aspect of not fixing the parking facilities.

This is a very spiteful government. This spiteful government, although twice promising to electrify the Gawler line, cancelled it again for the second time. It has found it again in this budget. It cancelled it again before the 2014 election and found, miraculously, \$160 million to cut a big tunnel through Rymill Park to save 2½ minutes in the morning and 3½ minutes in the afternoon for the people of the north-eastern suburbs because they were in marginal seats.

This government does act out of spite. Every decision it makes is politically motivated. It is never about the best interests of the people, so it is very pleasing to have such a strong advocate in the member for Hartley, who has been advocating in our party room to ensure that his constituents do have safety, a safe place to park and time is saved for them.

We did not need a \$160 million tunnel to save six minutes. We could have saved more time by fixing the park-and-rides and also by fixing the line. The bus can only run at 80 km/h because the track has not been maintained properly. There are lots of things that could have been done that would have saved the same, if not more, amount of time for O-Bahn users. We welcome the O-Bahn. It was a Liberal initiative. It is a great piece of infrastructure and it needs to be maintained. We did not need a tunnel through the Parklands.

The time we have lost driving on Hackney Road for the last year is far more than six minutes in the morning and night. Hundreds of thousands of car users are losing time in their day because of this apparent upgrade. I commend the member for Hartley for his advocacy and doing the right thing for the people of his electorate. The Liberal Party, if elected in 2018, will ensure that that goes ahead.

**Mr TARZIA (Hartley) (12:08):** The facts are clear that, despite the billions of dollars that the government currently controls, this part of South Australia is not a priority for them. If it were a priority for them, they would have delivered the added car park facilities that they had promised before the election, but they have not.

It is very clear that the only way the residents of Paradise and surrounding areas, and users of this interchange, will get the car park facilities they have asked for and that they deserve, is by voting Liberal at the next election and returning the Liberal Party to government in South Australia. When we are elected to government, we will fix the car parking issues at Paradise Interchange. I thank my colleagues on the side of the chamber for their submissions and I commend this motion to the house.

The house divided on motion:

Ayes ..... 16  
 Noes ..... 20  
 Majority ..... 4

#### AYES

Duluk, S.	Gardner, J.A.W. (teller)	Goldsworthy, R.M.
Griffiths, S.P.	Knoll, S.K.	Pederick, A.S.
Pengilly, M.R.	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Speirs, D.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.		

#### NOES

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

#### PAIRS

Bell, T.S.	Digance, A.F.C.	Chapman, V.A.
Hughes, E.J.	Marshall, S.S.	Weatherill, J.W.
McFetridge, D.	Atkinson, M.J.	Williams, M.R.
Rankine, J.M.		

Motion thus negatived.

#### CODE BLUE EMERGENCY CODE

**Mr WHETSTONE (Chaffey) (12:13):** I move:

That this house—

- (a) urges the state government to implement a Code Blue in regional South Australia as already in place in metropolitan Adelaide to assist homeless and rough sleepers in the regions during extreme weather events;
- (b) acknowledges the need for agencies to work together during times of extreme weather events to help relocate and assist rough sleepers; and
- (c) highlights the immediate need to have a Code Blue implemented in the Riverland to be used in major weather events such as a high river.

I introduced this motion in the house in November 2016. Prior to that, I had been vocal about the need for equity between metropolitan areas of South Australia and the regions when it comes to severe weather responses. It is one of those rare moments when the state government actually listened, and I would like to acknowledge the work undertaken by the minister and her department to implement a Code Blue in the Riverland. I called for it and it happened, and I commend the minister for that.

There is still a lot of work to be done in the state's response to extreme weather events across the entirety of regional and rural South Australia. Some of that work has been done, but there is plenty more to do. I have no doubt that this response to various changing weather conditions will throw up all sorts of challenges. By way of background, Code Blue ensures that there is a shelter available for rough sleepers during extreme weather conditions, such as storms, severe cold and heavy rains, and means that key stakeholders coordinate a response.

As every person in this state remembers, in September last year we had an unprecedented statewide blackout that impacted some 1.6 million people. The storm that lashed the state did not discriminate between metropolitan and regional South Australia. Every part of the state seemed to cop it. At the time, the state government called a Code Blue to put extreme measures in place to assist homeless people in Adelaide. There was no Code Blue called in the Riverland, and there was no Code Blue called for any other regions of South Australia.

The snubbing of regional South Australia and particularly the Riverland at the time, in my eyes was not good enough. Therefore, I was vocal about a Code Blue for the Riverland and for regional South Australia in general. I believed that a Code Blue response program would be important to the Riverland as the footprint for rough sleepers is quite different between the Riverland and Adelaide, particularly with the experience of a high river at that time.

I wanted a fully integrated approach to tackling severe weather events, and a short time later the state government convened a series of meetings in the Riverland about how a response could be formed to manage severe weather events in the region. I was part of that, and it was very productive, and I commend all the groups involved in that process.

The initial meetings focused primarily on responding to the high river situation at the time and how that was impacting upon homeless people sleeping rough along the river. Again, I reiterated the need to put a Code Blue in place that stemmed beyond high river to all severe weather events—be it storms, cold or heat related. I believe there is now a Code Red for severe, heat-related weather events. In October, again I asked the Minister for Communities and Social Inclusion in this place about what measures were implemented to support those homeless people sleeping rough in the Riverland prior to the one in 50 years weather event. Interestingly, she responded by stating:

...as you know, Centacare provides that service for homelessness...I assume they would go out and contact people who they already know and provide them with accommodation, whether it would be in the facilities they already have available or in a hotel/motel accommodation...

At the time, it was symptomatic, I believe, of the lack of state government coordination to support the homeless in the Riverland during that severe weather event.

It was later noted in local media that Centacare does not provide those types of facilities. However, this did start the ball rolling on looking at how the Riverland could be part of an official Code Blue instead of just Adelaide. The minister in fact announced that the state government would investigate the level of help available to homeless people in the country during storms and other extreme weather events.

On radio, the minister said that during the September storm event, there were some additional specialist homeless services delivered to the Riverland and Ceduna, but was quoted as saying that 'there is not an official Code Blue as...in the city...we're happy to look at what that code blue might look like in the country'. I acknowledge her for that because I think it was great work; there should be no divide between metropolitan Adelaide and the regions. The minister went on to say::

What we've established in Adelaide, and it's just been operational since July when we got everyone together, is a detailed trigger for what happens when we have [an extremely bad weather event]...How do we tell people that there are additional services and who are the people that are going to provide it...That's what we're going to look at here...how is it that we can make sure that people are completely aware on those bad weather occasions of how those additional services will play out.

In response to my calls for the Riverland Code Blue, in November Housing SA told the local *Murray Pioneer* newspaper:

We are also working with the homelessness services sector to determine whether a 'country code blue' is warranted either on a formal or informal basis.

Again, I am pleased that my calls for the regional Code Blue, and particularly an organised response effort for the Riverland, triggered a state government review and we now have a Code Blue response for many regional areas.

I want to touch on the extent of the homelessness and rough sleeping problem in the Riverland. I have been on tours with local service groups and I have witnessed people living rough on the riverbanks, in severe weather events, and it is particularly important that we have full plans in

place to ensure that rough sleepers are accounted for and supported. The service groups in the Riverland do a great job with what they have, but their resources are continually diminishing. As I said, those service groups in the Riverland do a great job with what they have, but they are often under pressure with high demand and less than adequate resources. The Riverland also has a long public housing waiting list, which has further exacerbated this issue.

In the electorate of Chaffey, there are many groups that are doing fantastic work around homelessness and some of the issues around people living rough. They include the ac.care, Life Without Barriers, the Salvos, Uniting Communities, Anglican Community Care, Headspace and Centacare and Relationships Australia on the domestic violence support side of things. The list goes on. There are also many volunteer groups and volunteers who do this off their own bat. They are not part of organisations; they are people who care. They are just genuine community volunteers and people who genuinely care about humanity.

It was a real eye-opener for me and the member for Adelaide, who came up to the Riverland. We headed out with Berri-based welfare agency, Life Without Barriers, in a dinghy, patrolling the River Murray and taking water and assistance out to some of South Australia's most vulnerable people. A lot of those homeless people have become socially inept or unable to interact with mainstream society. I know these welfare agencies keep a very good watch on these people and make sure that in the event of an emergency they are located and assisted. A coordinated approach to these people is vital.

On the 2011 census night, roughly 600 people were living homeless in the Riverland alone. One of the main issues is the lack of available emergency housing, particularly in the regional areas of South Australia, which is then also complicated by a number of other factors, such as high unemployment. Obviously, the cost of living pressures currently facing many South Australian families and individuals are placing more pressure on those who are already homeless and those who are facing homelessness. For those who own or rent a home, the costs of water, electricity, gas, as well as the continual increase in our ESL, are contributing to what I consider a concerning number of people in the region being on the verge of becoming homeless.

Sadly, my electorate has also seen the rise of drug use and the increasing presence of crystal methamphetamine. Drug issues are certainly contributing to homelessness and have also put welfare services under the pump. The dire situation of people living rough in the regions is also further complicated by the lack of public transport.

Last month was the first time a statewide Code Blue has been enacted with regional centres including Port Augusta, Port Pirie, Whyalla, Ceduna, Coober Pedy, Port Lincoln and the Riverland. This response, due to very cold conditions, was to assist those sleeping rough. The fact that we now have a Code Blue in place for the Riverland is a win for the community and a win for regional South Australia. I have no doubt that we will have more extreme weather events, as the region currently has some very frosty mornings. Extreme heat is on its way and we have the possibility of a high river event continuing as we approach summer.

I am happy to continue working with the state government and key stakeholders to ensure that there is an adequate response in assisting rough sleepers in the electorate of Chaffey in these times of extreme and severe weather events.

**Mr ODENWALDER (Little Para) (12:24):** I find myself in the pleasant position of supporting the motion of the member for Chaffey. It might be a first, but let us hope it is not the last. We on this side of the house support this motion about implementing a Code Blue in regional Australia. These things are not simply metropolitan issues: they are universal issues that need to be addressed, so I welcome this motion.

We on this side of the house welcome the member for Chaffey's concern for and interest in the expansion of services to people who are homeless and sleeping rough in regional South Australia during periods of extreme weather, particularly in the Riverland. As the member notes, things have moved on since he first brought this motion to the house. He was very generous in his praise for the minister. I want to join him in that praise. It is nice to see a moment of bipartisanship over such an important issue.



We are proud of our responses to the prevention of homelessness and the positive effects that our efforts have on the wellbeing of individuals, families and communities. The Department for Communities and Social Inclusion has engaged with providers in regional areas of South Australia, particularly the Riverland, to develop localised responses for rough sleepers affected by extreme weather events. These responses have been successfully put in place in the metro region, first of all, and in the Riverland in partnership with local non-government and community agencies.

In response to the extreme weather events in September 2016, and again in June 2017, the Riverland Homelessness Assertive Outreach Program conducted additional outreach visits, delivering water and food and conducting welfare checks. Our non-government and community partners have been instrumental in the success of these responses, with Housing SA undertaking a statewide extreme weather regional engagement process, commencing in December 2016, to put in place a local plan to respond to people sleeping rough in their community. As a result, we have developed localised extreme heat and extreme cold responses statewide. With that very brief contribution, I support the motion, and I congratulate the member on bringing it to the house.

**Ms SANDERSON (Adelaide) (12:26):** I rise to speak in support of this motion, and I congratulate the member for Chaffey on bringing this to the house's attention last year. I thank the government for following through and extending Code Blue out to the regions since then. Code Blue is a great initiative of the government. It was first enacted in 2016 in the city. As we have heard, it has now been expanded into the regions, including Port Augusta, Port Pirie, Whyalla, Ceduna, Coober Pedy, Port Lincoln and the Riverland.

It is a joint initiative. The government is funding the initiative, which is great. In the city, the WestCare facility, owned by Baptist Care, alternates with the Hutt St Centre as the location or the venue that will host people who are sleeping rough during Code Blue events. It is good to see a coordinated effort. It is disappointing that it took 14 or 15 years in government and several people actually dying in the Parklands before this was enacted. It is a great initiative, and I am very glad that it exists, but I just question why it took so long, given it is not a new problem.

After speaking to the Hutt St Centre and some of the people who are involved directly with the people who come in on these Code Blue evenings, one of the most surprising and shocking things was that at the first Code Blue that was held in Adelaide 75 per cent of the people who turned up to WestCare were not known by any service provider in Adelaide. It shocked and surprised everybody because there are many services available, but clearly they are not actually getting to the people who need them most.

I also welcome the expansion of the Street Crew, which now includes doctors and different service providers that have a wider scope to go out to find people who are sleeping rough. I was fortunate enough to do a shift with the Street Crew last year. We met a couple—a man and a woman—sleeping near the railway line near the IceArena. The people I was with spoke to them individually. One caseworker spoke to the gentleman and another caseworker spoke to the lady. They were able to get them housed, so it was a wonderful result.

The Street Crew pretty well know where a lot of people sleep because they are regular, but it was very surprising that on the day of the first Code Blue, 75 per cent of the people who turned up were not known at all. I wonder what the statistics are for the regional areas now that they have also had a Code Blue. It is a great way for service providers to be able to identify who needs help and get the right services to them because ideally we should not have anybody sleeping rough. We should be providing adequate shelter and housing for people.

There are a certain number of people who actually prefer to sleep rough—not many, but there are a couple who do not like the constraints and the restriction of boarding houses, which have rules about lights out and strict rules around alcohol and drugs. Some people choose to have those things in their life. I know that we cannot solve everybody's problem, but we can certainly solve a lot more than we are. This is a great way of getting access to people we were not aware of before and getting the service to them. I commend the member for Chaffey for bringing to the house this motion to extend that service to the regions, and I am very grateful that the government will be supporting it.

**Mr BELL (Mount Gambier) (12:30):** I rise to support the motion by the member for Chaffey. He is a very good member for his electorate, which I will have the pleasure of spending some time in over the weekend, which I look forward to. Code Blue has already been activated a number of times this winter throughout South Australia, including in the regional areas of the Riverland, Port Lincoln, Port Pirie, Whyalla, Port Augusta, Ceduna, Coober Pedy and, of course, Mount Gambier, where in fact it has been activated twice. If you have ever spent much time down in Mount Gambier, which I know you have, Deputy Speaker, it is surprising that it has only been activated twice.

Code Blue commenced in metropolitan Adelaide as a result of wild weather during September 2016. It was positively received by community members and has now been extended throughout the regional areas. At night, when we are in our warm homes in front of a roaring fire down in the South-East or when the heater is on—if you can afford the energy bills—over 5,000 people in South Australia are experiencing homelessness. Unfortunately, one in seven people who is facing homelessness will sleep rough. Homelessness is not a choice; it can happen to anyone. I quote Hutt St Centre's definition of homelessness:

...that state in which people have no access to safe and secure shelter of a standard that does not damage their health, threaten their personal safety or further marginalise them through failing to provide either cooking facilities, or facilities that permit adequate personal hygiene.

There are a number of reasons why people find themselves homeless. It can be a result of domestic violence, family breakdowns, financial difficulties or suffering from mental health issues.

The state government activates Code Blue, ensuring that there is shelter and food available for rough sleepers during expected extreme weather. Extreme weather conditions can include very cold temperatures, rain and high winds. In Mount Gambier, ac.care and the South Australian Housing Trust work together collaboratively when a Code Blue is activated to provide additional accommodation during these extreme weather events. In Mount Gambier alone, during June the overnight temperatures have fallen to 5° and below on 13 occasions, with one night reaching minus 2°. Together with rain and howling winds, this can make for very unpleasant and sometimes life-threatening conditions.

Mount Gambier consistently has colder weather than the rest of the state, which I can definitely attest to. During our cold conditions, Mount Gambier has a number of rough sleepers. Should anyone find themselves seeking shelter in Mount Gambier, they need to present to Housing SA, ac.care or contact the South Australian Homelessness Gateway number on 1800 003 308. The other day, when I was volunteering at our Sunset Community Kitchen, a facility that provides warm meals to people in the Mount Gambier region on Monday and Wednesday nights, I was talking to a number of the people who came in, some with young children, who had nowhere to sleep that night. It was mentioned to me that it was a Code Blue night, so they had accommodation for that evening. The Sunset Community Kitchen provides wholesome meals to the disadvantaged in Mount Gambier and has been doing so for eight years.

On the particular night that I worked—and I have done a number of nights now—we served over 70 meals. The volunteers for the night where there was a Code Blue were Maxine Marney, Jacqui Michalski, Cathy Toss and Carolyn Gazzard. Pauline Kenny, who has been awarded the Mount Gambier city council Australia Day Citizen of the Year Award, was and still remains a driving force behind the Sunset Community Kitchen. I commend the actions of the state government with Code Blue and creating statewide awareness of the issues of people sleeping rough. With that, I commend the motion to the house.

**The Hon. T.R. KENYON (Newland) (12:36):** Very quickly, I would like to commend the member for Chaffey for bringing this motion to the house. I think it is an excellent idea. I think it is an excellent initiative that needs to be spread throughout the state to those areas where it is needed. I am very pleased that the government will be supporting this motion. I will add my own little advertisement as well: last week, St Vincent de Paul held a fundraising event for assistance to the homeless. Many members have already donated and I thank them very much for that; those who would like to do so may still do so.

**Mr WINGARD (Mitchell) (12:36):** I rise today, too, to speak in support of the motion brought forward by the member for Chaffey, who is a very good member. His motion states:

That this house—

- (a) urges the state government to implement a Code Blue in regional South Australia as already in place in metropolitan Adelaide to assist homeless and rough sleepers in the regions during extreme weather events;
- (b) acknowledges the need for agencies to work together during times of extreme weather events to help relocate and assist rough sleepers; and
- (c) highlights the immediate need to have a Code Blue implemented in the Riverland to be used in major weather events such as a high river.

This motion was put before the house before the government actually did jump on board and do this, so I commend the government for taking heed of the motion put forward by the member for Chaffey. Of course, we now know that we do have Code Blue in regional centres, including Port Augusta, Port Pirie, Whyalla, Ceduna, Coober Pedy, Port Lincoln and the Riverland, as requested by the member for Chaffey. Again, this is a great indication of the wonderful work he does.

We know of the plight of homeless people across this state. I know that collectively everyone in this house wants to do everything they can to eliminate homelessness from our state. There are a number of people who are doing wonderful work with this community. The member for Adelaide has already mentioned the Hutt St Centre for the homeless and the wonderful work they do.

I have a personal association with the Hutt St Centre, in that the CEO, Ian Cox, is a personal friend of mine. In fact, he was my year 8 football coach at Brighton High School. He is a great person and a great mentor. He was in the senior school as I was in the junior school, and he was an outstanding person to have in our school. To see the wonderful work he has gone on to do with the Hutt St Centre is a wonderful testament to his community spirit and community-minded nature, and I really do commend him for it. As a young person, having him as a mentor in our local region was great for our community and he really did lead from the front. He coached a lot of footy, too.

He played footy up in the Northern Territory and some senior football for South Adelaide, and he coached the Brighton Old Scholars with great success. He brought a great spirit to that football club. You could tell it was a very community minded and community focused way of thinking. He does great work through the Hutt St Centre as well as through his football.

I know he is coaching now at Westminster as well. Again, they see the great value in having someone like Ian around their school and their students. They know that he does give back in that space. It is great to have these great people in our city and regions working in this area, making sure that we can do everything to help people who are sleeping rough, especially on those blizzardly cold nights. We know how tough it is.

Speaking of the Hutt St Centre for the homeless, they have the Walk a Mile in My Boots campaign. Through my previous life working at Channel 10, I know they had a very strong association with that campaign. They have always supported that campaign and do the walk at every opportunity. The member for Adelaide is always there doing it as well; she does a lot of other work in the kitchen at the Hutt St Centre. I know they have run the new laundry program through Hutt Street as well, which is a fantastic program. The meals and companionship they provide are absolutely outstanding.

The Walk a Mile in My Boots campaign is great. It is great to see that a lot of high profile people come out for that to make sure we are driving that awareness to everyone out there. A lot of schools get involved in that campaign as well, and that is fantastic. It is great to have young people aware and knowing what is going on in their local community.

A lot of this stuff is often hidden away. People do not see it because on the cold nights that the member for Chaffey is alluding to in his motion people who are more fortunate are cosy and comfy by the heater at home and in their beds, and they do not get to see this. So, this Walk a Mile campaign is a really great way to bring people out and have them experience something of what it is like on those cold nights for the homeless and to have people become more conscious of doing more to help people in need. A lot of the young people I speak to when I do the Walk a Mile event go away from it feeling that they want to do more and that they can do more. They go away and do more in the community.

Another thing the Hutt St Centre does has benefited a friend of mine, Anthony Ashton, who has had an involvement with Hutt Street over a long period of time. Ian, personally, and the whole team at Hutt Street have worked with Anthony. He is a wonderful fellow. I know him from my past life when I was in the media, as Channel 10 is based on Hutt Street. He would often bail me up, have a chat, talk about sport (footy in particular) and give me a big, 'How are you going, Wizza?' any time he would see me. He is just great fellow.

I single him out as an example of someone who has worked in a Hutt Street program and has had great success in that partnership, if you like. I bumped into him a little while ago. He had been working very closely with the crew at Hutt Street. He had an infatuation with a musical artist who was performing overseas and he had made it his goal to get overseas to see this artist perform. So, he sat down with the people at Hutt Street and they mapped out a plan for him. It was very logical and insightful as to how they helped this person set a goal to work towards and achieve.

What he had to do was put away moneys that he had and save his money, set a budget and work out how much it was going to cost to get a plane ticket, to get accommodation and work out where he was going. With this focus, Anthony just locked in and worked incredibly hard to make sure he met all his goals. He raised the money he needed. I bumped into him at one of the walks and he told me he was about to go on his trip and how proud he was. You could see him walking a foot and a half taller because he had got this together and he was off to see his favourite artist perform in Europe.

I follow him on Facebook and I watch with great delight. Anthony has the gift of the gab. I mentioned before how he would always call out to me, walking up the street whenever I was around the Hutt Street area. He would come up and have a chat, and he would do that to just about anyone. He is a lovely fellow. I saw on Facebook when he went on his trip overseas that, lo and behold, not only did he make it to the concert but he had made friends with the artist. He was backstage with the artist and he was in amongst everything that was going on there. He was having an experience money could not buy all because of his wonderful nature and the fact that he worked so hard to get there and achieve this goal he had set for himself.

It was no small thanks to the people at the Hutt St Centre and the work they did to help implement this task for Anthony to achieve his dream, and from there he has kicked on. I see him around the streets every now and then around Hutt Street, and when we do the walk, he is always out there supporting the cause. It is great to see him going so well and to see the Hutt St Centre helping out in that regard.

I mentioned the member for Adelaide before. I know that she does a lot of work and probably does not spruik as loudly as she should the great work she does at the Hutt St Centre, where she is very engaged with their meals program. It is fantastic that people can go in there and get a meal. We talk about people sleeping in the cold, but there is also their ability to be able to get a staple meal, and to know you are going to get a hearty meal is of great comfort to a lot of people out there who are doing it tough, so I commend her for the work she does and also the Hutt St Centre for putting this program together.

I also mention that they are heavily involved in the laundry program. Laundry is something that people probably take for granted, but when someone who is down on their luck and doing it a little bit tough can have their clothes laundered, they feel fresh and refreshed. It really does give them an extra spring in their step and helps them to take another step forward into potentially getting into work and helping themselves out of the tough predicament they are in.

Another program I read about recently, which I thought was absolutely fantastic, was someone who was donating their time giving haircuts to people who were doing it tough and living on the streets. The article outlined how much of an uplift it gave to people who were doing it tough. Again, you take this for granted. You might go an extra week, or in my case you are losing your hair and you think, 'Goodness, I don't want to have a haircut. I want to keep everything I have.' It is amazing what these people set up. Just getting a simple haircut is again something a lot of people take for granted and how much it can help someone who is doing it a little bit tough.

Anywhere we can have these programs in place is absolutely fantastic. To know that we have the Code Blue program in the city, which was helping people on those very, very cold nights,

but did not have it in the country was concerning and alarming. To have the member for Chaffey bring that before the house and then to have the government follow on and realise that that is what we need and take it to those regional centres is absolutely fantastic. I thank everyone who works in this space for all the tireless work they do. We need to continue doing more to help out people who are disadvantaged.

### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** Before I call the next speaker, I would like to welcome and acknowledge a group of visitors in our gallery this morning—15 women who are public and private sector leaders for the Lao People's Democratic Republic and who are guests for the Minister for Investment, Trade and lots of other things, the member for Waite. We welcome them here. It is an honour to have you with us in our parliament this morning. We hope you are being well looked after and that you enjoy your time with us. We wish you safely home whenever you are travelling.

### *Motions*

#### **CODE BLUE EMERGENCY CODE**

Debate resumed.

**Mr PENGILLY (Finniss) (12:47):** I am very pleased to stand in support of the motion by the member for Chaffey, and indeed I am very pleased that the government have indicated their support for this motion. It is a complex and extremely difficult situation to deal with when you have the numbers and resources in the metropolitan area to help a lot of these people.

I am pleased that the government have seen fit to put a Code Blue in the Riverland; however, it goes a little bit further than that. As the member for Mount Gambier suggested, it is also very relevant in areas of regional South Australia, particularly where we do not have the resources to cater for those who are out sleeping rough in the cold winter conditions and underfed. I have any number of children in my electorate who are actually fed breakfast at school. That should never happen. They are fed breakfast at school by necessity because sometimes it is about the only meal they get for the day.

There are a number of people who fall out of society and who are put in the position where they are sleeping rough or lying in the street somewhere with a newspaper over them. Only a couple of days ago, I was in Rundle Mall getting something and there was an Iraq war veteran there. Obviously, I do not know the circumstances, but he was there begging. Why a veteran in Australia is begging, I do not know. I do not know the circumstances, but it is important to note. In my electorate, I have any number of young people who go couch surfing. They have no home to go to. They have nowhere to sleep, so they couch surf in friends' houses, or wherever they can find a bed for the night to keep warm and where they can, hopefully, get something to eat.

It is a problem, and I am not suggesting that it is a problem that has not been around for years and years but, as the population grows—not in South Australia because everyone is leaving, getting out of the state—generally speaking, there is a major problem with those who cannot fend for themselves, whether they are ill-equipped to deal with society, whether they do not know how to maintain some semblance of work or income or whether they are afflicted by drugs or an illness of some kind. I do not need to go into that. Those people have to be looked after, so the motion by the member for Chaffey is to be supported. I commend him for bringing it to the house and I thank the government for supporting it.

**Mr KNOLL (Schubert) (12:50):** I also rise to commend the motion, and to commend the member for Chaffey for bringing it to the house, and to commend the government for supporting this motion and implementing some of what the member for Chaffey sought to talk about. This is another example of the member for Chaffey being a great advocate for the Riverland and the Mallee, bringing forth issues that are very much of import to his electorate. It is also one that affects my electorate quite heavily. Some people may not know that the Barossa Valley gets very cold. In fact, I do not think we have seen above about 12° in Angaston in the last month, and we have regularly had below zero temperatures and frost and ice building up on cars and the like on almost a nightly basis.

Interestingly with the Barossa, people would contend that it is quite an affluent and productive area and they would be correct. Our unemployment rate sits at about 4 per cent. We export a few hundred million dollars a year worth of Barossa-branded wine, and a few hundred million dollars worth of wine and grapes are brought in from other secondary regions around South Australia. We are quite a productive place. We also welcome a few hundred thousand tourist visitors to our neck of the woods. So you could be forgiven for thinking that homelessness is not an issue for the Barossa, but it is. It is not seen and it is not often heard of, but the Barossa community works together to deal with the issue.

Since becoming the local member of parliament, I have gone out, looked at and discussed with people the issues that exist and how they combat them, and I am quite impressed that the Barossa once again gets on with looking after its own. You would be forgiven for thinking that homeless people in country areas would find ways to navigate and move towards larger cities, and there is a trend towards that, but there is still a small but significant group of people who stay in their regional areas for various reasons and need help and support.

First, I want to say a big thank you to Lutheran Community Care. They have an office on Second Street in Nuriootpa and provide some of the best localised care in South Australia. They have a consistent stock of basic foodstuffs, blankets, clothing and the like for people who need emergency help. They also provide financial counselling services and try to place people into temporary housing. They are a volunteer group who have in their hearts the desire to do good, and that good comes through their faith and they express their faith by doing this service for the community. To Helen Lockwood and everyone at Lutheran Community Care, I say thank you for your ongoing work.

I also want to congratulate the Uniting Church community, and Reverend Christine Manning on the work they do at the House of Hope to help try to engage young people who have some difficulties through their family life, and who are at risk of disengaging with mainstream schooling and want a place where they can come together and look after each other. Again, the House of Hope does some really good work. I was really excited to be at the opening. The apricot slice was legendary, but even more legendary than that was the good work they do. We also have Anglicare and Centacare who do some good work around short-term accommodation within our community, and they are also very much worthy of praise.

What I like, and what I really want to impress upon members in my short contribution today, is the fact that once again the Barossa is a place where the community stands up and looks after its own. Lutheran Community Care, the House of Hope, Centacare and Anglicare utilise a huge volunteer workforce, a huge volunteer group, who, through goodwill and good spirit, get involved to help and look after those less fortunate. It is a credit to them that they manage to look after the people who come to them, but the broader community does not see that.

At times, it is probably good that we see that there are problems so that we can deal with them, but if it is the case that the needs are being met because of the good work of the non-government organisations in my community, then I commend them for that. I commend this motion to the house. We need to make sure that regional South Australia is not the poor cousin of metropolitan Adelaide, and I commend the member for Chaffey for his good work in this area.

**Mr WHETSTONE (Chaffey) (12:55):** I thank all the speakers who have contributed to this motion and commend the government for their support for what I consider is a very important motion. This level of care and support was previously unacknowledged, so again I acknowledge that the minister has recognised the lack of support for those people who are rough sleepers, who do not have a roof over their head, and those who are less fortunate than most of the people in day-to-day walks of life.

The government's support means that Code Blue is now implemented not only in metropolitan Adelaide but right around the state, the state centres that have issues with homelessness and people who are rough sleeping. Again, it really was something that came to the fore when the member for Adelaide and I were given an opportunity to tour the river to see those who are sleeping on the banks of the river, those who are sleeping under sheets of corrugated iron, those who are sleeping under tarpaulins and those who are just less fortunate and who have been dealt a tough pack of cards in life.

I want to acknowledge that things have changed over time for rough sleepers and the homeless. One of the things that really stuck in my mind as a child was the dismay at seeing people sleeping rough, lying on cardboard and using newspaper as insulation. On many occasions as a young child or young teenager, I would ask my parents why they used newspaper or why they used cardboard. That was really all they had. It was all they could scavenge out of the bins. We have seen humanitarian aid come to the fore, people who are volunteers, people who are much more caring and people who are being made aware of how they can help those who are less fortunate.

With the support of those service groups and government and non-government agencies, we now see homeless people with tarpaulins, tents and blankets. We now see them with a service sector that visits them. They are able to get in boats to visit people on the edge of the river. They are able to hop in vehicles to go to areas that are well known for where people take shelter, where people can just protect themselves. Particularly when it comes to Code Blue, when we have severe weather events, that is when it is really needed.

We heard contributions from a number of members in regard to how cold their regions get. There are no regions colder than regions that suffer from morning frost. When those people who are out sleeping rough get wet, the chill factor is significantly increased. When that chill factor hits them not only is the temperature minus 2° during a frost, but those people then start to incur body damage, and that is something that none of us here in this place want to see.

Some people are more fortunate than others in that when they are homeless they are able to couch surf and lean on a friend. They are able to find some form of support, some form of a building they can get into to look after themselves. My office has been inundated by people who have concerns when they see a family sleeping in a car. That is totally unacceptable in today's world. It is about finding those support services for those people who are less fortunate.

Today, we have acknowledged that we are a much more caring society and that we are caring for humanity. I acknowledge all the service providers, all the community volunteers and all the people who come out to help—they donate clothes and blankets for those people who are doing it rough. I acknowledge the government for implementing Code Blue to support people not only in metropolitan Adelaide but those in the regions of South Australia. I commend the motion to the house.

Motion carried.

*Sitting suspended from 13:00 to 14:00.*

#### *Parliamentary Procedure*

### **VISITORS**

**The SPEAKER:** I welcome to parliament today students from Ingle Farm Primary School, who are guests of the member for Playford and the Minister for Health. Also, I welcome students from Parkside Primary School, who are guests of the member for Unley.

I also welcome to parliament today a distinguished former member for Davenport and former premier, Dean Brown.

### **PAPERS**

The following papers were laid on the table:

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

Chief Public Health Officer's—Report July 2014 to June 2016  
Regulations made under the following Acts—  
Gene Technology—General

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—  
Kangaroo Island Council—  
No. 1—Permits and Penalties  
No. 2—Moveable Signs

- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Cats
- No. 7—Keeping of Livestock, Fowl and Bees
- No. 8—Foreshore and Boat Facilities

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

Regulations made under the following Acts—  
Education and Early Childhood Services (Registration and Standards)—  
Registration requirements

*Ministerial Statement*

**ASPIRE PROGRAM LAUNCH**

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. Z.L. BETTISON:** Last week, I was pleased to officially launch the Aspire project, South Australia's first social impact bond and the first in Australia to specifically target homelessness. Aspire will assist hundreds of vulnerable South Australians through employment, housing and personal support. Private investors contributed \$9 million toward the bond issue, which is expected to yield an 8.5 per cent return once performance targets are met.

The concept of social impact investing involves calculating the potential financial savings associated with addressing complex social issues and then using those savings to reward the organisations that can deliver innovative solutions. In addition to directly helping homeless people, Aspire will also indirectly benefit many others, including supporting jobs in the non-government sector, as workers help some of the most vulnerable in our community. It is estimated that 600 people will connect with Aspire over the first four years of the program, with the majority actively engaging for up to three years. The whole program is expected to run for seven to eight years.

The state government is providing \$6 million in seed funding between 2017 and 2021, after which payments will be linked to performance. We are targeting future savings of at least \$20 million based on 900 fewer inpatient days, 350 fewer convictions and 1,800 fewer periods of crisis accommodation support. However, it is far more important to acknowledge an even bigger saving on which we cannot put a price—that is, preventing people from suffering health issues or personal crises that would have required intervention.

The program launch was held at the Hutt St Centre's new premises on Halifax Street, which has been leased to provide capacity for Aspire caseworkers. Hutt St's key partners in managing the program include Social Ventures Australia and community housing providers Common Ground Adelaide and Unity Housing.

I would like to acknowledge the heavy lifting done by my colleague the Minister for Health, who worked tirelessly to get this innovative project off the ground. I commend him for his foresight in bringing business, government and the not-for-profit sector together to tackle this complex social issue. Finally, innovations such as the Aspire Program demonstrate the state government's strong commitment to assisting those experiencing homelessness in our community and adopting new ways to solve old problems.

**The SPEAKER:** Before I call questions, I noticed my esteemed deputy had occasion to warn members in the pre-luncheon session, so many members are already on warnings.



*Question Time***STATE BUDGET**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05):** My question is to the Premier. As the Premier told the house yesterday that what South Australia needs now is 'strong leadership that maps out a future direction for our state's economy', what has Labor been doing for the last 15 years?

**The SPEAKER:** That is a question that is very broad in scope, and if anyone takes a point of order that the Premier's answer is not relevant I will remove them under the standing order because there are no boundaries of relevance with a question like that. Premier.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:06):** Let me explain the ways in which we have stood up for South Australia and asserted the interests of this great state in this nation, whether it is the great fight to secure what we needed down the River Murray to make sure it is preserved for the future, when we had the member for MacKillop suggesting we should settle for a Mazda and we decided that we wanted a first-class Rolls-Royce solution for the River Murray. When it came down to it, when we decided to stand up and fight for South Australia in the national interest but put South Australia's interests forward, we united the whole of the state behind this idea.

Irrigator and environmentalist, country and city, all of us came together and fought and won a glorious victory. If we—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** —then go to that very important decision that we took, that very important decision as a government, to rebuild our most important hospital, the Royal Adelaide Hospital, remember those opposite: they opposed it every step of the way. Mr Speaker—

*Members interjecting:*

**The SPEAKER:** The Premier will be seated. Mr Clerk, stop the clock. I call to order the members for Adelaide, Hartley, Morialta, Hammond, the leader and the Minister for Transport and the member for Colton. I warn the members for Adelaide, Mitchell, Morialta and the leader, and I warn for the second and final time the member for Adelaide and the leader. If they transgress standing orders one more time, they will depart with 58 minutes to go on the clock. Leader.

**The Hon. J.W. WEATHERILL:** The cries of desperation opposite—one bad poll and they are in flat-out panic mode. The Royal Adelaide Hospital—

*Mr Gardner interjecting:*

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

**The Hon. J.W. WEATHERILL:** The Royal Adelaide Hospital is sitting in one of the most magnificent biomedical precincts in the Southern Hemisphere. A new Royal Adelaide Hospital and a new biomedical centre, a new Royal Adelaide Hospital medical school, a new University of South Australia medical school and, in the future, a new women's hospital are creating one of the great biomedical precincts of the world here in South Australia.

Of course, the city: the one thing that even those opposite would not seek to take from us is the complete revitalisation of the City of Adelaide, the centrepiece being the new upgrade of the Adelaide Oval, that extraordinary success story, once again opposed by those opposite. This is one of the great success stories they argued against. They argued against the footbridge; they said that that was a folly. They argued against the trams; they said that they should not come back into the city. They argued against the upgrade of Adelaide Oval, and they tried to prevent our great reforms of liquor licensing to introduce the small bars, which have utterly revitalised the City of Adelaide.

Of course, for the hell of it, we decided to duplicate the Southern Expressway, overturning that extraordinary folly of those opposite, the one-way expressway, the laughing stock of the world courtesy of the Liberal Party of South Australia, South Australian branch. We are taking up the challenges of transforming the South Australian economy, and our leadership is being seen for what it is, that is, the hope of the future of South Australia.

**The SPEAKER:** The leader and the member for Morialta will depart for the next hour, for a flagrant breach of standing orders, under the sessional order.

*The honourable members for Dunstan and Morialta having withdrawn from the chamber:*

**The SPEAKER:** The member for Unley.

#### STATE MAJOR BANK LEVY

**Mr PISONI (Unley) (14:11):** My question is to the Treasurer. Has the Treasurer received any advice from his department or any industry sources that the announcement of his new state bank tax in the recent budget has led to five institutional bidders withdrawing bids for commercial property assets in South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:11):** No. In fact, you would have read in the *Financial Review*, I think today, that Westpac's own Hastings is making a very serious bid for the Lands Titles Office. We have also seen the reduction in stamp duty on commercial properties from 1 July being halved, so we will become the only state in Australia not to charge conveyance duty not only on non-real property transactions, which is intellectual property, plant and equipment and goodwill, but now we are not going to charge stamp duty on commercial real property.

These are dramatic changes that make South Australia very investable. In fact, one of the world's most flamboyant and charismatic businessmen, a billionaire from the United Kingdom, has just bought Arrium, a very large piece of property in our state's north in the City of Whyalla. I have not seen any advice that there are any people potentially pulling out of any land sales, but if there are people who have pulled out there will be plenty of competition because what we are seeing in South Australia through our dramatic tax cuts is a very active commercial property sector—very active.

Indeed, in the most recent budget we have published a metric of taxation values on a per capita basis. The highest taxing jurisdiction in the country on a per capita basis is the Australian Capital Territory; followed by New South Wales, which has a Liberal government; followed by Victoria, which has a Labor government; followed by Western Australia, which had a Liberal government and now has a Labor government; then Queensland; then South Australia. So, we are not ahead of all the other states, as members opposite tell us.

I also note that, for the last three years in a row, South Australia's real per capita growth in gross state product compared to gross domestic product has been either the third highest in the nation or the second highest in the nation.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Members are happy to interject. Perhaps they should ask questions seeking information rather than just taking cheap shots.

**The SPEAKER:** The member for Schubert is called to order, the member for Newland is called to order and the member for Chaffey is warned for the second and final time.

**The Hon. A. KOUTSANTONIS:** I think the most important part of relating the impacts of major bank levies is the commonwealth government's most recent budget. John Fraser was appointed by the Abbott government as the secretary of the commonwealth Treasury, replacing Martin Parkinson—an esteemed position in our country, an esteemed position. We know what Mr Morrison has said about the impacts of the major bank levy on the competitiveness of Australia for foreign direct investment, that it will be negligible; it won't impact it whatsoever.

I think members opposite have to be very careful here because, if they are saying that our bank levy will impact our competitiveness and our attractiveness, aren't they saying the same thing about the nation? Aren't they saying the same thing about Australia as a destination for foreign direct investment? But, of course, when the commonwealth bank levy was introduced members opposite were silent, yet they now all tell us that they were all opposed to it. Does that mean then, when the commonwealth government makes decisions they don't like, that they think aren't in the interests of the nation, they just go quiet?

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** They do, because the only time we hear about it is—

**The SPEAKER:** The Treasurer will not encourage members of the opposition to interject or interrupt him and I call him to order.

**The Hon. A. KOUTSANTONIS:** Thank you very much, sir, for your guidance. I quote commonwealth Treasury modelling:

...Treasury modelled the economy-wide effects of the proposed bank levy. This required making various assumptions with respect to the incidence of the levy, though sensitivity analysis showed that overall the results were invariant to those assumptions. This affirmed our view that the impact is expected to be negligible.

*Mr van Holst Pellekaan interjecting:*

**The SPEAKER:** I thank the member for Stuart for his assistance with the timing.

### ELECTRICITY PRICES

**Mr VAN HOLST PELLEKAAN (Stuart) (14:16):** My question is to the Minister for Energy. Why did the minister tell this house on Tuesday this week that 'any politician who promises they can lower energy prices when they don't own all the assets is simply not being fair' when the minister did do exactly that in this house once on 20 June and twice on 21 June?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:16):** One of the reasons electricity prices across this country are going up dramatically, as they have in Queensland, New South Wales, Victoria and South Australia, is because there is a scarcity of supply. People are deliberately withdrawing electrons out of the National Electricity Market in an attempt to add value to the scarce electrons that are left, trying to make more money.

One of the reasons they are doing that is because we are in the middle of a transition between traditional very highly polluting types of energy and a renewable future. That transition needs a transitional fuel; we believe that is gas. We are big supporters of it being gas. Members opposite don't like gas, despite South Australia being gas rich. They propose to actually ban, in some parts of our state, unconventional gas. They actually propose to ban unconventional gas.

**Mr Bell:** Conventional gas extraction is happening in the Coonawarra now.

**The Hon. A. KOUTSANTONIS:** So they are saying it's false. I have just heard the member for Mount Gambier say that they are not attempting to ban unconventional gas in the South-East.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** I never said anything about conventional.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** No, I said 'unconventional gas'. They actually attempted to ban parts of this state for unconventional gas, a practice we have conducted in South Australia since the 1960s.

**The SPEAKER:** I did hear the member for Mount Gambier very clearly and he was talking about conventional extraction of gas in the Coonawarra. I do listen to interjections.

**The Hon. A. KOUTSANTONIS:** I am very glad you are paying attention, sir. Perhaps you haven't got the kerchief blocking your view anymore. The important thing about the National Electricity Market is that it is being pushed to the edge of its limits. We are seeing, I think, some very, very dangerous days ahead. I spoke to Dr Finkel yesterday about the upcoming COAG where he has a list of recommendations he hopes to be unanimously adopted by the COAG. He rang me again, advocating on our behalf, because he thinks his reforms, like our reforms, can put downward pressure on prices.

**Mr VAN HOLST PELLEKAAN:** Point of order, sir: standing order 98. I ask you to bring the minister back to the substance of the question, which is: why has he made conflicting remarks in this house?

**The SPEAKER:** Well, presumably the Treasurer is explaining to us that he didn't make conflicting remarks.

**Mr van Holst Pellekaan:** But it's on the record.

**The SPEAKER:** Well, it may be, but it's his answer.

**The Hon. A. KOUTSANTONIS:** My remarks are completely consistent. There is a series of events that we need to have in the National Electricity Market to lower prices, and Dr Finkel was advocating quite passionately to me on the phone his hope and aspiration that all 50 recommendations of the Finkel inquiry are adopted. Unfortunately, one is being blocked by the federal government's caucus, which is the clean energy target. The clean energy target in effect is a mechanism. It is a mechanism that incentivises traditional forms of energy to be available in the market and to have a price signal.

Why is this important? It is important because the commonwealth government has a price signal in the market, and that price signal is for renewable energy. What Dr Finkel is saying is you need to have another mechanism in place to incentivise other forms of generation. You set your clean energy target on the basis of the Paris Agreement targets that the Prime Minister himself has signed. You apply an incentive to have generation in the market that can offer you synchronous energy, base load energy and meet those emission targets. Unfortunately, that mechanism is being opposed, and until you have a whole series of events occur, no one politician can lower prices.

#### ELECTRICITY PRICES

**Mr VAN HOLST PELLEKAAN (Stuart) (14:21):** Supplementary question, sir: given the minister's answer, including reference to the Finkel report, why did he say after the Finkel report was released three times comments that 'it will lower prices', 'our plan will lower prices' and 'will ultimately lower prices'? Is the minister walking away from his commitment to lower electricity prices in South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:21):** No, sir. Again—

*Mr van Holst Pellekaan interjecting:*

**The SPEAKER:** That's right. He did.

**The Hon. A. KOUTSANTONIS:** Whenever you are giving an answer to a question in the media, nuance and complex issues can't be solved in a seven-second grab.

*Mr Pisoni interjecting:*

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

**Mr Pisoni:** Thank you, sir.

**The SPEAKER:** My pleasure.

**The Hon. A. KOUTSANTONIS:** The face of the Liberal Party. The idea that complex solutions can be boiled down to a seven-second grab, the government is well aware that with our plan, the Finkel plan, the idea of more renewables being able to firm each other—whether it is batteries and wind, solar and wind, solar thermal, other forms of energy—you will get a much lower cost into the system. But the only way you will get these types of new investments in the South Australian and National Electricity Market is with a policy overlay.

We have done our bit in South Australia. On the day when the Premier announced Our Energy Plan, he made it very clear that our energy security target is designed to be folded in to a national mechanism. We want there to be a national mechanism for new investment. All these plans working together will lower prices, but in the absence of the commonwealth government adopting the Finkel inquiry, it will be very difficult. You need to have a national plan, you need to have national coordination of new investment, but members opposite just want—

*Mr Whetstone interjecting:*

**The SPEAKER:** The member for Chaffey is on two warnings.

**The Hon. A. KOUTSANTONIS:** —to howl at the moon. These are complex issues that take a long time to explain and they are not suitable to be explained in sound bites. This is a difficult issue. That is why Dr Finkel has come up with a 50-point recommendation for a very complex issue. The point that I make is when politicians just get up and say, 'Vote for me. I will lower prices,' it doesn't work that way. It is not that simple. What you do is you have a plan. You integrate that plan nationally with national plans and you work with companies, and what you are seeing is a coordinated approach. We want more gas explored, not less. Why do we want more gas? Because we have an abundance of gas. A more liquid gas market—

*Mr Duluk interjecting:*

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

**The Hon. A. KOUTSANTONIS:** —means cheaper prices because there is more gas available. Members opposite want to ban gas.

*Mr Bell interjecting:*

**The SPEAKER:** The member for Mount Gambier is warned.

**The Hon. A. KOUTSANTONIS:** They want to ban the exploration of unconventional gas in some parts of the state, which will limit the amount of gas we have in South Australia, which will push prices up. We also want to have more renewable energy, and they want less. We also want to have more batteries, but they don't believe in that technology. There needs to be a coordination—

**Mr PISONI:** Point of order: the Treasurer attempting to contrast what the government is doing with what the opposition is doing is surely debate.

**The SPEAKER:** No, it isn't. The question is about lowering electricity prices and the Treasurer is arguing that if entrepreneurs are permitted to explore for gas unconventionally there would be a greater supply of gas and, therefore, a lesser rise in electricity prices. It is really quite easy to follow. Treasurer.

**The Hon. A. KOUTSANTONIS:** Sir, the whole—

**Mr WILLIAMS:** Point of order: given your ruling just then, sir, does that give the minister leave to make statements about the opposition which are incorrect?

**The SPEAKER:** It doesn't give him leave to say very much about the opposition. He is to supply us with information. However, if in question time the minister could not compare and contrast policies, there would not be much point coming here, would there?

**Mr WILLIAMS:** I put it to you, sir, that he is suggesting policies of the opposition which are not policies of the opposition.

**The SPEAKER:** That, of course, is an entirely bogus point of order designed to sustain an impromptu speech, but because of your venerability I am going to forgive you. Treasurer.

**The Hon. A. KOUTSANTONIS:** Plans are complex and they take a long time to explain and they take a long time to implement. What we are attempting is a very simple method. It is the same thing Dr Finkel is attempting to do, it is the same thing that the New South Wales minister wants to do, it is the same thing that the Victorian minister wants to do: we want to go back to a period of oversupply. We want to create a national electricity market where there is an oversupply of electrons, lowering prices.

That was the model that Tom Playford developed and that was the model we had under ETSA. We built more capacity than we needed, and we overproduced and we maintained cheaper prices. When those assets were sold—by members opposite—the market did what the market does best and got a return for their shareholders. How? They did it by having a monopoly market that was captive to the purchase of their product. They withdrew supply, made less of them, and they increased the prices—and now they blame us for it.

**ELECTRICITY PRICES**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:27):** A supplementary, sir: given the minister's answer why, within the last fortnight, did he unconditionally say that his energy plan would reduce electricity prices in South Australia, yet today he places conditions on that commitment?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:27):** I place no conditions on it. With the Finkel inquiry, our reforms, and if there is a national reform prices will be lower. I have to say again that, in the absence of an alternative policy from members opposite, I think it is a bit rich that they have been asking us any questions on this. I want to have a debate with the member opposite, I would love to have a debate with the member opposite on his energy plan; I think that would be an excellent idea. When I say, 'Let's debate the idea,' he says, 'Get back to my question. Don't talk about my plan,' because there isn't one. There isn't an alternative option. The opposition is offering no—

**Ms Sanderson:** We ask the questions.

**The SPEAKER:** Did the member for Adelaide interject?

*Members interjecting:*

**The SPEAKER:** I would have suspended the member for Adelaide under the standing order, but I cannot bear dibber-dobbing.

**Mr VAN HOLST PELLEKAAN:** Point of order: the minister is debating the substance of the question again, talking about the opposition's position.

**The SPEAKER:** Can the Treasurer go a bit easy on the opposition?

**The Hon. A. KOUTSANTONIS:** Yes, I will, sir. I don't mean to hurt him any further. I think it is important that this nation has a debate about energy policy. What Dr Finkel has done on behalf of COAG is travel around the world visiting many jurisdictions that are undergoing this transition. He has visited two contrasting jurisdictions that I think resemble our situation quite interestingly. He visited Denmark, he visited Europe, Germany and he visited Texas.

There are two similarities to Texas and Europe. Europe is an interconnected market that has a very large mix of energy: it has nuclear power, it has hydropower, it has wind, it has some tidal, I think, and it has a very large interface with a lot of gas generation.

Texas, unlike the rest of the US grid, is largely not interconnected to the rest of the US grid. It has very small interconnection points. They have integrated vast amounts of renewable energy into their grid. What Dr Finkel is saying is that these jurisdictions that have integrated cheaper renewable energy to transition away from coal have done so in a thoughtful process. What he has found is that we are the only country in the world that has signed the Paris Agreement to lower carbon emissions, but has no road map to do so. We are the only ones.

What he is saying, in effect, is that the commonwealth parliament have chosen the most expensive path to decarbonisation, rather than the cheapest. What he said was, 'Here is a road map that I have prepared for the commonwealth government that can get you decarbonisation, a transition to renewable energy and to maintain base load power, if you implement these recommendations.'

**Mr van Holst Pellekaan:** You are walking away from your commitment.

**The Hon. A. KOUTSANTONIS:** I don't know how that is me walking away from my commitment. What we have said is that our plan largely mirrors everything Dr Finkel has said he would do. A clean energy target and an energy security target—there is not much difference. We want more reserve generation in place. The Prime Minister is talking about building Snowy 2.0. We have made a government investment in generation to secure up the system. He is making the same investments. He wants to buy it off the Victorian government. The taxpayer already owns this asset. He wants more generation as well. What you are seeing is governments grappling with the private ownership of our electricity assets because of decisions made by members opposite—

*Mr Pederick interjecting:*

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

**The Hon. A. KOUTSANTONIS:** —last century and they are still impacting today. I think we are not even 20 per cent into the term of the privatisation—

**Mr van Holst Pellekaan:** You are walking away.

**The Hon. A. KOUTSANTONIS:** We are not walking away from our commitment. What I would like to have is a debate. Let's debate it. Let's debate our plan and let's debate the opposition's plan. I will meet the opposition shadow spokesman anywhere, anytime and any place to debate our policy. When he eventually has the courage to release one and cost it, we will have a debate.

*Mr Whetstone interjecting:*

**The SPEAKER:** The minister's time has expired. The member for Chaffey will leave under the sessional order for the next hour for repeatedly interjecting.

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

### CARBON EMISSIONS

**Mr VAN HOLST PELLEKAAN (Stuart) (14:32):** My question again is to the Minister for Energy. Why has the government budgeted to increase carbon emissions from electricity generation in South Australia this financial year?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:32):** We don't budget for it. Carbon is not priced, so the question is foolish. I think what he is attempting to try to trick me into saying is that the renewable energy target, which has no mechanism, which doesn't pay renewable energy to operate, despite what members opposite say to people—we don't pay a cent to renewable energy to operate—is paid by the commonwealth government. What he is saying is that he has taken into account, I think, the AEMO forecast for the amount of wind and sun we will have next financial year and claims that that's the target we have set. I think that is what he is doing. I am not quite sure where he is getting his question from, but given that carbon isn't priced in this country and, given that he doesn't support a carbon price, I am not sure how we can budget for a carbon price reduction.

### CARBON EMISSIONS

**Mr VAN HOLST PELLEKAAN (Stuart) (14:33):** Supplementary, and to help the minister: Volume 4, Budget Paper 3, page 178 said that the government's budget for the share of renewable energy in South Australia last year was 55.1 per cent and the budget paper says that the target share of renewable energy this financial year is 43.5 per cent. That is a reduction in the Treasurer's own budget and I am asking him why he is reducing his budget.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:34):** AEMO now have regulations in place that could either (1) constrain the amount of renewable energy available in the system or (2) have more than two generators on at any one time. They make factors for what they think will be in terms of wind and solar that will be available. The Bureau of Meteorology is planning to make assumptions about what they think we will generate. It is on that basis that these assumptions are made, I am advised, so it's not so much a matter that we are budgeting for any of these things.

*Mr Knoll interjecting:*

**The Hon. A. KOUTSANTONIS:** I say to the junior shadow minister, if he has a question, ask it. Yelling interjections is not a substitute for parliamentary debate. Get up and ask the question. You are paid a 20 per cent loading—earn it.

### CARBON EMISSIONS

**Mr VAN HOLST PELLEKAAN (Stuart) (14:34):** Why has the government continually said that it is steering South Australia towards lower emissions when it is actually steering South Australia towards higher emissions?

*Mr Wingard interjecting:*

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

*Mr Knoll interjecting:*

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

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:35):** What the opposition are attempting to say is that, because there will be less sun or less wind over the next 12 months because of the forecast, somehow we are budgeting for a decrease. We don't receive revenue on the basis of how much renewable energy is in there. This is a forecast.

**Mr VAN HOLST PELLEKAAN:** Point of order, sir: this is debate. When the minister says 'What the opposition is trying to say,' that is debate.

**The SPEAKER:** I agree with the member for Stuart. I uphold the point of order. Would the minister supply us with some information about something other than the opposition's policies?

**The Hon. A. KOUTSANTONIS:** If you were listening, sir, what I was saying—

**The SPEAKER:** I am always listening.

**The Hon. A. KOUTSANTONIS:** I am glad you are, sir, and I will explain to you why—because what I said is that the opposition are making assumptions about how these measures are put in the budget and they are making false assumptions. It is very, very clear that they are assuming that our renewable energy target is a market mechanism: it is not. It is a false assumption.

**Mr Pederick:** It's called diesel, Tom. It's diesel.

**The Hon. A. KOUTSANTONIS:** Diesel? It's diesel, is it?

**Mr Pederick:** Yes, diesel generators.

**The Hon. A. KOUTSANTONIS:** I think I now understand what the opposition is saying. They are trying to assume that, because there will be more synchronous energy in the system, there will be less wind and solar. I think that's the point they are trying to make—falsely again. It really is embarrassing the level of literacy about this matter that members opposite have. It is not how the renewable energy target works.

**The SPEAKER:** The Treasurer will be seated. The Treasurer will not insult the opposition about their literacy and, instead of deconstructing the opposition's question, he should either answer or finish. Treasurer.

**The Hon. A. KOUTSANTONIS:** Thank you, sir. Thank you for your impartial advice.

**The SPEAKER:** It is always available to you.

**The Hon. A. KOUTSANTONIS:** Yes, I know. I remember.

**Mr Pisoni:** Whether you want it or not, Tom.

**The Hon. A. KOUTSANTONIS:** That's true. I know how you feel. The renewable energy target is a measure that we have set. We have no mechanism behind it. We get forecasts from AEMO about the levels of generation that will be available over the next 12 months and we put forecasts in and it is that simple.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** I welcome to parliament today a distinguished former member of the other place, the Hon. Ian Gilfillan.



*Question Time***CARBON EMISSIONS**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:38):** Supplementary, sir: the question was not about the renewable energy target. My question again is about the budget on page 178, which is about AEMO's forecast. Why has the government said that it is steering South Australia toward lower emissions when it is actually steering South Australia toward higher emissions?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:38):** Not true, sir. Our emissions target is the commonwealth's emissions target. South Australia is leading the nation in emissions reduction. South Australia's renewable energy footprint is much larger than any other jurisdiction in the country. These are forecasts from AEMO about wind and solar. They go up and they go down and, of course, there are security mechanisms that AEMO have put in place meaning that there will be more gas-fired generation on, but I have to say that members opposite are asking questions but aren't being entirely honest about the way that they are asking them.

**CARBON EMISSIONS**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:39):** How much will the government's plan to introduce and operate diesel generators in South Australia contribute to its plan to increase emissions in South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:39):** Again, there are no plans to increase emissions, despite the standing orders not allowing loaded questions in question time. I also note that we have said all along that if we can have gas-fired generation rather than diesel, we will. If we can have hybrid generators rather than diesel, we will. But what we are saying is that the market cannot provide the sufficient generation that we need over summer, so the government is stepping in to make sure we have sufficient capacity.

Our generators will not be operating all the time. Our generators will only operate in lieu of load shedding. The member opposite I thought knew that. So we plan, hopefully, to not run these generators. They are there in case the market falls short so we don't load shed South Australians. We are not operating these generators as competitors in the market. We are not operating these generators on a commercial basis, and interjecting and screaming are no substitute for a question. If members opposite want questions about how the generators will work, they will work this way: if AEMO advise the government that there would be a load shed—

**The SPEAKER:** Treasurer, I don't recall the member for Stuart raising his voice.

**The Hon. A. KOUTSANTONIS:** I was talking about the member for Davenport, sir. You are paying attention, of course. I know that, sir.

**The SPEAKER:** I am.

**The Hon. A. KOUTSANTONIS:** If AEMO have load shedding, if they forecast load shedding because for whatever reason the market can't provide the sufficient electrons we need to maintain stability, we will offer our generation in lieu of load shedding. Now, this could be for an hour; it could be for half an hour. We don't expect to run these generators as competitive offers in the market, so the idea that this will somehow increase emissions dramatically is ridiculous, let alone the massive offsets that we have in the South Australian electricity market through our massive amounts of renewable energy—over 1,700 megawatts of wind and over 700 megawatts of solar energy.

Members opposite have called on us to abandon our renewable energy target and said we have gone too fast, too quickly, and now today they are complaining that we've got too much or it's not enough. I have to say that it is a confused position by members opposite.

**ELECTRICITY GENERATION**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:42):** Supplementary: would the Treasurer advise the house how much taxpayers' money he plans to spend on these diesel generators that he plans to rarely operate?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:42):** First of all, Business SA made an assumption that the statewide blackout cost the state over \$400 million. Our Energy Plan has allocated \$550 million towards it. If our temporary generation and our permanent generation—which is the total \$360 million envelope, which we have said many times—stops one blackout, it has paid for itself.

#### **EXPORT PARTNERSHIP PROGRAM**

**The Hon. P. CAICA (Colton) (14:42):** My question is to the Minister for Investment and Trade. What is the outcome of the first round of the industry group funding category from the Export Partnership Program and how will this assist exporters?

**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) (14:43):** I thank the minister for his question because building robust trade and export growth is a pathway to a very strong economy and to jobs. Over 72 South Australian jobs are supported by exports. That's meals on the table every evening. It's an extremely large business.

We are committed to help open global markets to South Australian businesses. The Export Partnership Program was therefore expanded in May 2017 to include industry groups and associations that support South Australian businesses. The logic in doing this is to reach beyond the individual small businesses to their own business associations in an effort to get complete and full engagement from the industry as a whole, from their leadership as well as from the individual small businesses.

The industry group funding category will support industry groups to provide leadership to their members on international engagement within the context of the export facilitation programs currently provided by the South Australian government. The whole object here is to put sellers together with buyers and an investor together with an investment. Through this program, eligible industry groups can apply for up to \$50,000 for eligible export projects and activities. I would encourage all members who may have an industry association in their electorate to grab this information and make sure it is disseminated.

Applications for the first round of the industry group funding category closed on 26 May 2017. There were 12 applicants who were successful and received a combined total of grants worth \$470,000. The program helps industry groups and companies access the right tools and support to grow and build international networks that can often be very financially challenging to access. Grants may be used to support South Australian businesses and associations to attend key international trade events, as well as coaching, training, market intelligence and mentoring to plan for international opportunities and build their export capability.

Don't forget that to our north 3.5 billion customers are waiting for South Australia's goods and services. Here in Australia it is 25 million. It's a much smaller figure, important though it is. Let's not forget where the real opportunity for the future lies.

I congratulate the following 12 successful industry groups: the Australia China Business Council, \$50,000; AUSVEG SA, \$49,496; the Barossa Grape and Wine Association, \$50,000; Business SA, \$50,000; Cherry Growers Australia, \$34,500; Defence Teaming Centre, \$48,900; Food SA, \$50,000; Potatoes SA, \$30,000; the South Australian Dairyfarmers' Association, \$30,000; the South Australian Wine Industry Association, \$22,593; Tourism Kangaroo Island, \$6,690; and the Water Industry Alliance, \$49,600.

I look forward to further export success stories from their members and again I encourage all members in the house to get the word out to associations or industry groups they may be dealing with that funding is available to support them.

#### **INDEPENDENT COMMISSIONER AGAINST CORRUPTION OAKDEN INQUIRY**

**Mr DULUK (Davenport) (14:46):** My question is to the Minister for Mental Health. Will the government be providing funding for legal representation for the victims of abuse at the Oakden facility, and their families, to support them in relation to the ICAC's Oakden maladministration investigation?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:47):** The question about legal representation in Oakden is an interesting one, especially in respect of those people who would be unequivocally attending those proceedings in order to actually, in effect, provide information to the commission about unsatisfactory conduct on the part of, potentially, employees or other people associated with Oakden.

I think it is important for us to remember that this is not a trial, that this is not an investigation designed to be preparatory to criminal proceedings: this is an investigation which is designed to elicit information which the commissioner can weigh in the balance and ultimately form views about what has transpired, whether people have made mistakes, whether people have failed in their duty and whatever other findings the commissioner might ultimately come to.

On the face of it, given that, as I understand it, the relatives and family and friends of those people who may have been residing in Oakden and be concerned about their conduct, are in no way even potentially likely to be the object of any adverse finding, or even remark for that matter, by the commissioner. I don't, on the face of it, understand any of those people to be facing any risk whatsoever. I certainly would be surprised, to put it mildly, if any of them were at risk of even being the subject of any adverse comment.

Unless there is something more to it than that, my view would be that those people should be encouraged to come forward; they should be encouraged to speak freely to the commission; they should be encouraged to say everything they have to say, safe in the knowledge that their reports to the commissioner will be received in private; that they can speak frankly to the commissioner and they do not have to be careful about what they say. They can say things even to the commissioner which might, coming from their mouths, be hearsay because what they are saying will be ultimately moderated by the commissioner's inquiry. I don't see that any of those individuals are in any way at risk of having their legal rights in any way compromised.

If that judgement is incorrect in the case of any particular individual and they have some reasonable appreciation that they may be at risk or their position might be compromised in some way, then that individual, whoever they might be, should immediately come forward to the Crown Solicitor and advise the Crown Solicitor of what their concern is, whether they believe that they are in any conceivable way placed at a potential disadvantage personally by actually just sharing what they know with the commission and that would be sympathetically considered.

#### **INDEPENDENT COMMISSIONER AGAINST CORRUPTION OAKDEN INQUIRY**

**Mr DULUK (Davenport) (14:50):** Supplementary to the Minister for Mental Health: minister, can you please confirm that the government will be providing funding for your own legal representation in respect to the ICAC's Oakden maladministration investigation?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:51):** Again, the view that the government has taken about this is that there is a longstanding position in respect of public sector employees or, in this case, statutory officeholders, or any other identity for that matter, in the event of their position being the subject of a process which is potentially capable of reflecting adversely on that individual. If it is not within the likely scope of any grounds that the Crown itself, by representing the state in its own right, can safely represent, then again there is a process by which such a person makes an application through the Crown Solicitor's Office to request the opportunity of separate representation.

I am not going to be predicting how many people might feel themselves to be in that position, nor am I going to be giving a commentary on who they are, but can I give an example that would be hopefully well known to some people here. It is quite common, Mr Speaker, as you would know, for the Coroner to conduct inquiries into a whole range of matters, and very often those matters involve state government employees. It is often the case—and when I say 'often' I mean probably more often than not the case—that there is the potential for there to be a conflict between one or more Crown employees in their recollections of events.

Bear in mind, before the Coroner nobody is on trial. The Coroner does not find guilt or innocence. The Coroner simply inquires into facts. But it is a longstanding matter that in one of those inquiries it may well be that the state is represented, but it may be that state employees, because there's a perception or a possibility of their interpretation of the circumstances being different in a material way from the Crown's position, have the opportunity to be separately represented. The same principles would apply here because the view would be that obviously the government isn't going to try to leave anybody who has a legitimate interest in getting some advice in circumstances where they have none.

That said, there is a process. It is a well-known process that has been gone through for years, certainly for all of my time on this role and I suspect for all of your time before me, where, if there is a conflict in these circumstances, actual or potential, there is separate representation available. So, that is the case. But to come back to the question before from the member for Davenport, I do not appreciate there being any risk whatsoever that members of the families of the individuals will find themselves in that position.

**The SPEAKER:** I remember visiting the Berri court as Attorney to see the newly opened rebuilt court and noticing the member practising there in the Coroner's jurisdiction.

### **BEEF CATTLE INDUSTRY BLUEPRINT**

**Mr PICTON (Kaurna) (14:54):** My question is to the Minister for Agriculture, Food and Fisheries. How is the state government working with the agriculture industry to ensure the sustainable growth of the cattle sector?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:55):** I thank the member for Kaurna for the question. There is not a lot of livestock in Kaurna. There is a goat down there called Gary (he thinks he's a kangaroo), and the member for Kaurna has been a very good advocate for Gary the goat.

I am delighted to announce today that the state government is investing more money into South Australia's beef industry to create a blueprint for growth. The state's beef industry is vitally important to our economy and for jobs in our regions. Of course, one of our government's top priorities is premium food and wine from our clean environment exported to the world, so to work side by side with all the different sectors in the agriculture industry is something we aim to do. There are 20,000 people involved in the meat and livestock sector and there are hundreds of beef producers in our state.

In 2015-16, South Australia processed 425,000 head of cattle, with a wholesale value to the state of \$949 million. Of this, \$568 million in value was directly exported. Development of a South Australian beef industry blueprint is important for improving collaboration across the sector, driving growth and increased value and maintaining our international competitiveness. The blueprint will also provide a platform for South Australia to improve access to national research, development and extension funding through national industry bodies, such as Meat and Livestock Australia, as well as the Australian government's Rural R&D for Profit program.

The blueprint is an initiative of beef producers through Livestock SA and the Davies Research Centre at the University of Adelaide, and I congratulate the university on kickstarting this process. The state government's investment of \$100,000 cash and an additional \$40,000 in-kind through Primary Industries and Regions SA provide a platform for further support, collaboration and engagement from industry stakeholders in the development and rollout of the blueprint, including Livestock SA, the Davies Centre and Meat and Livestock Australia.

The South Australian beef industry has active producer groups and regional initiatives, including the Limestone Coast Red Meat Cluster and the Fleurieu Beef Group. Stakeholders across South Australia are involved in some great research and development projects focused on increasing productivity and product quality, with benefits accruing throughout the value chain. These activities are a terrific foundation for developing the beef industry blueprint. The South Australian beef industry blueprint will align with the government's economic priorities, and it will also allow PIRSA to continue to work side by side with the industry to gain further insight into the beef sector, working in close collaboration to develop and implement the plan.

The beef industry identified the need to develop a map for the industry's growth strategy following the successful development of the Sheep Industry Blueprint. I know there are many members here who know of the great work that the industry has been able to do with some assistance from government. The ideas come from industry, and a little bit of funding from government can help them on their way. In June 2015, the state government provided support to the sheep industry through Livestock SA for the development of that Sheep Industry Blueprint. It was launched in April 2016. The Sheep Industry Blueprint is a strategy for sustainable growth of the South Australian sheep industry, with a commitment across the whole value chain to pursue actions and achieve targets.

The blueprint has been hugely successful, driving growth and a range of projects to benefit the sheep industry. It has been fantastic to see the University of Adelaide, the sheep and wool processors and the production industry supported by Australian Wool Innovation, Meat and Livestock Australia and other national industry bodies who are investing heavily following the development of the South Australian Sheep Industry Blueprint. We anticipate that the beef industry blueprint will provide similar support for the beef industry.

### COMMUNITY TV

**The Hon. S.W. KEY (Ashford) (14:59):** My question is directed to the Minister for The Arts.

**An honourable member:** Yarts.

**The Hon. S.W. KEY:** I said 'arts'.

*Members interjecting:*

**The Hon. S.W. KEY:** 'Yarts', yes. Minister, what is the importance of community TV and how have you responded to the uncertainty facing Adelaide-based Channel 44?

**The SPEAKER:** The cultural attaché.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:59):** I thank the member for Ashford for her question. Community TV plays an incredibly important role on our free-to-air television broadcasting spectrum. It allows for young up-and-coming screen and media students to gain valuable experience, as well as old hands who just want a platform to showcase their passions.

In an increasingly Eastern States-centred media landscape, Channel 44 provides a unique opportunity for South Australians to tell and, importantly, to document our own stories. Already this year, Channel 44 has been an integral part of our arts community, participating in the Adelaide Fringe Festival, the DreamBIG festival, the Cabaret Festival, and they have an incredible program planned for the upcoming SALA Festival. Their presence allows people who are not able to attend to still feel connected, as well as providing a valuable opportunity to promote these festivals.

In 2014, as federal communications minister, Malcolm Turnbull announced that he would be flicking the switch on community TV, with their broadcasting rights to end from 2015. This deadline has since been extended until the end of last year and then to last Friday 30 June. Following a concerted effort by Channel 44, their Victorian counterparts, Channel 31, and Perth's WTV, as well as lobbying by the federal shadow spokesperson for communications, Michelle Rowland, the Western Australian arts minister, David Templeman, and the Victorian Minister for Innovation, Philip Dalidakis, and from me, we last week saw the extension of the community television spectrum until the end of the year.

While the federal government spouts their desire to use the spectrum to test new technologies, this rolling stay of execution proves that the appetite doesn't exist. The federal government has also previously touted the NBN as an excuse to send these stations online, but to date is completely behind with the rollout and failing to provide the speed and accessibility that they promised.

Since the level of uncertainty first became known in 2014, Channel 44 has built an online platform and app, which will enable it to continue to show South Australian content if and when they are switched off. However, as their general manager, Lauren Hillman, explained to me last night,

there are a huge number of viewers who simply do not have internet access or the technology capability to watch the content in this way. They are also at risk of a revenue shortfall in the millions, resulting from sponsorship uncertainty over their online presence, with no support provided by the federal government to help solidify their business cases.

While I welcome this extension, I, along with the teams at Channel 44, Channel 31 and WTV, as well as my interstate and federal parliamentary colleagues, will continue to fight for community TV to have its place on the free-to-air spectrum for a longer time to ensure that South Australian stories continue to be accessible to a broad and diverse audience.

#### **OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (15:02):** My question was to be to the Premier, but either way. Will the Premier honour his commitment to Stewart Johnston, a relative of a victim of abuse at the older person's mental health facility at Oakden, that the Coroner will be funded for any inquiries he needs to make in relation to Oakden?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:03):** Before the budget, my office contacted the Coroner's office—or I think it might have been the Attorney-General contacted the Coroner's office—and we made inquiries as to exactly what the Coroner required and we funded him in the budget for everything he asked for.

#### **NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING**

**Ms HILDYARD (Reynell) (15:03):** My question is to the Minister for Social Housing. Can the minister advise the house on the progress of discussions regarding the National Partnership Agreement on Remote Indigenous Housing?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (15:03):** I thank the member for the question. I recently discussed the impact of the 2017-18 federal budget and what it would have on critical housing and homelessness services with the introduction of the National Housing and Homelessness Agreement.

While funding allocated to the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness has been rolled into a new agreement, there is a lack of certainty around the National Partnership Agreement on Remote Indigenous Housing (NPARIH). Through this agreement, several vital programs are funded. Under the capital works program, Housing SA has completed 206 new homes and 252 property upgrades in remote communities as at 31 May this year. Works on a further 17 new homes and 26 property upgrades have commenced. The Aboriginal Community Housing Organisations Transition Strategy targets communities and homelands that have not yet been subject to reform, with investment between \$40,000 and \$50,000 per property to address maintenance and condition.

Participating Aboriginal community housing organisations will be offered support and capacity building through a 12-month mentoring opportunity. The education and employment housing program supports residents of remote communities by providing affordable housing in locations that offer employment and education opportunities; 41 properties have been acquired, and since 2013, 93 adults have relocated to a regional or metropolitan area to undertake training, employment or further education. Already more than 200 jobs have been created under the remote housing agreement, with opportunities for local residents to complete apprenticeships and traineeships in communities where construction, maintenance and services are delivered.

South Australia has been making history by entering into treaty discussions with Aboriginal nations and actively committing to reconciliation activities. Any failure to provide affordable housing for Aboriginal communities will jeopardise this significant work undertaken over many years to right past wrongs. There is currently a prime opportunity to build on community strength through our state's remote housing pathways. Certainty of funding is needed urgently in order to maintain Aboriginal economic and employment outcomes and to ensure seamless delivery of critical services to remote communities beyond June 2018. I can assure the house that I am working with my colleagues across

the country to negotiate for sustained commonwealth investment in remote housing in South Australia.

*Ministerial Statement*

**VENTURE CAPITAL FUND**

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:06):** I table a copy of a ministerial statement relating to the South Australian Venture Capital Fund made earlier today in another place by my colleague the Minister for Employment.

*Grievance Debate*

**BLACK ELECTORATE**

**Mr SPEIRS (Bright) (15:07):** Of all the surprises that came with the radical adjustment in electoral boundaries for the 2018 election, the arrival of an electorate named Black might stand out as one of the most significant. Black, named for artist Dorrit Black, is the new name for a seat which is largely formed out of the existing seats of Bright and Mitchell, with small components coming from Fisher and Davenport. It will include the suburbs of Hallett Cove, Sheidow Park, Trott Park, O'Halloran Hill, Darlington, Seacombe Heights, Seaview Downs, Seacliff Park, Seacliff, Marino and Kingston Park.

Dorothea (Dorrit) Black, presumably an artistic hero of one of the electoral boundaries commissioners, was born in Burnside on 23 December 1891. Wikipedia tells me she was a pioneer of the modernist technique and that she established the Modern Art Centre in Margaret Street, Sydney, in 1931—the first gallery in Australia to devote itself to modernism. She attended the South Australian School of Arts and Crafts in about 1909, working in watercolours and attended Julian Ashton's Sydney Art School in 1915, concentrating on working in oils. In 1927, she attended the Grosvenor School of Modern Art in London and then moved on to Paris where she studied cubism. In 1935, she returned to Australia and continued her pioneering work until her tragic death as the result of a car accident in 1951 at the age of 59.

Now at this point, I know the chamber is expecting me to say that when she returned to Adelaide, she settled in Hallett Cove and continued to ply her artistic trade on the southern beaches of Adelaide. But alas, no, she did not. In fact, there is no connection whatsoever between Dorrit Black and the new electorate that is to bear her name. When the commission handed down its name for the seat, I asked our excellent parliamentary library to prepare a research paper on Dorrit Black, with specific reference to her connection with the communities now falling into the seat named for her.

They were unable to find any, and that is what I have the issue with. I mean no disrespect to the talented Ms Black, but I strongly disagree that she should have any electorate named after her. It is my view that by and large geographical names should be used for state electorates or, if this is not possible due to a clustering of unrelated communities, a local identity or icon of significance would be a better choice.

I note this is a view shared by the Speaker of the House of Assembly, the member for Croydon, who, in an excellent submission to the Electoral Districts Boundaries Commission, outlined with aplomb the need to avoid names that commemorate individuals and instead focus on geographical names. He pointed out a rare example of this happening well with Badcoe, a new electorate which includes the Keswick Barracks, which is being named for a South Australian Victoria Cross winner.

In relation to the seat of Black, the Speaker's submission wisely asks whether it is named after the colonist William Edwin Black, or the adjudicator of *Pick-a-Box*, George Black, or the child actress and diplomat, Shirley Temple Black, or perhaps The Rolling Stones' hit song *Paint it Black*, or even the 562 'Blacks' on the South Australian electoral role. I could add to the Speaker's list with the Liverpoolian singer Cilla Black or the Black Douglas, the name of the legendary Scottish warrior and invincible scourge of northern England, who lived between 1289 and 1330 AD in the southern Scottish district I hail from, or perhaps it could be for the whiskey The Black Douglas, which is named after the aforementioned Black Douglas. The list goes on and on.

In my view, and also clearly in the view of the much-respected Speaker, it is absolutely not the role of the Electoral Districts Boundaries Commission to indulge in educating the South Australian public about obscure figures, such as educationalist Gladys Gibson and Cubist artist Dorrit Black, and I wish it was now not for me to explain to everyone on the doorstep or in the shopping centre who Dorrit Black was and what she did.

While there are many jokes that could be made of this new name, the impact of renaming any seat is a serious matter. It should not be undertaken whimsically or on the hunch or excitement of an electoral boundaries commissioner. Some seats have had much greater change but have retained their names; for instance the seats of Elder, Waite and Davenport have lost massive proportions of their previous electors but their names have stayed intact. Surely if names are to be changed, it would be better to have them as geographical or iconic monikers rather than changing names so dramatically.

The change is simply bad for democracy. At a time when it is increasingly difficult to engage people with democracy and systems of government, we should be looking at doing all we can to enhance connections between people and the electorates they reside in. While considering this, and as I conclude, I am left searching for a new slogan for the upcoming election campaign, and I wonder if I could get away with, 'David is the new Black'.

#### DRY JULY

**Ms COOK (Fisher) (15:12):** This month, I am taking part in Dry July. Dry July is a fantastic way to look after your own health and have a life-changing impact on people who have cancer. I led a blessed childhood with little or no exposure to illness, let alone the horrors of a journey with cancer. My venture into nursing exposed me to this dreadful disease almost immediately.

I worked for a short period as a nurse assistant before commencing formal hospital training to become a registered nurse. I vividly remember the yellow skin, the yellow milky eyes and the dreadfully thin, cachectic appearance of one of the very first residents I assisted to the shower. I had no idea what would make somebody appear like this, and remember thinking that if that was what it was like to grow old I wanted no part of it. The RN I was working with at the time must have seen the fear in my eyes, or maybe it was actual horror, and explained to me that the resident had battled cancer many years ago and that it was back and now attacking many of her organs. The picture was very bleak.

I looked after many patients throughout my career who were battling cancer, and I did all I could to make a difference while they were in hospital. Of course, like most people with devastating illness, most of their time is spent in the community, so anything that can be done to assist and support fighters and their families and friends is much needed and appreciated. That is where Dry July and its awareness and funding are vital. It is really a win-win for anyone who has signed up and challenges themselves to go dry in July.

Dry July is a light-hearted campaign for a good cause. Participant feedback suggests a range of reasons for taking on the challenge, including using the month to think about their drinking patterns. Many others report improved sleep, increased energy levels and weight loss, along with saving money they had otherwise been spending on alcohol, which are all positive experiences beyond raising money for people affected by cancer.

Dry July raises money to ease the burden and reduce the stress that comes with a cancer diagnosis. The organisation helps to provide goods and services that may not be front of mind following a cancer diagnosis, such as assistance with getting to and from an appointment, somewhere to stay near the hospital, wi-fi access and mobile phone chargers. They help reduce patient anxiety and the side effects of cancer treatment by funding services such as complementary therapies, wellness programs and wig libraries. Everything Dry July funds directly benefits cancer patients and their support networks.

For this year's Dry July, I will be supporting the Flinders Foundation, which will use this year's donation to create a comprehensive cancer care program in the Flinders Centre for Innovation in Cancer to provide those affected by cancer with physical and emotional support, wellness and information services. The Flinders Foundation also aims to create a dedicated space in the centre built for this purpose.



The Flinders Medical Centre is aiming to be a world leader in cancer survivorship care and I wholeheartedly support these goals. In the past, Dry July has provided more than \$200,000 to the Flinders Foundation and this funding has improved facilities in the Flinders Centre for Innovation in Cancer, as well as making improvements in patient care by providing oncology massage for people who are going through cancer treatment.

In South Australia, there are an estimated 70,000 cancer survivors. While it is of course excellent news that with better diagnosis and treatment the number of those who survive cancer has increased, we also need to understand that the emotional and physical effects of cancer can have long-term impacts. Cancer can create financial stress and affect relationships and careers, and finding a return to what a person considers a normal life is often difficult. This is why Dry July is so important. There is no doubt that funding from Dry July will change lives, and I am extremely proud to be associated with this wonderful initiative.

I would like to thank the Flinders Foundation for all the work they do, especially Jane Trembath, whose encouragement has led me to get involved this year. I would also like to thank everybody else who is participating in Dry July around the country and grant them the courage to go dry for the month. You can make the choice to go dry in July; people with cancer are not so fortunate.

Lastly, I would like to thank everyone who has and will donate to an individual or team this month. If you would like to donate, please visit [dryjuly.com.au](http://dryjuly.com.au). I would like to dedicate this journey in Dry July to my stepfather, who passed away from cancer just one year ago. My sister in Queensland and my mother have had a terrible time in the last year getting through this journey. My sister made a comment on my Facebook—she is a complete non-drinker—that she would find it very easy to do Dry July, but I have challenged her to give up chocolate. I would like to formally challenge my sister, Melissa, to give up chocolate and to particularly give up stealing Tim Tams from her children.

**The DEPUTY SPEAKER:** Dobber, dobber.

#### ELECTORATE ISSUES

**Mr KNOLL (Schubert) (15:17):** I rise today to talk about local issues in my broader region, but also to talk about our roles as MPs and focusing what we should—on the needs and wants of our local electorate. I was very frustrated a couple of weeks ago to see the motion that the member for Light put up in relation to the Palestine-Israel conflict. He essentially tried to insert himself into making determinations on a future two-state solution for that very vexed part of the world.

The Palestine-Israel conflict is something that nobody has ever brought up with me as I travel around the Gawler, Barossa and Adelaide Plains regions—no-one. But I will tell you what they have talked to me about, and perhaps the member for Light should reflect on tackling some of these issues as being more important than something that he has basically no control over or no influence on.

His electorate has issues. He still has a rail line that is not electrified and that even in the budget is only going to Salisbury. He has high unemployment in his electorate, which is only going to be exacerbated by the closure of Holden's in the coming months. The local council has asked to be part of the Northern Economic Plan so it can deal with the transitional issues that the Gawler area is going to face in relation to Holden.

He could deal with something that I have talked to a number of Gawler residents about, and that is our high electricity prices and the fact that people are struggling to make ends meet, and the fact that people are struggling to make ends meet when it comes to paying their emergency services levy. He could, and this is something that has been brought up many times by Gawler residents. After speaking with a great community advocate, Karen McColl, I know that the Dalkeith/Main North Road intersection is a huge issue, but the member for Light does not bring a motion to this house about that. He chooses to focus on something that is happening halfway around the world instead of the 35,000 people that he is elected to represent.

He could deal with the issues that have been exacerbated by the flooding of the Gawler and Light rivers last year, which many people in our region have talked to us about. How about fixing that issue? How about bringing a motion to this house regarding that? How about bringing a motion calling on his own government to talk to the feds about dealing with this flooding issue, something that dozens and dozens of his residents have come and talked to me about because they know that they

are not going to get representation from their member who is too busy fighting something that is not his fight?

I also have issues in my electorate, and that is what motions brought to this house should be about, and that is what all members should be talking about in grieves. The budget did not hold very much for the good burghers of Schubert, and for that I apologise. I will continue to double my efforts to get for them what they so richly deserve. First off is funding for a new Barossa hospital. There is \$1.1 billion (which actually was not \$1.1 billion; I think at last count it was somewhere between \$850 million to \$900 million) for metropolitan hospitals but nothing for a Barossa community that has been seeking a new hospital since 1992. They had it promised and then taken away from them in 2001-02, and there is nothing on that project in this budget.

Regarding road funding, the resealing of Owen Road north of Hamley Bridge was very worthwhile, but in fact an even worse stretch of road is below Hamley Bridge. Essentially, the Hamley Bridge to the Templers section of the road is absolutely awful. It is nothing more than a goat track. Again, that was exacerbated by the floods last year that the member for Light chooses not to talk about in this place. We need an upgrade to the Daveyston Road, between the Sturt Highway and Freeling. Again, it is one of the most awful stretches of road in my electorate and it is something that I dearly call upon the government to get on and fix.

One of the biggest issues that gets brought to my attention is mobile blackspots, whether they are in Eden Valley or Springton, between Greenock and Kapunda, and certainly between the Sandy Creek and Concordia areas. It is something that local residents and everybody who passes through the southern Barossa talks to me about. I would dearly like the government to get on and deal with the traffic issues that exist in Nuriootpa, the fourth fastest growing town in the state. It has a lot of development, it has a lot of new residents, and we need a new rethink, a completely new traffic management plan for Nuriootpa. That is another local project that I call on the government to fund so that the residents of the Barossa can feel that their government is standing up for them and delivering for them as much as they do for the rest of South Australia.

#### ELIZABETH

**Mr ODENWALDER (Little Para) (15:23):** This week we have been debating the budget and we have had numerous references during the course of that debate, including moments ago, about the decline of the automotive sector and the impending closure of Holden's in October this year. Deputy Speaker, as you know, I live in Elizabeth, about a kilometre from the Holden's site, and I know as well as most people in this place the huge impact it will have not only on Elizabeth but across the north and on the state. Its impact will be most keenly felt in Elizabeth, not simply because of the personal and economic impact of the job losses at Holden and its suppliers but because of the psychological impact it is having and will have on those of us who grew up in Elizabeth.

We have to be mindful about what we are talking about when we say Elizabeth. We are not so much talking about the existing physical suburb; indeed, Elizabeth proper these days means the few square kilometres around the Elizabeth City Centre. It has been subsumed physically and administratively by the City of Playford and by the unbroken urban sprawl which extends to the small green belt before you get to Gawler.

For anyone who grew up in Elizabeth and anyone who has lived in Elizabeth for a long time, there is a very distinct physical and psychological place called Elizabeth. It is not Salisbury, it is not Munno Para, and for a lot of people it is not even the City of Playford, whose borders spread far beyond what anyone understands to be Elizabeth. For those of us who grew up there, and for those of us who live there, it is very clear where Elizabeth is. It is in many ways hard to define, but it is culturally different from other parts of the metropolitan area. People are proud to be from Elizabeth. They recognise its faults, they acknowledge and even celebrate them with a dark humour, and they express this pride to me all the time in person, in correspondence and, lately, through social media.

I think there are several factors that have gone into making up this separate identity. The first is the presence of the Housing Trust, which oversaw in the fifties (under Tom Playford's premiership) the establishment of a whole new city with its own distinct look, its standardised house designs, its neighbourhood centres, its large open spaces and—in what I think is increasingly seen as a flaw—a car-centred approach to planning, which was not uncommon in the fifties and sixties.

The second factor is the overwhelmingly British migration in the establishment of Elizabeth—the ten-pound Poms and all the particular cultural characteristics that that brought, including the legacy of certain brands of sport and music. This is not to detract at all from the recent waves of migrants from all over the world who have added depth and richness to our community.

Overshadowing all these factors is Holden. Obviously, people come from far and wide to work at Holden's, but everyone in Elizabeth has some connection to this place. It looms large over the whole city and its psyche, and Holden's closure is going to hit us hard. It is going to strike at the heart of the identity of those who live in Elizabeth. However, we are seeing in its wake something of a revival in local history, a determination on behalf of long-time residents, and former residents, to keep the particular cultural identity of Elizabeth alive.

We saw the biography of Jimmy Barnes last year—and I alluded earlier to a legacy of British music in Elizabeth—which gave us a pretty bleak picture of growing up in Elizabeth. Jimmy Barnes and I went to the same school.

**The DEPUTY SPEAKER:** Not at the same time.

**Mr ODENWALDER:** We were separated by 15 years or so. He is older than me, I think, and my experience, it is fair to say, seems to have been happier than his. At least parts of his story, if you have read it, may have been typical of many of those earlier ten-pound Poms. There are various other projects, of course, less celebrated than Jimmy Barnes' attempts to celebrate the uniqueness of Elizabeth.

A local I have known for a long time, Sarah Jones, is working on an ongoing history of scouting in Elizabeth, and I think that is more evidence of the British connection. Scouting has played quite a significant role in the development of Elizabeth. There is also a popular Facebook page, which nearly got me in trouble during the last election campaign, called 'It's pronounced Lizbef', which on one level is proof that we can laugh at ourselves and simultaneously be fiercely loyal and protective about Elizabeth. That Facebook site is a very interesting forum for people to share their experiences and, in many cases, connect and reconnect with others who have shared those experiences.

More recently, I have become aware of the work of Eric Algra, who is not only an incredible photographer but, in one of those Adelaide moments, is also a friend of the member for Ashford. Unbeknownst to me, he grew up very close to me, indeed very close to where I now live. He is working on a blog called the Elizabeth Project and, more specifically, a work called *Transitions*, which is capturing in words, photos and multimedia the very identity I have been talking about, particularly around the closure of Holden's.

It is very interesting that since reposting some of Eric's blog people have got in touch with me and there has been a 'beflowering' of interest in the history of Elizabeth and in recording that interest. I look forward to expanding on this and Eric Algra's work in later grievance debates.

#### THEVENARD PORT

**Mr TRELOAR (Flinders) (15:28):** This time last week I heard some very concerning news from my electorate that the Port of Thevenard had been closed to all shipping. A draft engineering report has identified possible safety concerns regarding a section of the Flinders Ports jetty infrastructure. The concerns are with the older concrete jetty part of the structure that supports a section of Viterra's shiploading conveyor belt. That same conveyor belt, although owned by Viterra, is also used to load significant tonnages of salt, gypsum and mineral sands as well.

My understanding is that Flinders Ports is working with Viterra to investigate engineering and operational options for its infrastructure that may assist in providing a temporary solution and minimise the impact on operations and customers as quickly as possible while issues are addressed with the jetty infrastructure. I have spoken about the port facility at Thevenard on a number of occasions in this place, generally to inform people how important it is to invest in infrastructure in this state. I understand that the ports in this state are privately owned. They were sold in a time past by a state government and Flinders Ports is now the owner. I am flabbergasted that it has come to this.

The 2016 figures show that out of the Thevenard port, which is adjacent to Ceduna and which services western Eyre Peninsula, 381,000 tonnes of grain was exported from South Australian

farmers; 461,000 tonnes of mineral sands, mostly zircon, was mined at the Jacinth-Ambrosia mine site, managed by Iluka north-west of Ceduna, and hauled by road train into Thevenard; 73,000 tonnes of salt went out last year over the belt; and, most significant of all, over two million tonnes of gypsum was exported from the Port of Thevenard mostly to the eastern seaboard, but also to New Zealand. This gypsum comes from the Lake MacDonnell gypsum mine, near Penong, and comes on three trains a day into the Port of Thevenard. That is a total of over three million tonnes of exports out of Thevenard.

It is a very serious situation because none of those exports is occurring at the moment. The facility is effectively closed and we do not know for how long. I have spoken with all the relevant parties, and Flinders Ports assures me that they are looking for a solution very soon. They are working with customers to identify alternative supply chain solutions, which does not augur well for the Port of Thevenard or the people of Ceduna. Flinders Ports is finalising a permanent solution to maximise the structural integrity of the jetty—something I have been calling for for as long as I have been in here—and they also hope to arrive at a delivery model that will facilitate completion of the construction works in the timeliest manner. In the meantime, all those operations I mentioned have ground to a halt.

Viterra is probably able to forward shipping on to Port Lincoln or other ports around the state, but it certainly leaves GRA and the gypsum, and also Iluka and their mineral sands, in a real quandary and seeking a solution that I would suspect does not include Thevenard. I have spoken to minister Mullighan about this issue. He was well aware of it, and through him we are seeking to meet with Flinders Ports at the earliest possible time, hopefully as soon as Monday next week.

Further, 200 jobs are at stake here, and 200 jobs in a small towns like Ceduna and Thevenard are significant. The whole town revolves around the port and its export facility. We are certainly going to be urging Flinders Ports to work towards a solution sooner rather than later and, should it require expenditure on the infrastructure, then we are going to be urging them to do that in a timely, cost-effective and efficient manner.

### VUNG TAU INN

**The Hon. P. CAICA (Colton) (15:33):** It is with more than a touch of sadness that I inform the house that on 17 July the fine-dining establishment, Vung Tau Inn, will close its doors for the final time.

Vung Tau Inn has operated for over 34 years at its location on Port Road, just around the corner from Woodville Road, on the northern side, heading towards the city. It is a business that has been owned and operated by Steven Chuong, my constituent, as a family concern since its establishment many years ago. Vung Tau Inn has over the years built up a loyal and not insignificant clientele and why wouldn't it, with fine food served in fine surroundings by friendly and engaging staff, including Steven's beautiful wife, Lan. There is no doubt that Vung Tau Inn became a restaurant choice for many from around the area and beyond.

For many years, Vung Tau Inn has been adversely impacted upon by the numerous flooding events that have occurred far too frequently. As a result of these flooding events, in 2007 the City of Charles Sturt commissioned an independent report, which identified three areas throughout the precinct, in particular, that faced the greatest risk of flooding during significant rain events. In fact, the rain events did not need to be that significant for damage to occur. The area along and around Port Road where Vung Tau is situated was one of those identified.

This report was a significant factor in the commissioning of the Waterproofing the West project. Steven was informed that stage 1 of this project was meant to remove the stormwater out of the area and hence alleviate the flooding issues. Steven tells me that this has not been the case, and on two occasions since the completion of Waterproofing the West Stage One Vung Tau has been flooded, the most recent event happening on 27 December 2016.

On this occasion, water rose above the 80-centimetre floodgates that Steven installed in 2011, which resulted in the closure of Vung Tau Inn for many, many weeks. Of course, throughout this extended closure, Vung Tau Inn still incurred the normal recurrent costs and expenses and also required not insubstantial expenditure to remedy the considerable damage that the flooding had caused.

Steven claims, and I have some sympathy with this view, that throughout the 34 years he has been operating the Vung Tau Inn he has never been provided any real assistance or support from the council. Steven also advised me that he has made numerous approaches to council seeking assistance in managing the burden of flood damage but to no avail. I am also told that at every approach council simply suggested he relocate and claimed that they did not have the money to assist him. Steven tells me that he was and remains aggrieved by this, as council at this time offered assistance to the Commonwealth Bank in Findon for the same purposes.

I mentioned earlier the council commissioning an independent report on flooding issues in and around this precinct. I failed to mention that during 2007 Vung Tau Inn was flooded five times. From this time and up until and including 2010, and perhaps even after that, some businesses, sick of the frequency of flooding, decided to relocate from that area. Steven, based on information provided to him by council, I am told, decided to stay in the belief that Waterproofing the West Stage One would alleviate if not remedy the flooding situation. In fact, in this belief, he again invested in upgrading Vung Tau Inn.

This was also undertaken, again, I am told, on information provided by council to traders in the precinct that they consider investing to take advantage of the opportunities that will be created by the Woodville Road upgrade and the development of St Clair, which was meant to revitalise the precinct. Well, it appears now that Steven spent good money after bad. Compounding this problem now, and causing the closure of Vung Tau, is that Steven cannot find or access insurance for his building. No insurer will provide him the coverage necessary to remain open. Their reasoning: the frequency and severity of flooding issues over the many years.

I must add here that the owner of the property where Vung Tau Inn is located is redeveloping the site. This is fact. However, I am told that in Steven's discussions with a representative of the LGA Mutual Liability Scheme he was informed by that representative, 'Why would it be that council would give you support when you're going to have to move at any rate?' The root cause of Vung Tau Inn's demise has been the flooding issues and the dramatic impact this has had on this person, his family and his business.

I will finish off where I started. It is with great sadness that Vung Tau Inn will be forced to close its doors on 17 July. It has is an even greater sadness for Steven and his family that it has ended this way. Steven and his family are decent, caring and compassionate people. Steven and Lan have been significant contributors to the Chinese Australian community and broader community. They have always given back to our community. They and Vung Tau required support when it counted. They deserved and warranted a better outcome.

#### *Bills*

### **STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL**

#### *Introduction and First Reading*

Received from the Legislative Council and read a first time.

### **CHILDREN AND YOUNG PEOPLE (SAFETY) BILL**

#### *Final Stages*

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

No. 1. Clause 8, page 9, after line 34—Insert:

- (2a) Without derogating from any other provision of this Act, it is desirable that the connection of children and young people with their biological family be maintained.

No. 2. Clause 12, page 11, after line 9 [clause 12(2)]—Insert:

; and

- (c) achieving the objects set out in the preceding paragraphs (as well as reducing the incidence of the removal of Aboriginal and Torres Strait Islander children and young people) by encouraging Aboriginal and Torres Strait Islander people, their children and

young people and State authorities to act in partnership when making decisions about the placement of Aboriginal and Torres Strait Islander children and young people under this Act.

No. 3. Clause 14, page 13, lines 26 and 27 [clause 14(1)(c)]—Delete 'and support evidence-based programs delivering preventative and support services directed towards strengthening and supporting families' and substitute:

, support and adequately resource evidence-based programs delivering preventative and support services directed towards strengthening and supporting families, reducing the incidence of child abuse and neglect

No. 4. New clause, page 14, after line 15—Insert:

14A—Additional annual reporting obligations

- (1) The Minister must, not later than 30 September in each year, prepare a report—
  - (a) detailing the role of the Minister, and the extent to which the Minister has performed the Minister's functions, in respect of the operation of this Act for the financial year ending on the preceding 30 June; and
  - (b) setting out the following information relating to the provision of family support services and intensive family support services to children and young people who are at risk and their families:
    - (i) the extent to which such services were provided by, or on behalf of, the State (including statistical data relating to the number of times such services were provided) during the financial year ending on the preceding 30 June;
    - (ii) the amount of resources allocated for the provision of such services by or on behalf of the State—
      - (A) during the financial year ending on the preceding 30 June; and
      - (B) during the current financial year;
    - (iii) the extent to which the allocated resources were, in fact, spent on the provision of such services during the financial year ending on the preceding 30 June;
    - (iv) bench-marking the resources referred to in subparagraph (ii) and (iii) against those allocated and spent by other States and Territories in the provision of such services during the financial year ending on the preceding 30 June; and
  - (c) providing any other information required by the regulations for the purposes of this paragraph.
- (2) The Minister must, as soon as is reasonably practicable after preparing a report under this section, cause a copy of the report to be published on a website determined by the Minister.
- (3) The Minister must, within 6 sitting days after preparing a report under this section, cause a copy of the report to be laid before each House of Parliament.
- (4) The requirements of this section are in addition to any other reporting obligation of the Minister.

No. 5. Clause 30, page 25, line 18 [clause 30(1)]—Delete 'in a manner specified by the Minister by notice in the Gazette' and substitute:

in accordance with subsection (3a)

No. 6. Clause 30, page 25, lines 34 and 35 [clause 30(3)]—Delete 'in a manner specified by the Minister for the purposes of subsection (1)' and substitute:

in accordance with subsection (3a)

No. 7. Clause 30, page 25, after line 35—Insert:

- (3a) A person reports a suspicion under this section by doing 1 or more of the following:
  - (a) making a telephone notification to a telephone number determined by the Minister for the purposes of this subsection;

Note—

This telephone line is currently known as the *Child Abuse Report Line* or *CARL*.

- (b) making an electronic notification on an electronic reporting system determined by the Minister for the purposes of this subsection;
- (c) by reporting their suspicion to a person of a class, or occupying a position of a class, specified by the Minister by notice in the Gazette;
- (d) reporting their suspicion in any other manner set out in the regulations for the purposes of this paragraph,  
and, in each case, providing—
- (e) —
  - (i) in the case of an unborn child—the name and address (if known) of the mother of the unborn child; or
  - (ii) in any other case—the name and address (if known) of the child or young person; and
- (f) information setting out the grounds for the person's suspicion; and
- (g) such other information as the person may wish to provide in relation to their suspicion.

No. 8. New clauses, page 28, after line 44—Insert:

35A—Random drug and alcohol testing

- (1) This section applies to—
  - (a) a person who has, in the preceding 5 years, been directed by the Chief Executive to undergo an approved drug and alcohol assessment under section 35(1); or
  - (b) a person who was, in the preceding 5 years, the subject of an application for an order under section 20(2) of the *Children's Protection Act 1993* (whether or not the application was granted); or
  - (c) any other person of a class declared by the regulations to be included in the ambit of this subsection.
- (2) A person to whom this section applies must, in accordance with the scheme set out in the regulations, take part in random drug and alcohol testing.
- (3) Without limiting any other regulations that may be made in relation to the scheme for random drug and alcohol testing, the regulations must include provisions—
  - (a) authorising the taking of forensic material consisting of hair or blood for the purposes of this Act; and
  - (b) requiring such forensic material to be tested to identify any drug or alcohol that may be present in the material; and
  - (c) requiring or authorising the results of such testing to be provided to the Chief Executive or other specified person or body.
- (4) The Chief Executive may, in relation to random drug and alcohol testing under this section, by notice in writing, require a person to whom this section applies to take the action, and within the period, specified in the notice.
- (5) A person to whom this section applies must not, without reasonable excuse, refuse or fail to comply with a requirement under this section.

Maximum penalty: Imprisonment for 6 months.

Note—

A refusal or failure to comply with a requirement may also result in a child or young person being removed—see section 35C.

- (6) A person is not entitled to refuse or fail to comply with a requirement under this section on the ground that the person would, or might, by complying with that requirement, provide evidence that could be used against the person.

- (7) To avoid doubt, for the purposes of the *Criminal Law (Forensic Procedures) Act 2007*, the taking of forensic material in the course of a random drug and alcohol test is authorised under this Act.

35B—Chief Executive may direct certain persons to undertake rehabilitation program

- (1) The Chief Executive may, by notice in writing, direct a person to whom section 35A applies to undertake an approved drug and alcohol rehabilitation program of a kind specified in the notice.
- (2) A person must not, without reasonable excuse, refuse or fail to comply with a direction under subsection (1).

Maximum penalty: Imprisonment for 6 months.

Note—

A refusal or failure to comply with a direction may also result in a child or young person being removed—see section 35C.

- (3) A notice under subsection (1) must set out the information required by the regulations for the purposes of this subsection.
- (4) For the purposes of this section, a reference to an *approved drug and alcohol rehabilitation program* will be taken to be a reference to a drug and alcohol rehabilitation program of a kind approved by the Chief Executive by notice in the Gazette.

35C—Forensic material and results of drug and alcohol testing etc not to be used for other purposes

- (1) Forensic material obtained in the course of an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program must not be used for a purpose other than a purpose contemplated by this Act.
- (2) The results of an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program—
- (a) will not be admissible in evidence against the person to whom the results relate, other than in proceedings for an order of the Court under this Act; and
- (b) may not be relied on as grounds for the exercise of any search power or the obtaining of any search warrant.

35D—Destruction of forensic material

The Chief Executive must ensure that any forensic material obtained in the course of an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program is destroyed in accordance with any requirements set out in the regulations.

No. 9. Clause 72, page 44, line 19 [clause 72(2)(a)]—After 'nature' insert '

(and in any event must not exceed a period of 3 months)

No. 10. Clause 79, page 46, after line 17—Insert:

- (ba) remove the child or young person from the care of a person referred to in a preceding paragraph;

No. 11. Clause 80, page 47, lines 14 and 15 [clause 80(1)]—Delete 'out at least once in each 12 month period.' and substitute:

out—

- (a) if the child or young person, or another person who, in the opinion of the Minister, has a legitimate interest in the affairs of the child or young person, has requested the review— as soon as is reasonably practicable after the request; or
- (b) in any case—at least once in each 12 month period.

No. 12. Clause 80, page 47, after line 15—Insert:

- (1a) However, the Chief Executive need not cause a review to be carried out under subsection (1)(a) if—
- (a) a review of the child or young person's circumstances has been carried out within the 12 months preceding the request; and



- (b) the Chief Executive is of the opinion that the request is frivolous or vexatious, or otherwise not made in good faith.

No. 13. Clause 80, page 47, after line 42—Insert:

- (2a) A child or young person may, in making submissions to a panel in the course of a review, be accompanied by a support person if they so wish.

No. 14. New clause, page 58, after line 38—Insert:

101A—Persons not to be employed in licensed children's residential facility unless they have been assessed

- (1) A person must not be employed in a licensed children's residential facility unless the person has undergone a psychological or psychometric assessment of a kind determined by the Chief Executive for the purposes of this section.
- (2) However, subsection (1) does not apply to the employment of a person or person of a class, or the employment of a person in circumstances, prescribed by the regulations for the purposes of this subsection.
- (3) A person who is employed in a children's residential facility in contravention of subsection (1) is guilty of an offence.

Maximum penalty:

- (a) for a first or second offence—\$20,000;
- (b) for a third or subsequent offence—\$50,000 or imprisonment for 1 year.
- (4) A person who employs, or continues to employ, a person in a licensed children's residential facility in contravention of subsection (1) is guilty of an offence.

Maximum penalty:

- (a) in the case of a natural person—\$50,000 or imprisonment for 1 year; or
- (b) in the case of a body corporate—\$120,000.
- (5) For the purposes of this section, a reference to a person being *employed* will be taken to include a reference to a person who—
- (a) is a self-employed person; or
- (b) carries out work under a contract for services; or
- (c) carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; or
- (d) undertakes practical training as part of an educational or vocational course; or
- (e) carries out work as a volunteer; or
- (f) performs unpaid community work in accordance with an order of a court, and a reference to *employ* is to be construed accordingly.

No. 15. Clause 143, page 77, after line 17 [clause 143(1)]—Insert:

- (ca) if the officer believes on reasonable grounds that a child or young person is at risk of removal from the State for female genital mutilation or marriage—seize and retain any passport issued in the name of the child or young person;

No. 16. Clause 143, page 77, after line 27 [clause 143(1)]—Insert:

- (1a) Subject to any order of the Court, a passport seized under subsection (1)—
- (a) may be held by the Chief Executive for the period prescribed by the regulations; and
- (b) must, at the end of the period, be dealt with in accordance with the regulations.

No. 17. Clause 152, page 84, lines 28 to 31 [clause 152(1)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

- (a) a decision of the Chief Executive under Chapter 7 (other than a decision under Part 4 of that Chapter);

No. 18. Schedule 1, page 91, lines 25 to 27—Delete Schedule 1 and substitute:

## Schedule 1—Repeal and related amendment

## Part 1—Preliminary

## 1—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Repeal of Children's Protection Act 1993

## 2—Repeal of Children's Protection Act 1993

The Children's Protection Act 1993 is repealed.

## Part 3—Amendment of Criminal Law Consolidation Act 1935

## 3—Amendment of section 5AA—Aggravated offences

Section 5AA(1)(e)(i)—after 'Part 3' insert 'Division 8A or'

## 4—Insertion of Part 3 Division 8A

After Part 3 Division 8 insert:

## Division 8A—Child marriage

## 34—Interpretation and application of Division

## (1) In this Division—

*child* means a person under the age of 18 years.

(2) Nothing in this Division is intended to limit the operation of the *Marriage Act 1961* of the Commonwealth.

## 34A—Bringing child into State for marriage

## (1) A person must not bring a child into the State, or arrange for a child to be brought into the State, with the intention of causing the child to be married.

Maximum penalty:

(a) for a basic offence—imprisonment for 15 years;

(b) for an aggravated offence—imprisonment for 19 years.

## (2) In proceedings for an offence against subsection (1), if it is proved that—

(a) the defendant brought a child, or arranged for a child to be brought, into the State; and

(b) the child, while in the State, went through the form or ceremony of marriage,

it will be presumed, in the absence of proof to the contrary, that the defendant brought the child, or arranged for the child to be brought, into the State (as the case may be) with the intention of causing the child to be married.

## 34B—Removing child from State for marriage

## (1) A person must not take a child from the State, or arrange for a child to be taken from the State, with the intention of causing the child to be married.

Maximum penalty:

(a) for a basic offence—imprisonment for 15 years;

(b) for an aggravated offence—imprisonment for 19 years.

## (2) In proceedings for an offence against subsection (1), if it is proved that—

(a) the defendant took a child, or arranged for a child to be taken, from the State; and

(b) the child, while outside the State, went through the form or ceremony of marriage,

it will be presumed, in the absence of proof to the contrary, that the defendant took the child, or arranged for the child to be taken, from the State (as the case may be) with the intention of causing the child to be married.

## 34C—Consent no defence

This Division applies irrespective of whether the child concerned, or a parent or guardian of the child, consents to the marriage.

Consideration in committee of the Legislative Council's amendments.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

I want to place a few things on the record, if I might. First of all, I would like to make it plain that the government has been successful in maintaining the protection of children and young people from harm as the paramount consideration in this bill. This is a significant achievement, although it should not have been necessary for it to even have been the subject of an argument. It is the only outcome that the government would accept.

To make it clear, as recently as last year, in response to the recommendations of the Coroner in the Chloe Valentine case, this parliament amended the current act to reflect the fact that the paramount consideration was protecting children from harm. Those in the opposition and other groups fought tooth and nail to remove that which we had inserted but a year ago pursuant to a Coroner's recommendation, thereby weakening the legislation's protective cover for children. I am delighted that that disgraceful backsliding and those very loud people out there advocating for it were unable to succeed in destroying the positive improvement in the child protection scheme, which was rendered to us all by the tragic death of Chloe Valentine.

Because we were able, just by our fingernails, to hang on to that, this parliament has kept faith with the findings of the Coroner. This parliament has not turned its back on the horrible circumstances that led to the death of that little girl and decided to ignore them, and that is a great achievement. What is sad is that we had to fight again to achieve that. All those people who forced us to have to fight again the same battle we fought after Chloe Valentine's coronial outcome was known should hang their heads in collective shame.

From the outset, the government remained firmly of the view that there cannot be any departure from the Coroner's recommendations. I will not quote them again because the parliament is fully aware of them and, in fact, paid attention to them not 18 months ago and embraced them. The government undertook the necessary reform just under two years ago, as I said, to fix all this up, the paramount consideration being the best interests of the child. This was such a near-run thing. A gaggle of backsliders, determined to undermine the paramount consideration being children as opposed to everybody else in the universe, almost had their way, courtesy predominantly of our friends in the opposition.

They have nailed their colours to this mast, and I for one will not be allowing them to forget it or anybody else. That goes for all the dilettantes who came in at the last minute and decided to add their 10 cents worth as well, people whose expertise lies in things like the Family Court, which overwhelmingly has nothing to do with children who are at serious risk of being about to die. Looking towards the sunlit uplands now, there are many other achievements aside from maintaining the non-negotiable position that we would not compromise harm to kids under any circumstances. As I said, it is tragic that that turned out to be the conversation. It is amazing that that turned out to be the conversation. Who would have thought it? Anyway, there we go.

There are any number of other things that I would like to mention briefly about this. We had the reports from Robyn Layton QC in 2003, the Hon. Ted Mullighan QC in 2008 and Bruce DeBelle in 2013. Of course, there was the Coroner's inquest into Chloe Valentine. There was also Margaret Nyland's royal commission in 2014. Again, but for one crossbencher in the other place having actually stuck with the right thing, all that effort would have been flushed down the drain on the basis of a fit of pique and bruised ego about stepping back into the 20<sup>th</sup> century instead of getting into the 21<sup>st</sup>. But that did not happen and that is a happy day for children in South Australia, I have to say.

Certainly on my own behalf, and on behalf of the Minister for Education and Child Development, I would like to acknowledge the significant contributions made by the staff in the Department for Child Protection, the Attorney-General's Department, the Department for Education and Child Development and parliamentary counsel. I also would like to acknowledge the numerous

positive contributions—and I emphasise the words 'positive contributions' because, as we have just heard, there were a lot of negative and unhelpful ones; fortunately, they led nowhere—made by numerous groups, organisations and individuals who provided their feedback during the very, very lengthy process of the gestation of this bill.

If you actually want to start from some sort of time line and you do not want to go back to the big bang with Robyn Layton, you can reasonably start the time line for this bill in August 2014 with Margaret Nyland. So this thing has been gestating for years—literally for years. So much for this piffle about 'didn't consult', 'nobody knew what was going on'. What a lot of rubbish. This thing has been worked through inside out and upside down, and the main complaint that remains to this day is that some people did not get what they wanted. That is the complaint. Well, if what they want is a second-rate outcome for children, I say, 'Hip hip hooray, you failed; the children won,' and that is as it should be.

I would like to also say that Brette Schumann has done the most extraordinary job in managing this. Unfortunately, she enjoyed—'enjoyed' may not be the right word, but she became entangled in this to such an extent that she preferred to leave my employ and go and work somewhere else because she wanted to follow this issue. Now, that is commitment, I say. So, Brette, I say to you: thank you for all the great work you have done in relation to this. Minister Close is very fortunate to have you helping her and I think she is a very lucky minister.

I also want to mention Belinda Valentine. Belinda Valentine is somebody I have spoken to only a couple of times. I have only spoken to her in private and I have only spoken to her in extreme circumstances where I asked for her to help. I asked for her to help because I was concerned that the positive outcomes that came from her granddaughter's inquiry were at risk of being lost. At critical moments, Belinda has been prepared to assist, to lend her shoulder to the wheel, and I say thank you to Belinda because the achievement of this outcome today I am absolutely confident would not have been possible without your assistance. So, I say to Belinda: thank you very much indeed.

I also thank the other members of this place, and the other place for that matter, who have genuinely tried to grapple with the enormous complexities of this area of policy and have given it their best effort. I am confident that this is an enormous opportunity to hit the reset button for the whole business of child protection here in South Australia.

We are hitting the reset button, with children now unequivocally at the front and centre of every consideration and hitting the reset button in a way that says that the long-term stability of children, who are unlucky enough to be in circumstances where they need to be removed from their parent or parents, is a priority so that those children have the opportunity to develop normal attachments and normal relationships with stable foster parent homes and so that foster parents, who are giving of their home and their time to children who are sometimes quite difficult children, have the security to know that that child is not likely to be whipped off them at a moment's notice because somebody, who quite frankly did not look after the child in the first place, has decided they want to have another crack at it. These are important matters, all of them addressed in this bill.

I am absolutely delighted that this bill has passed in its present form. There have been some tinkering in the other place, and by and large I regard them as being either positive or at least not destructive. I am not going to be churlish and argue about any of them. With those few words, I indicate the government will be supporting these amendments. The bill will proceed to become law. As far as I am concerned, minister Close and I are ad idem on this point that the sooner we can get this running the better. Again, thank you to everybody concerned. It was one of those very near things. I think the Duke of Wellington said the Battle of Waterloo was like that, and in the end that turned out pretty well, so let's hope this is just the same.

**Ms SANDERSON:** I welcome this bill coming to its final position and I indicate that the Liberal opposition will be supporting the bill. I would like to thank the stakeholders who spent many hours and weeks of hard work putting together their thoughts and meeting with my colleagues and me. We submitted over 100 amendments in the lower house, many of which were successful, and there were around 70 amendments submitted in the upper house, many of which were also successful. The government did not really accept them, but I thank the crossbenchers for accepting most of those in the upper house and for their understanding of this very complex and very important issue.

I would particularly like to thank the hard work of the Law Society of South Australia, the Australian Medical Association, the South Australian Council of Social Service, the Child and Family Welfare Association of South Australia, the Council for the Care of Children, Youth Affairs Council of SA, the Child Protection Reform Movement, and Connecting Foster Carers who have spent many hours deeply involved with this piece of legislation. It has been ongoing for quite some months. It is an important piece of legislation, so it was worth testing and trying to make as many amendments as was possible.

Although the opposition did feel, and still feels, very strongly that the best interests of the child should be the paramount consideration, in line with the United Nations Convention on the Rights of the Child and also in line with the majority of stakeholders' views, I note that it was lost by one vote. It was very close. It was a good debate and lots of points of view were put across, but we are in opposition and we have to accept these things.

I was particularly disappointed that the guardianship will now be going to the CE, an appointed and salaried staff member, rather than to the minister. I believe in the Westminster system in that the minister has the ultimate responsibility, and I believe it should be under the minister's guardianship. Should I be so fortunate as to be the minister I would be very disappointed that they would not be under my guardianship.

However, we have come to a position on the bill. I call on the government to urgently bring before parliament the amended Families and Community Services Act outlining its early intervention and prevention initiatives, as was promised to the stakeholder group. That does form a very important part of the prevention and intervention. The bill we have now is really at the critical end where the child is removed, but we have too many children being removed and more work needs to be done with the families to stop the children being removed and allowing them to stay safely with their families. I indicate that the opposition will be supporting the bill as is.

Motion carried.

## **APPROPRIATION BILL 2017**

### *Estimates Committees*

The Legislative Council gave leave to the Minister for Employment (Hon. K.J. Maher), the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter) and the Minister for Police (Hon. P.B. Malinauskas) to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill, if they think fit.

### *Resolutions*

## **WOMEN'S SUFFRAGE ANNIVERSARY**

The Legislative Council concurs with the resolution of the House of Assembly contained in message No. 229 for the appointment of a joint committee on matters relating to the 125<sup>th</sup> anniversary of women's suffrage and will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee. Members of the joint committee to represent the Legislative Council will be the Hon. T.A. Franks, the Hon. G.E. Gago and the Hon. J.M.A. Lensink.

**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) (15:58):** It is my pleasant duty to move:

That the members of the House of Assembly on the joint committee be Ms Chapman, Ms Hildyard and Ms Wortley.

Motion carried.

*Bills***SENTENCING BILL***Final Stages*

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

No. 1. Clause 43, page 36, after line 11 [clause 43(8), definition of *chief officer*—After paragraph (a) insert:

- (ab) in the case of the Independent Commissioner Against Corruption—the Independent Commissioner Against Corruption;

No. 2. Clause 57, page 49, after line 25—After subclause (4) insert:

- (4a) The Supreme Court may, if the Attorney-General has made an application under subsection (3) in respect of a person who is in prison serving a sentence of imprisonment, make an interim order that the person is to remain in custody pending determination by the Supreme Court as to whether to make an order under this section that the person be detained in custody until further order.

No. 3. Clause 72, page 61, line 1 [clause 72(1)(a)(ii)]—Delete 'defendant' and substitute 'person'

No. 4. Clause 72, page 61, lines 2 to 4 [clause 72(1)(a)(iii)]—Delete subparagraph (iii) and substitute:

- (iii) attendance at—
  - (A) a place for the purpose of undergoing assessment or treatment (or both) relating to the person's mental or physical condition; or
  - (B) an intervention program; or
  - (C) any other course of education, training or instruction, or other activity, as approved or directed by the home detention officer to whom the person is assigned;

No. 5. Clause 72, page 61, line 21 [clause 72(1)(h)]—Delete 'defendant' and substitute 'person'

No. 6. Clause 73, page 62, after line 41—After subclause (5) insert:

- (5a) A person who appears before the court as required by a summons issued under this section may be remanded in custody pending determination of the proceedings.

No. 7. Clause 73, page 63, line 5 [clause 73(7)]—Delete 'or released on bail'

No. 8. Clause 83, page 69, after line 10—After subclause (5) insert:

- (5a) A person who appears before the court as required by a summons issued under this section may be remanded in custody pending determination of the proceedings.

No. 9. Clause 83, page 69, line 15 [clause 83(7)]—Delete 'or released on bail'

Consideration in committee of the Legislative Council's amendments.

**The Hon. J.R. RAU:** I move:

That the Legislative Council's amendments be agreed to.

This Sentencing Bill, which has been modified slightly in the other place, is nonetheless acceptable to the government as modified, and I indicate that the government will be supporting the bill. I would like to say a few words of thanks, if I can.

First of all, the Sentencing Bill has been part of an epic law reform project in criminal law. It has been paired legislatively and conceptually with the major indictable reform bill, which went through the parliament a month or so ago, and it forms the second half of a legislative package, which I firmly believe, once it is fully functional in our court system, will deliver significant improvement in the efficiency of the courts and will give us better value for money in terms of the extremely expensive resources we have in the form of judicial officers who need to be spending their time determining cases, not doing adjournments and mucking around with trivia. It is a very important package.

This particular part of the package is to do with sentencing, and sentencing has been something that I have always had feedback about from members of the community. Overwhelmingly, people are confused about sentencing. What is it that a judge takes into account? Why do they make certain determinations? Why do they not make other determinations? This has led me down a path of inquiry that has gone on for some years. It has ultimately led to this Sentencing Bill, which makes a simple statement of principle, and that simple statement of principle is this: when a judge is sentencing someone in a criminal offence, the number one consideration—number one, not equal with 15 or 20 other things—is public safety. It trumps everything.

After public safety, other matters, that are relatively few, may be considered. The present sentencing legislation has a consideration page for the judicial officer hearing the case, which resembles the menu in a Chinese restaurant, with 100 or so different options and matters for consideration. At the end, just in case they have not covered everything, the judicial officer is invited to consider anything else they think might be relevant. How on earth that provides a judge with any guidance, I do not know. No wonder judges understandably struggle with working out what on earth the Sentencing Act is asking them to do. Hopefully, those days are gone because hopefully the provisions in the Sentencing Act now will give them a very clear idea of what the public expects of them.

That does not mean that the judge has no work to do. It is quite the contrary. It just means the judge will have a clearer compass setting when they are approaching the question of sentencing. We should not underestimate how complex the judge's job is. I frequently become quite annoyed at some of the commentary about sentences in criminal cases. It is all too easy to say, 'It's the judge's fault,' or 'It's the DPP's fault because they didn't appeal something.' In 99 times out of 100, that is not right. In the one time out of 100 it is right and there is a right of appeal, those appeals can go up, and when they are taken up, usually they are taken seriously and they often succeed, so the system has the capability of correcting itself. That said, that is no substitute for giving clear guidance and that is exactly what we are doing here.

From my perspective, this journey, this reform of the criminal justice system, began about 15 years ago, but my staff tell me it was only about four years ago and others say it was less than that. It certainly feels like 15 years because there has been more consultation, exposition, garnering of thoughts and sitting down and talking to people than you could possibly imagine about this, and at the end of it there were still disputes because—surprise, surprise—people of goodwill occasionally have differences of opinion. That said, people with ill will and people who do not know what they are talking about always have a different opinion, but let's not dwell on that.

As I said, this is a really significant piece of reform. It is part of a pigeon pair with the major indictable reforms. This is a significant piece of work from the Criminal Justice Reform Project, from the Criminal Justice Reform Council, which represents all the main government entities involved in the criminal justice system. I would like to make particular mention of Mr Matthew Goode, who takes more responsibility for this than he can possibly know. It is his fault that I am a lawyer because he trained me; he might regret that now. I recall him teaching me about criminal law and private international law and various other things; hopefully, Mr Goode thinks his efforts then were not completely wasted.

He has been a tireless worker in the Attorney-General's Department and has worked extensively with me and my office on this. I say, Matthew, thank you very much for that. I understand that Matthew is pulling back somewhat further than he has so far in respect of providing advice to us. Can I say on my own behalf and I am sure on behalf of the former attorney that we both deeply appreciate your wisdom and your work, thank you. I would also like to say that my staff have really shouldered an enormous burden in enduring my constant question of, 'Are we there yet?' It is often a sketch that one hears about kids in the car: you have just got out of the driveway, you are heading down the street and you are off to Melbourne, 'Are we there yet?'

**The CHAIR:** I could say that to you.

**The Hon. J.R. RAU:** Yes, you could, and you probably will, so I am nearly there. I am told that that is how I have treated this whole project by those with whom I work. Notwithstanding that that 15 years has taken a very long time, can I say to Will Evans, thank you, Will, for enduring all this

and thank you for the great work you have done. Even though it has taken the best part of a decade to get here, or at least that is how it seemed because somehow I was stuck in a slipstream where time moved at 0.5 of its normal speed (sorry, that is a *Dr Who* thing), the point is that it has taken an enormous amount of time and an enormous amount of effort.

Thank you, Will, for your effort because you have really stuck with this. You have followed this through all its twists and turns, you have never let go and you have never, ever allowed me to do what I wanted to do, which probably would have meant that we would not be here successfully today, so thank you very much for that, Will. That is all; I just wanted to say thank you to all those people. This is a very exciting moment for law reform in South Australia and I feel that it is a very important milestone for the parliament.

Motion carried.

## **CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 21 June 2017.)

**Mr TARZIA (Hartley) (16:09):** I rise today to speak to the Criminal Law Consolidation (Criminal Organisations) Amendment Bill 2017, and I indicate that I will be the lead speaker on this side of the chamber. The bill in question was introduced by the Attorney-General on 21 June this year to amend the Criminal Law Consolidation Act 1935 (CLCA). I can advise that it is the opposition's intention not to oppose the bill in this house. However, we will require further consideration to either amend the bill or block the bill, and we ask for that consideration to be had between the houses and also upon consultation with several stakeholders.

**The Hon. J.R. Rau:** Bikie groups?

**Mr TARZIA:** No, definitely not bikie groups. Attorney, we definitely will not consult bikie groups, but other groups who perhaps have a vested interest, such as the Law Society and other legal groups.

The government claims that the bill will strengthen our anti-organised crime laws. Under the Serious and Organised Crime (Control) Act 2008, obviously the capacity to have a court declare an organisation for the purposes of restricting their activity in association within it or to it was established. In 2015, new serious and organised crime laws were passed that prohibited persons associating with members of criminal organisations, that is, bikie gangs. These laws prescribed places and also groups, and they were identified and then declared by the parliament to be criminal organisations. This particular law defines a 'criminal organisation' in three ways:

1. Three or more persons meeting with at least one of their purposes is to plan, engage in serious criminal activity and their association represents an unacceptable risk.
2. A declared organisation as set out above by a court.
3. As touched on, an entity declared by the parliament, as above, with powers to amend by regulation.

We know that SAPOL and also the DPP have confirmed that it is much easier for them to try to prosecute under the third definition by parliament or regulation, as was introduced in 2015. Incidentally, there have been no cases of a court declaration under the 2008 act or any prosecutions, of which I am aware, of persons using the definition of 'three or more persons with intent to commit' as stated above.

Under the 2015 legislation regulations, 10 criminal organisations have been declared, and a number of places identified by their address, prohibiting a meeting of the gangs at those places. Currently, it is a defence for the defendant to prove that the criminal organisation alleged to have been associated with does not have as one of its purposes to engage in or to conspire in criminal activity, and you only have to look at section 83GC(2) of the Criminal Law Consolidation Act.



The government has made claims via the Attorney-General's representative that SAPOL and the DPP say that the 'no criminal purpose' defence has the opportunity to be somewhat problematic. In particular, if it is raised then perhaps the prosecution would be required to adduce complex evidence to prove the purpose of the criminal organisation. There is also an argument out there that the DPP should not have to do this when the parliament has already declared that organisation as such. This bill deletes the 'no criminal purpose' defence, and the government claims there would be no common law or statutory defences still available to an accused.

I am not aware of any formal submissions that have been provided to us at this stage. I understand that the government has consulted with SAPOL, and I am informed also of a conversation with the DPP. That is all that I am aware of; I am informed they are the only stakeholders who have been formally contacted. We understand that the Attorney is very keen to press this reform with SAPOL to try to maintain the public perception that they are combating organised crime and illicit bikie gangs.

Any time we would try to help make the law better in this area, or any time we might seek to challenge or question some of these measures, whilst we do not want to be accused of anything, I think we are well entitled to give very careful consideration to such laws and consult with relevant stakeholders to make sure that if and when the bill does become a law it has gone through a rigorous process. We certainly will not hold it up in this house, but we do reserve the right to seek changes to the bill between the houses once we have had some clarification on certain matters.

I am informed from a letter from the Attorney to the shadow attorney that there are a number of matters before the courts that potentially touch on such a bill where these sorts of sections of the law can come into question. I have been informed that there are two relevant matters before the Adelaide Magistrates Court at the moment. Obviously I will not go into them in detail, but that has been brought to our attention.

I want to clarify a couple of issues about the onus of proof and standard of proof applying to the defence. Section 83GC(2) provides:

It is a defence to a charge of an offence against subsection (1) for the defendant to prove that the criminal organisation in which it is alleged that the defendant is a participant is not an organisation that has, as 1 of its purposes, the purpose of engaging in, or conspiring to engage in, criminal activity.

We have asked for some clarity around who bears the onus of proof in respect of the defence and the relevant standard of proof. We have received some answers to that.

We have been informed that the defence in section 83GC(2) is unusual in that it places the onus on the accused to prove a negative, namely, that the criminal organisation does not have a criminal purpose. We have also been informed that under section 83GC(2) the onus is on the accused to prove the defence on the balance of probability. However, the prosecution is responsible for negating the defence. In practice, we have been informed that almost certainly this requires that the prosecution would have to present cogent evidence as to the criminal purpose of the organisation.

Obviously, when an organisation has already been declared to be a criminal organisation, there is an argument that that declaration is not, of itself, evidence of that organisation's criminal purpose. The nature of the evidence that the prosecution would need to advance in order to disprove the proposition that the criminal organisation does not have a criminal purpose would, of course, include evidence about the rules of the organisation and include minutes of a meeting, as well as proof of the general operations and activities of that organisation.

There was an article published by *The Advertiser* in late June which states: 'Move to close off bikie law loophole'. Despite this Labor government being in power for many years and despite this Attorney being the state's number one legal officer for many years, unfortunately we still need to close off these loopholes. If, once we have heard from some of these other stakeholders, the advice is that this needs to happen and it will result in getting bikies off the street and making our streets safer and protecting South Australians, then we should obviously support it. As I alluded to earlier, we will be seeking consultation with other stakeholders, but we will support the bill in this house. I commend the bill to this house.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:18):** I thank the member for Hartley for his contribution. I am pleased that the opposition will not be raising any issues about this matter here. That said, can I make a couple of points. The first one is that if the parliament has determined that a certain group is a criminal organisation, there is something illogical about a member of that group then being able to go to court to have the court, in effect, declare the parliament is wrong. I think that is a bit weird. Having been presented with the reality that that is what the law might mean, it is my duty to fix it.

The second point I would make is that the member for Hartley says they are going to talk to stakeholders. I do not like that word very much. I call them interest groups because I think that is a closer English approximation for what we are talking about. I can guess what the main interest groups will be: our friends in the Law Society in particular and the Bar Association, who will adopt their normal contrary stance. They will crank up the word processor with a predetermined letter in it, which says, 'We disagree with everything you have done,' insert a small amount of text, and then they will sign and send it off to the opposition, who will then say, 'The sky is falling! The Law Society'—surprise surprise—'don't like us getting tough on criminals.' Well, goodness me, that is breathtaking.

I know this is going to shock the member for Hartley and possibly others, but the Law Society primarily represents the interests of lawyers, and there is nothing wrong with that; in fact, some of my best friends are lawyers. There is nothing wrong with them having an industrial group that represents them. They have the same right that plumbers do, but please let us not get to the point where we think that because it is called the Law Society it is somehow some sort of ethereal body that does not operate out of self-interest but constantly thinks of others. This is not the Dalai Lama running the show. They are not there as an altruistic organisation of seers and visionaries, there to lead the community to the sunlit uplands all the time.

**Mr Bell:** Are you saying we should not consult with them?

**The DEPUTY SPEAKER:** The member for Mount Gambier is not in his place.

**The Hon. J.R. RAU:** I can save the member for Mount Gambier the time—

**The DEPUTY SPEAKER:** Order! It is unparliamentary to interject, especially out of your place, and you do not respond.

**The Hon. J.R. RAU:** I am trying to save the member for Mount Gambier and the member for Hartley the expense of a stamp and the printing of several pages of paper. What I am trying to say is that I know what they are going to tell you. It will start off with 'this is outrageous' and so on and so forth, and it will probably end with 'this is outrageous' and so on and so forth. The bottom line is pretty simple: given that is what they are going to say, and given that I do not criticise them for saying that, because they are looking after their members, who hope to be able to do some work defending these characters, that is fine, no problem, but let's not dress it up as being anything more than it is, and let's come back to the real point.

The real point is this: are we trying to help declared criminal organisations' members escape prosecution or not? That is it. It is a pretty simple question. All you have to do is tick the box. If the answer is, 'Yes, we would love them to avoid prosecution,' oppose the bill. If the answer is, 'No, we think the fact the parliament has decided these people are members of a criminal organisation,' that is pretty good, it does not happen very often. If we were in Canberra and this was being done to Al Qaeda or Jemaah Islamiyah, we would not be letting magistrates ask Hambali or somebody the question: are you really part of a naughty group?

I think we would accept the fact that parliament said, 'Hello, these groups aren't too good,' and once the person is a member of the group the prosecution does not have to then prove all over again what happened on 11 September in the US. You would not have to call all that evidence. That would be taken for granted. That is our position on this. The parliament has declared these outfits criminal organisations on the basis that SAPOL has advised us about what these people do.

As far as we are concerned, the parliament has spoken. All we are saying is: let the parliament's determination stand, and these people can be a member of that group or not. We do

not care; it is up to them. But if they choose to be a member, they should not come to the court later on and say, 'Oh I'm a member, but I thought all they did was make toys for kids'—because that is where it is heading—'All we do is have a fun run every year.' I digress. I am delighted that the member for Hartley is supporting this, albeit with some reservations; I did hear that bit. I commend the bill to the house.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:25):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (POSSESSION OF FIREARMS AND PROHIBITED WEAPONS) BILL**

*Second Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (16:25):** I move:

That this bill be now read a second time.

The Firearms Act 2015 and the Firearms Regulations 2017 took effect on 1 July 2017, replacing the firearms act 1977 and the Firearms Regulations 2008. A key purpose of the firearms legislation is to ensure public safety by preventing persons considered not fit and proper to possess firearms, from those with mental health or demonstrated behavioural issues and offending antecedents to those with a propensity for violence or those who associate with such people, from possessing firearms.

An example of how the new act does this is by the power it provides at section 44(1)(a) that empowers the registrar of firearms, the Commissioner of Police, to issue a firearms prohibition order (FPO). Since 2009, FPOs have been issued to maintain public safety by providing a legislative framework to prohibit, in set circumstances, people from holding and accessing firearms. The framework provides a rebuttable presumption of possession, which operates against a very small group of the community to whom an FPO applies (264 persons as at 18 April 2017) many of whom are known criminal offenders who have become the subject of an FPO, in order to protect the community. There are no adverse impacts or risks associated with this proposal.

On 27 June 2017, the Governor proclaimed the Firearms Act 2015 (the new act) to repeal the Firearms Act 1977 and to commence operation with the Firearms Regulations 2017 on 1 July this year. This amendment is to be made to section 45(16)(a) of the new act. The bill also raises a small number of other amendments; however, its main purpose is to amend FPO legislation at section 45(16)(a) of the new act in order to resolve any uncertainty as to its operation. The amendment sought is a narrowly defined issue arising from a judicial interpretation in the decision of the R v Ioannidis (2015) SASFC 158 (Ioannidis). The issue relates to the operation of a presumption of possession in relation to firearms prohibition orders.

In January 2016, the Director of Public Prosecutions alerted the Commissioner of Police to Chief Justice Kourakis's interpretation of the statutory construction and operation of legislation in relation to FPOs. The matter arose, as I mentioned, in R v Ioannidis. In Ioannidis, police stopped a vehicle in which the defendant was a passenger. The defendant subsequently alighted from the vehicle before police lawfully searched the vehicle and a handbag belonging to the defendant in which ammunition was found. The possession of ammunition by Ioannidis constituted a breach of an FPO to which Ioannidis was subject.

While this Supreme Court appeal decision fell in the Crown's favour, and the defendant was ultimately found to be in possession of the ammunition in contravention of her FPO, the Chief Justice suggested the presumption only applies if an item (in this case ammunition) is found when the person is in the vehicle at the time the item is found during a search. By implication, the presumption is

suggested not to arise if the person has exited or been removed from the vehicle before a successful search is conducted, which are common practices facing and employed by investigating police for reasons of safety.

In this case, the DPP suggests that parliament may not have intended the presumption to operate in this way. It is undesirable for the Chief Justice's comments to stand unremedied at law. The bill will amend the new act to resolve any uncertainty on the Ioannidis issue before section 45(16)(a) is proclaimed. The presumption of possession in relation to FPOs, legislated at section 10C(14)(a) of the current act and replicated verbatim at section 45(16)(a) of the new act, is in the following terms:

- (a) if a person to whom a firearms prohibition order applies is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a firearm, firearm part or ammunition is found on or in the premises, vehicle, vessel or aircraft, the person will be taken to possess the firearm, firearm part or ammunition unless it is proved that the person did not know, and could not reasonably be expected to have known, that the firearm, firearm part or ammunition was on or in the premises, vehicle, vessel or aircraft; and

On a strict interpretation of the statutory construction and operation of the presumption of possession, as found by Chief Justice Kourakis in Ioannidis, the presumption only applies when the relevant person is on or in the premises or vehicle, etc., when a contraband item is found. By implication, the presumption is suggested not to arise, for example, if the person has exited or been removed from a vehicle moments before a successful search is conducted.

It is assumed unlikely that parliament intended this presumption to operate in this way, given the express inclusion of the word 'vehicle' in the draft of the section but, given the circumstances of Ioannidis, there is ambiguity. This will be overcome by the provisions of clause 6 of the bill to clarify that the rebuttable presumption of possession can be relied upon when an FPO is not physically on or in the premises, vehicle, vessel or aircraft when a relevant item is found. This amendment will allow, for prosecution purposes, proof only that the person had been on or in the premises, vehicle, vessel or aircraft immediately before a relevant item was found on or in, or in the immediate vicinity of the premises, vehicle, vessel or aircraft.

An identical amendment is proposed by clause 7 of the bill to alter the presumption of possession at section 211(10) of the Summary Offences Act 1953 that is only applicable to the holder of a weapons prohibition order (WPO), of which there were only nine such persons at 18 April 2017. This amendment provides consistency with the proposed change to section 45(16)(a) of the new act, removes potential ambiguity in section 211(10) of the Summary Offences Act and remedies the possibility of section 211(10) being subject to a future judicial interpretation similar to that in the case of Ioannidis.

Clause 4 of the bill provides a minor amendment to alter section 12 of the new Firearms Act, to the effect of clarifying that a firearms licence issued under the new act may authorise the manufacture of firearms and firearm parts, as contemplated by section 37 of the new act.

Clause 5 of the bill provides for a further minor amendment proposed to the title of part 6 of the new act in order to align that title with the title of the code of practice for the security, storage and transport of firearms, ammunition and related items at schedule 1 of the Firearms Regulations 2017. I commend this bill to members. I seek leave to insert the explanation of clauses 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 *Firearms Act 2015*

## 4—Amendment of section 12—Licence categories and authorised purposes

This amendment is for clarification purposes and amends section 12 to indicate that a firearms licence may authorise the manufacture of firearms and firearm parts (as contemplated by section 37 of the Act).

## 5—Amendment of heading to Part 6

This clause corrects the heading to Part 6 of the Act to reflect the fact that under section 35 of the Act, the code of practice may address the security of items in addition to firearms and ammunition (such as sound moderators and restricted firearm mechanisms).

## 6—Amendment of section 45—Effect of firearms prohibition order

Section 45 of the Act provides that if a person who is subject to a firearms prohibition order is on or in premises or a vehicle, vessel or aircraft when a firearm, firearm part, sound moderator or ammunition (a relevant item) is found, there is a rebuttable presumption that the person is in possession of the relevant item. This clause amends the provision to clarify that, in order to rely on the presumption, the person does not need to be physically on or in the premises, vehicle, vessel or aircraft when the relevant item is found. This means that it will only be necessary to prove that the person and the relevant item were in or on the premises, vehicle, vessel or aircraft at the same time (not that the relevant item was found on or in the premises, vehicle, vessel or aircraft at the same time the person was on or in the premises, vehicle, vessel or aircraft).

Part 3—Amendment of *Summary Offences Act 1953*

## 7—Amendment of section 211—Effect of weapons prohibition order

This amendment makes the same change to a similar provision of the *Summary Offences Act 1953* in relation to a weapons prohibition order.

**Mr KNOLL (Schubert) (16:35):** I rise to speak to this bill and indicate that I will be the lead speaker for the Statutes Amendment (Possession of Firearms and Prohibited Weapons) Bill. This bill, obviously coming from the other place, seeks to make a fairly simple amendment in relation to firearm prohibition orders as well as weapons prohibition orders and makes changes to both the Firearms Act and the Summary Offences Act.

Essentially, it is fairly simple. It involves a case from November 2015 in the Supreme Court where the justice handed down the judgement in *R v Ioannidis*, where even though the appeal was dismissed on other grounds, Chief Justice Kourakis expressed a view that potentially the intent of the legislation was around whether or not somebody had to be in the vehicle at the time it was being searched or whether, as in the case of *Ioannidis* where he had just alighted from the vehicle, somebody was in a vehicle (or had been in a vehicle immediately prior as it is being searched) and whether you can essentially tie that prohibited firearm or the prohibited possession of that firearm to the person so that we can clean that up.

It is a fairly simple amendment. The only comment that I would make is that it was presented to me on a Monday afternoon at about 3.30 and it was suggested to me that it would be really good if we could pass it through the Legislative Council in the next couple of sitting days. I said, 'Hang on. That is not normally how the process works. I don't understand why a Supreme Court judgement which was handed down in November 2015 has become urgent, so let's suspend the normal processes of our houses in order to jam it through 18 months later.'

So, we took our time. Given the fact that this is a pretty isolated issue, a very minor issue we are dealing with, it was appropriate that we took some time to make sure that in our estimation there was not another unintended consequence that could potentially happen out of us trying to fix the unintended consequence of the previous legislation. I know that the Firearms Act and associated regulations came into force on 1 July, and today being 6 July I suppose we have now had six days of not having this clause inserted into the Firearms Act. That is about to be remedied this afternoon because the Liberal opposition will be supporting this amendment.

Put simply, as far as we can reasonably ascertain, this is exactly what it purports to be. There is nothing hidden, nothing otherwise in there, and we defer to the supreme wisdom of the Supreme Court justice in this regard. We are very happy to support this bill. In doing so, in closing, I simply want to state that this is one of those times when the government and the opposition can come together to do something quite sensible, if not minor. As you will notice, the media will not report this.

Essentially, the good work of our parliament in helping to make a more complete set of statutes continues.

**The Hon. A. PICCOLO (Light) (16:38):** I would like to speak in support of this amendment to the Firearms Act 2015 and the Summary Offences Act. My understanding is that this has come as a consequence of a decision by the Supreme Court which was subsequent to the act being passed by parliament. They were close together and they were the result of the act which I had carriage of when I was minister for police when we overhauled the act. The intention of that act is clear, from my perspective as well as from SAPOL's point of view. The Chief Justice has a different view and his views are very important, and we need to tidy this up.

The amendment was sought arising from a judicial interpretation in the decision of *R v Ioannidis*—and I know that is how it is pronounced because I went to school with an Ioannidis—relating to the operation of a presumption of possession in relation to firearms prohibition orders. Firearms prohibition orders (FPOs) and weapons prohibition orders (WPOs) operate to prevent unfit people from possessing firearms and prohibited weapons.

I would like to add at this point that that was one of the major reforms in the most recent act, where a whole range or class of people was automatically prohibited from having access to firearms, particularly people who deal with drugs and a range of other matters. That was one way of ensuring that only people who are fit to hold a firearm can hold a firearm. We often hear that law-abiding people should not be affected by laws, and that was clearly an intention of the reform, to ensure that law-abiding people would not be adversely impacted but that people who are not law-abiding would be impacted by firearms laws.

The amendments will encourage legislative compliance by persons subject to a firearms prohibition order or a weapons prohibition order and reduce opportunities for those persons to escape convictions for regulatory compliance breaches due to legal technicalities in the circumstances surrounding their possession of prescribed items. In the matter I mentioned, police stopped the vehicle in which the defendant was a passenger. The defendant subsequently alighted from the vehicle before police lawfully searched the vehicle and a handbag belonging to the defendant in which ammunition was found. The possession of ammunition constituted a breach of a firearms prohibition order to which Ioannidis was subject.

Whilst this Supreme Court appeal decision fell in the Crown's favour, the Chief Justice suggested the presumption only applies if an item is found during a search at the time when the person is in the vehicle. By implication, the presumption is suggested not to arise if the person has exited or was removed from the vehicle before a successful search was conducted. The parliament may not have intended the presumption to operate in this way, and this amendment removes any doubt. It would be remiss of this parliament if it were not to remedy that grey element of the law.

It is proposed that the presumption will apply when a person with an appropriate nexus link to the relevant premises or vehicle is, for example, found in the premises or vehicle but alights or is removed before a search is conducted, or is in the immediate vicinity of the relevant premises or vehicle being searched. For those reasons I support this amendment, and note that both the Firearms Act 2015 and the relevant regulations came into effect on 1 July. I also understand that SAPOL has been very busy writing to firearms owners. I should declare my interest in this matter: I am a firearms owner and I have a firearms licence, and I received my letter from SAPOL telling me what to do over the next 12 months as well.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Mr KNOLL:** This amendment is going to be included as part of the Firearms Act, and the new Firearms Act has actually just come into effect. The new Firearms Act does make a huge number of amendments. It is a completely new act. I know that the Firearms Branch within SAPOL has been handling this baby quite actively for—it depends how long a piece of string is—at least the last couple of years.

Now that this is going to form part of that act, given the magnitude of the changes in relation to the Firearms Act and the associated regulations, I simply want to ask whether every one of the 66,000 licence holders has actually received notification of how this affects them, given that it came into effect on 1 July?

**The Hon. S.C. MULLIGHAN:** I thank the member for Schubert for his question. I am advised that everyone has received a letter and a flyer about the changes, as well as there being a significant amount of information available online that people are directed towards from that communication. I also understand that there are regional forums to be held in different locations around the state in the coming weeks.

**Mr KNOLL:** As a follow-up question, would it be possible for members of this house to be advised when those regional forums are so that we can get local constituents to come along? The information that has been provided to people so far, I assume, is of a general nature, rather than anything specific. For people who are going to have significant changes around the security of the storage of firearms, have they been contacted specifically or, again, has everybody just been given a generic mail-out?

**The Hon. S.C. MULLIGHAN:** Can I clarify whether you are speaking about the general changes within the Firearms Act or specifically about the prohibition order element of the bill.

**Mr KNOLL:** Generally.

**The Hon. S.C. MULLIGHAN:** I assume that the member for Schubert was relating to the 80-odd people who are owners of a large number of firearms (more than 50). They have been contacted directly. Let me clarify that: they are to be contacted.

**Mr PISONI:** On the commencement of the bill, is there a standard set of processes in which police operate? Will there be random visits to those with registered firearms to see if they are complying? How will the police treat noncompliance if it is seen to be an oversight? Is there any discretion for police in that instance? Is there a protocol for a random check, for example, on compliance as opposed to one that may have been received from a tip-off or a concern of safety? Is there a different protocol in dealing with that situation?

**The Hon. S.C. MULLIGHAN:** In response to the member for Unley's questions regarding the ongoing compliance efforts of the legislation generally, there is a process of random audits which has been in place for the past five years. I am advised that there is a high caution rate if there are found what would be considered to be relatively minor infractions against the legislation. It is part of what I am advised is called Operation Secure, which is more of an educative operation rather than a punitive operation. In that vein, I am advised that South Australia Police will be engaging in a 12-month period after the legislation comes into effect, again to be educative. In the second matter that the member for Unley raised regarding tip-offs—and I assume he is asking for a friend rather than for himself—they are likely to be treated differently, particularly if they might be related to criminal investigations, and such discretion is unlikely to be exercised if indeed that is the case.

**Mr PISONI:** Is the minister able to inform the house whether there is an estimate of the number of lost firearms that are registered and not accounted for? Also, is there an official estimate of the number of unregistered firearms in South Australia at the latest count?

**The Hon. S.C. MULLIGHAN:** I am advised that it is difficult for South Australia Police to have an estimate of unregistered firearms. The only way in which they might derive such a figure is by going off what they understand to be the national figure, which is something in the order of a quarter of a million firearms being unregistered, and then perhaps making a determination about what an appropriate South Australian share of that national total would be. So I take it that it is very difficult to come up with an estimate of the total number of unregistered firearms. The member for Unley's first question was whether there is an estimate about lost or missing firearms. I am advised that each year there is a report of approximately 450 since the commencement of Operation Secure some five years ago.

**Mr PISONI:** To clarify, are you saying that there are 450 or thereabouts registered firearms but you do not know where the firearms are?

**The Hon. S.C. MULLIGHAN:** I am advised that those registered firearms are reported by the owners as being lost or missing each year, and that is that smaller figure of 450. The other part of the question, just to delineate between the unregistered firearms, was the reference to the much bigger national number.

**Mr PISONI:** How many are recovered? Of those 450 lost firearms, how many are recovered?

**The Hon. S.C. MULLIGHAN:** I am advised, in an average year, approximately 15 per cent. Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (16:55):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Sitting extended beyond 17:00 on motion of Hon. S.C. Mullighan.*

**BUDGET MEASURES BILL 2017**

*Second Reading*

Adjourned debate on second reading.

(Continued from 22 June 2017.)

**Mr PISONI (Unley) (16:56):** I indicate that I am not the lead speaker but simply one of the pack, one of the team. I rise to speak on the bill, particularly in the areas within the Department of Planning, Transport and Infrastructure on some of the measures that are outlined in the budget. Obviously, there is a commitment from the federal government, from the state government and from the Liberal Party opposition to get the north-south corridor (South Road) done within 10 years from 2014.

It is unfortunate that it is very unlikely, under the management of this government over the last four years in particular, that we are going to get anywhere near achieving that. With the next stage of the north-south corridor—that is, part of South Road from Regency Road to Pym Street—all the state government could present was a draft plan that they sent to the federal government within about two weeks of the federal budget being printed, which is extraordinary, really. We all know that it is around about August/September of the previous year before the May that the budget comes out. In other words, this minister knows that August, September and October of this year is when the conversations start about federal funding for infrastructure projects around the country.

The Labor government here in South Australia has again tried to find someone else to blame for their poor management over the last four years in preparing the next stage of the north-south corridor, and once again it is Canberra. I think South Australians are absolutely sick of hearing the word 'Canberra' from the Treasurer or the transport minister or the Premier. It always seems to be that all problems lead to Canberra as far as this government is concerned. Of course, every other state has the same government in Canberra, but every other state is doing so much better than South Australia in their management of their projects and infrastructure and, of course, in their economies and employment.

The thing that was very interesting in the draft document that went to Canberra in April—it is dated April 2017, remembering that the federal budget came out in May, so it was only a few weeks before the budget was printed that Canberra received the draft submission from South Australia—was that no money was going to be spent by this government on that new north-south corridor project, the Regency Road to Pym Street project, until January 2019, not even in the next financial year.



Yet I remember that the Premier and the Treasurer said straight-faced to cameras—because it was about the same time as those appalling unemployment figures came out when we saw a massive increase in unemployment to 7.1 per cent—that Canberra did not allocate any new funding for infrastructure in South Australia and that was why we had high unemployment in South Australia. What an extraordinarily long bow that was.

They are the Pinocchios of the South Australian parliament with those sorts of comments. I think the South Australian public is waking up to the fact that noses are getting very long in the leadership of the government. Every time something is said, the noses get longer. Every time a promise is made, the noses get longer. South Australians are very cynical about what is going to be delivered by this government. Even if this government is returned in March 2018, there are no guarantees that it will deliver on many of these budget measures.

I take you back to the Gawler railway electrification. That was promised in 2008. In 2012, the work was stopped after about \$100 million had been spent on infrastructure between Salisbury station and Gawler station. The treasurer at the time, the member for Playford, who is now the health minister, said that the state government could not continue to do the work because of a shortage of money, so it was stopped in May 2012 by this Labor government. By 2013, the Gillard government had insisted that the leftover federal money that had not been spent be returned to Canberra.

What did the Pinocchios of the Labor Party tell the public? They told them that the money was taken by Canberra and that was why the project had to stop. It is all in the Auditor-General's Report that it was this government's decision to stop the electrification of the Gawler line. It is not just the fact that the electrification was stopped; \$46.6 million worth of infrastructure, scoping, studies and other important facets of that project were written off and have to be redone whenever the Salisbury to Gawler part of the electrification is completed.

Do not forget that this government promised to have the Adelaide to Salisbury line finished by the end of 2015, before the last election—that is what they promised. After the election, they pushed it out to 2017-18. We see that in the budget, but again it has been in the budget before and taken out of the budget. This government has form.

From memory, about 10 years ago there was the promise of a brand-new prison in South Australia. Even though it was in the budget (it was a PPP), the outcome of that promise was a multimillion dollar payment to those who had submitted tenders because at that time, if my memory is correct, the preferred bidder had not been chosen and so all three or four of them, whatever number of bidders there were, were given multimillion dollar payments by the state government basically to thank them for their time, the time this government had wasted in putting out tenders to do the job. Just because it is in the budget and just because the government says it is going to happen, do not believe that it is going to happen at all. Just look at the noses of those on the other side to see how much longer they are growing.

There are other budget measures in here, including the duplication of Main South Road. We understand that the request from the Treasurer to the Department of Transport was a complete surprise. It was not driven by the Department of Transport: it was driven by the Treasurer. The Treasurer wanted this project up, and that was why it was pushed out to the very end of the forward estimates process. It will be very interesting in the budget estimates process to get some more information about when the planning started for this project, when the decision was made to start the project and on what basis.

We absolutely support the project. It was the first thing that Andy Gilfillan, our candidate in the seat of Mawson, raised when he won preselection for his seat. He said that he wanted to talk about the duplication of Main South Road. He had all the correct details about the increase in traffic, the benefits for tourism and how it is important for people living in the south to have a safe road to get into the city, because we know that the northern end of Main South Road down to Cape Jervis is a growing commuter suburb.

We support that, but we question why, of a \$305 million project, we will see only \$100 million in the forward estimates, of which only \$25 million, the first of the money, start to be spent in 2019-20. If this is something that the government had been planning through the proper processes, why is it that the work on the roundabouts was planned? We know that South Australians become very

frustrated when they see money being spent on infrastructure and then that infrastructure is trashed and replaced by new infrastructure because they have changed the way it was happening.

A classic example of that is the tram overpass on South Road where the tramline was closed down for a period of about six to nine months (I cannot remember how long it was). They could have built that overpass or even an underpass when the tram was not working while they built the Gallipoli underpass on Anzac Highway. Then, of course, they got to the stage where they thought, 'Gee, once this Gallipoli underpass is finished we're going to have a situation where people are going to have that smooth run underneath Anzac Highway on South Road and then the boom gates are going to come down because the tram is going to be crossing.'

I was on the Public Works Committee at that time, and I have to say how shocked I was that it was seen to be an afterthought, something that should have been done at the time of the closure of the rail line for the new track work when they were preparing for the new trams to come into Adelaide as part of the extension beyond Victoria Square and the Adelaide Railway Station. They have had plenty of opportunity to separate the grade between the tram and South Road without interrupting the locals, without bulldozing or cutting down 80-year-old street trees. They had to cut down those street trees not for the overpass but for the temporary tracks they laid either side of the overpass so that the tram could continue to run while the overpass was being built.

When the Public Works Committee received the report for the bridge, it did not include the bikeway because that was added at the last minute after furious concerns, and rightly so, from those in bicycle user groups who just could not believe that this bridge was going up and there was no facility for bikes to get across South Road. We saw just how inconvenient and dangerous that was, and how it is now, with that bikeway across South Road being closed while the department is still working out how they can fix the bridge.

We know that added about \$4 million to the cost of the bridge. We also know that within seven years it virtually collapsed. It got to a stage where they had to immediately close down the traffic on South Road for close to three or four days, I think it was, so that they could make it safe and prevent it from falling on traffic below, once they opened South Road, and to protect pedestrians near the bridge. When I went out there to inspect it, they were so concerned about it that no-one was allowed to walk underneath it. It was all fenced off and you were not allowed to walk underneath it. It was an extraordinary situation.

Again, that goes back to the way this government focuses on electoral time lines for the completion of much of its infrastructure. The government is now in the process of buying second-hand 10-year-old trams from Spain so that it can have three more trams for the 950 metres of extension of tramline to the old Royal Adelaide Hospital site. Trams are being built all over the world, but they take time when you have a particular gauge and a particular type of tram that you are running on your system. There is more than one maker of those trams, of course, but there is about an 18-month or two-year lead time from the order if there are not any in production.

We know that we ended up, in the first instance, with the narrowest trams on one of the widest gauges because that suited the production schedule at the time that suited the 2006 state election. Now we see second-hand trams being purchased to suit this government's timetable and this government's desire to be able to cut a ribbon in the lead-up to the 2018 election in nine months' time.

**The DEPUTY SPEAKER:** Excuse me, member for Unley. I have just been advised by the table that we need to remind all members that this debate is specifically about budget measures.

**Mr PISONI:** Certainly.

**The DEPUTY SPEAKER:** Okay. Carry on.

**Mr PISONI:** This is a budget measure.

**The DEPUTY SPEAKER:** We are going to listen very closely.

**Mr PISONI:** These trams are actually mentioned in the budget papers. As a matter of fact, I can give you the page number.

**The DEPUTY SPEAKER:** That is not what we mean.

**Mr PISONI:** The trams are, in fact, a budget measure.

**The DEPUTY SPEAKER:** It is not the Appropriation Bill; it is about budget measures.

**Mr PISONI:** Yes. I am actually reading from the budget measures statement.

**The DEPUTY SPEAKER:** Hang on a second. I am going to relay the advice I am being given before we have the next bit. The debate is about the imposition of the bank levy, the first home construction grants and payroll tax. So it is not about appropriation; it is about those specific budget measures. I am sorry to interrupt you, but I am giving you that advice so that you can stay right on track for your last three minutes or actually talk to those three things.

**Mr PISONI:** Certainly. Of course, the Leader of the Opposition has made it very clear what our view is on one particular budget measure, and we have taken the extraordinary decision to partner with some members of the crossbench in the upper house to extract the state bank levy from the Budget Measures Bill. Why are we doing that? We are doing that because it is another tax on jobs, investment and growth in South Australia.

The fact is that, just on shareholders alone without including super funds, about 145,000 South Australians own bank shares. The banks are owned by Australians. They are not owned by some faceless people living in New York or some faceless corporations on a Monopoly board. These are actually real people. One of the reasons I can understand why South Australians are so angry about this tax is that we have always been a state that has been aware of the impact of messing around with financial systems.

First of all, we have the highest proportion of Australians who run self-managed super funds. As a matter of fact, self-managed super funds were born in South Australia. Self-managed super funds came out of South Australia. Many people would have things such as bank shares in those self-managed super funds. Of course, all those people who are in industry super funds, the super funds that unions like and my parliamentary colleagues from across the chamber like, have enormous investments in banks.

All those super funds are going to be hit by this additional tax by this government, which means someone who may have planned to retire at 65 may now need to wait until they are 66 or 67½ because of the impact this will have on the profits that are distributed to those members of super funds in South Australia. We still do not know what impact this is going to have on business attraction in South Australia, but the early signals are that it is going to be very, very bad for business and jobs in South Australia.

Time expired.

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (17:16):** I rise to support the budget measures that have been implemented. I think the bank levy is one of those great measures that has been brought in here and it is just one-third of 1 per cent of the profits that the banks make in South Australia. When we look at the salaries that the chief executive officers of these banks take home, they are in the vicinity of \$5 million to \$8 million per year.

We have just heard from the member for Unley. He has come in here defending the banks and fighting the fight for the banks. We are here to fight the fight for small business in South Australia, because there are 140,000 small businesses in this state employing 250,000 to 300,000 people, and the banks will not loan many of these small companies any money. That is where the handbrake is being put on on our economy, particularly in regional South Australia.

I know people on Kangaroo Island who have been told by the banks, 'We don't believe in the future of Kangaroo Island so we are not going to loan you any money.' These are people who are building accommodation down on the island. I can tell the people of Kangaroo Island that we do believe in Kangaroo Island. We have put \$9 million in, the federal government has matched that \$9 million, and we are extending the runway there. We have gone out and we have fought hard to get Qantas to begin flights into Kangaroo Island in December this year.

What we hear from people on the island is, 'We need more accommodation.' We believe in Kangaroo Island and we believe in the future of tourism in this state, which has grown by 30 per cent in the past four years. It has gone from \$4.9 billion a year up to \$6.3 billion, so why would the banks not loan these people money so they can expand their businesses, so they can start new businesses and so they can employ more South Australians?

Why will the banks not join forces and work alongside small business in this state? It is because they just want to take the cream off the top. They want to loan money with no risk at all to hardworking South Australians and then just cream the profit off the top. People in South Australia are pretty fed up with the banks and all the charges they put on everything. What other industry can charge you \$2 to get your own money out of your account? They have had it too good for too long and they are not there supporting businesses.

They go out bleating that this is going to be bad for business in South Australia. No, it is going to be bad for a microscopic portion of these big banks' profits. That is all it is going to be. One-third of 1 per cent of the profits is all we are looking to take so that we can give that to small business across South Australia in terms of loans. We have \$70 million worth of loans in the budget and \$50 million worth of grants, because sometimes these businesses just need a helping hand. That is what governments are here to do. We are here to help those small businesses.

I have already spoken to some people in the Riverland who want to build 12 cabins. They are going through the process now because the banks will not loan them the money. They are going through the process now to access some of this money as a loan, or if they can, to get some as a grant. We have people on Kangaroo Island going through the process to get the money. For members opposite, many of them who come in here as members of the Liberal Party represent country areas. It must be galling for the constituents in those areas to have their local MP come out on the side of these big profit-taking banks.

Have a look around rural South Australia and the dozens of country towns that have had banks ripped out of their communities. I am thinking of Crystal Brook, Jamestown, Willunga, Mount Compass, all these places that do not have local bank branches anymore. They employed people in those towns, so it is galling to hear representatives of the Liberal Party come in here and defend bank shareholders. Guess what? A lot of South Australians cannot afford shares.

The member for Unley has just said that people on their self-managed superannuation schemes might have to work another year longer. That is complete rubbish, and the member for Unley knows it is complete rubbish. He said that they might have to retire at 66 instead of 65. We are talking about one-third of 1 per cent of these big banks' profits. No-one has all of their super wrapped up in bank shares and, even if they did, it is not going to put off their retirement for a year. It is just absolute rubbish. The people of South Australia deserve better from the opposition, and it is why people are getting behind the Labor Party because the Labor Party, led by our Premier, goes in and fights for South Australians.

We do not kowtow to Canberra; we do not kowtow to the big banks. The Leader of the Opposition had one visit from a banker and suddenly changed his mind because he was too scared. The AHA has joined in the campaign with Business SA, and I mentioned in here the other day in an answer to a question, that Vincent Tremaine, who is the chair of Business SA, is running this campaign, talking down the economy of South Australia. That is a disappointing thing because we should have confidence in this state.

We have so many great small businesses out there doing a terrific job. We should be in there giving them a hand. The Chamber of Commerce, Business SA, the very organisation that is meant to be there representing the interests of those businesses in South Australia, instead is representing the interests of five big massive profit-taking banks that are screwing over South Australians that will not loan them the money but they are gouging the people of South Australia and taking these huge profits.

Vincent Tremaine is the chair of this organisation. He also runs Flinders Ports, which was basically given away by the former Liberal state government for them to run this organisation. I do not know another organisation that gets something from the government, pays for it from the government, but then they expect the government to keep paying for it—\$1.8 million is what Vincent

Tremaine and Flinders Ports want from this government to fix up some elevators and a stairwell at the Port Adelaide passenger terminal.

That terminal welcomes thousands and thousands of people from around the world who come in here on cruise lines. When the Liberals were in, the only cruise you could go on was *Popeye* on the Torrens. We have grown to extraordinary lengths. The cruise industry is worth \$36 million a year to South Australia. We want to see that grow. The South Australian Tourism Commission are not people who play politics, but Vincent Tremaine wrote to us and said that if the government does not pay this \$1.8 million he is going to put a \$7 per passenger levy on visitors to South Australia who come via cruise ships.

That is a terrible thing for the tourism industry, and South Australian Tourism Commission staff—who, as I said, do not play politics—tell me that it will be an absolute deterrent for cruise ships. So while we have built this up to have nearly 50 ships a year coming to South Australian ports, we have the bloke who is the chair of Business SA out there repelling tourists, sending them away, preventing them from coming here. It is either that or he blackmails the government into spending \$1.8 million.

Here is a man who runs an organisation that is against us putting a very modest levy on big, profit-taking banks who, at the same time, wants to levy passengers to this state with \$7. So either the boats do not come here and we miss out on millions of dollars in tourism or they do come here but he has his hand in their pockets as they are getting off the boat to take \$7 off them, \$7 that cannot be spent in Hahndorf or McLaren Vale or the Barossa Valley or Rundle Mall. That is a disgraceful thing to do from a mob that is making massive profits out of our ports.

We have seen that over at Thevenard, at Ceduna, they have not maintained things. The port has been closed, so our wheat farmers cannot get their grain out of the port because Flinders Ports has not spent the money. They will probably come to us again and ask us to bail them out and pay for an upgrade of the Thevenard facilities. You bought it off the government and you got it for a steal because the previous Liberal government was the worst in the world at selling off assets. Not only did they sell off what the taxpayers of South Australia once owned but they sold it at hugely discounted prices. They sold the TAB for two-thirds of what it used to make us each year. That was an absolute disgrace of a deal. The Flinders Ports deal was no better; it was an absolute steal for the people behind—

**Mr Pederick:** How did the forests go?

**The DEPUTY SPEAKER:** Order!

**Mr Pederick:** That was a ripper.

**The DEPUTY SPEAKER:** Order, member for Hammond!

**The Hon. L.W.K. BIGNELL:** It was an absolute steal for the people who bought Flinders Ports, and they keep coming back to us wanting us to pay for maintenance and things. They are your assets; you pay for them and stop trying to pass it on to the poor people who get off the ships, having the cruise of their life, who want to get out and see South Australia. We look at the cruise industry as offering a tasting plate. You have people who will spend a day in Adelaide and the regions around there, a day in Kingscote and Penneshaw when they are on Kangaroo Island, and then a day in Port Lincoln and the beautiful areas of Eyre Peninsula. It is a tasting plate. People get off and they have a good experience and then they decide they are going to come back here and have a longer holiday in South Australia.

However, what we are seeing is a disincentive for the cruise liners to come here, and if they do come here they going to be slugged \$7 unless the government coughs up \$1.8 million of taxpayers' money to bail out Vincent Tremaine's organisation. That is absolute evidence of the hypocrisy of this gentleman and of this organisation, Business SA. It is terrible that they only look after the big businesses, the absolutely huge businesses in Australia; they look after them while at the same time they make it harder and harder for small operators in South Australia to take on more employees.

In this budget, we have some wonderful financial assistance so that people can take on more apprentices and so they can take on more workers. We want to give the small businesses of South Australia—and the tourism industry is made up of so many of them—a hand. We want to help them when the banks will not help them but, at the same time, Business SA, the AHA and many other organisations are in bed with big business. Do you know who else is in bed with big business? It is the Liberal Party of South Australia. It is a disgrace the way they have been carrying on about this bank levy.

We will stand shoulder to shoulder with the workers of South Australia and those small businesses of South Australia who need a hand. They need a hand to expand their businesses and we will continue to support them in any way we can. I have had hotels come to me over the years and say, 'We want some sort of grant program. Cellar doors can get grants and other industries can get grants, why can't we get some grants?' There is \$50 million worth of grants in this budget and, as I said, \$70 million worth of loans.

All these small hotels—and we know them; they are at Pinnaroo and Lameroo, right through country South Australia, up in the Riverland and across on Eyre Peninsula, at Peterborough, which still has four pubs—are doing it tough out there. These pubs want a bit of a hand. I have been approached in my own electorate in Willunga by a publican. They just want a hand.

This \$120 million of grants and loans can give these people the sort of support they want, but what does the Hotels Association, the people who are meant to stick up for these publicans, do? They go out and join the fight on behalf of the banks. It is beyond me. For anyone who is out there in South Australia talking to people and knowing the sort of assistance that they want, it is beyond me how anyone can take the side of the five massive banks ahead of all the small businesses in South Australia.

Small businesses employ a lot more people than the banks do. We just have to look at the banks' records and how many branches they have closed across South Australia, particularly in country areas, to know that they do not care about jobs. The banks do not care about jobs. The only jobs they care about are the jobs of their executive teams. They take home tens and tens of millions of dollars that have been made off creaming the profits of South Australians.

All we want is one-third of 1 per cent of those profits made in South Australia so that we can return it to the business sector in South Australia that employs 250,000 to 300,000 hardworking South Australians. That is a lot more people than work in the banking sector. The Australian Bankers' Association is playing the same game as the mining companies did a few years ago when it was proposed to bring in a mining tax, something that would have helped out the whole of the Australian economy.

The mining companies had people in hard hats in these ads saying, 'This is hurting the workers in the mining sector.' Guess what happened? A few months after the mining tax was proposed and there was a downturn in the mining game in Australia, all those poor people who were working in the mining sector were all sacked. Thousands and thousands of Australians were out of jobs because the mining companies did not care about their workers. The mining companies just cared about preserving their multibillion dollar profits and making sure that all those dollars went into their pockets so that they could not be distributed amongst other Australian people and other Australian industries.

How can anyone think it is a good idea to get behind the five big banks and support them and the super profits that they are making ahead of the hardworking workers of South Australia and the hardworking business owners who do it so hard? The tourism industry is a lot like farming; it is a seven-day enterprise. You never, ever get to knock off. It is a hard grind. It is a really hard grind. That is why we have put an extra \$70 million into the budget to help market South Australia, because we need to be there working side by side and shoulder to shoulder with these tourism operators. I talk to them around the state and I know the sort of assistance they need. The sort of assistance that we can give them will come from taking some of the profits from the banks.

One-third of 1 per cent of the profits made by the banks in South Australia is all we are asking for. That money does not mean a lot to the big banks, but it means a hell of a lot to a small business that might be able to get a grant or a loan for tens of thousands of dollars or maybe a few hundred

thousand dollars if it is a loan. That will make a huge difference and, in turn, it will help us grow the wonderful visitor economy that we have in South Australia.

This is a sector that has grown by 30 per cent in four years, from \$4.9 billion to \$6.3 billion. There were 5,000 extra people employed in the tourism sector in South Australia in the past three years alone. That takes it up to 36,700 South Australians who have a job thanks to the visitor economy. We want to grow that. We think it is a good idea to take a bit of money off the super profits of the big banks and redistribute that to these small businesses and operators in South Australia who do a wonderful job.

I will continue to stand side by side with the publicans of South Australia. I will continue to stand side by side with the tourism operators in South Australia. We will be there. We will work shoulder to shoulder with you. It is a hard grind, but we will help you get through because we know that when your businesses profit and when your businesses grow, more South Australians have jobs and there is more money coming into our wonderful economy.

**Mr PEDERICK (Hammond) (17:34):** I rise to speak to the Budget Measures Bill, and sometimes I feel like I live in a parallel universe in this place. We hear about jobs and the need for jobs and certainly we do need jobs. It was only several years ago that the Premier, the member for Cheltenham, indicated that he was going to attract 100,000 jobs into this state. Well, I think he might be scratching to get 8,000 jobs. Now we have all these so-called job attraction initiatives. Do you know what? The only jobs that are coming to South Australia are the ones that are financed by the government. It is either the \$10,000 grants, the \$4,000 grants or now, with new apprentices or trainees, the \$15,000 grants.

Companies like OZ Minerals only brought their head office here because they got a \$10 million grant. How many others are there? It is such a fallacy that this state cannot stand in a competitive environment without public funding going to support these businesses and jobs. Do not get me wrong, I am all for jobs, but it is ridiculous when all these jobs have to be financed to stay in this state when we have a net migration loss of 6,000 people out of the state. We know of so many people who have left this state because they believed there was no opportunity here under this current Labor government.

I want to talk about some of the budget measures outlined in the bill. There has been a bit of debate, and it is certainly our position to knock the bank tax out of this bill—and we will because we believe that we need to do the right thing for South Australians. To reflect on other issues that have been knocked out of budget measures bills, I managed to get rid of the biosecurity levy. Some people say that it did not amount to a lot of money, but it does amount to a lot of money across our primary producers of this state. We knocked out the car park tax, which was something like \$25 million a year, and there was also a piece of legislation around court costs that was knocked out, so this certainly is not the first time that something has been knocked out as a budget measure.

I note that only last night the appropriation grievances finished, so the Appropriation Bill, the actual budget bill, will go through to estimates in the next few weeks. In regard to issues around money, for instance, the Supply Bill was set for \$5.9 billion this year, when it was only \$3.4 billion last year, and that certainly means there is enough money in the bank if an early election is called. We have said to the government, 'Bring it on. Make the bank tax an election issue.'

**The DEPUTY SPEAKER:** I need to remind you, member for Hammond, that this is the Budget Measures Bill—

**Mr PEDERICK:** Absolutely.

**The DEPUTY SPEAKER:** —which refers specifically to three things, so we need you to come back to the three things it refers to.

**Mr PEDERICK:** Absolutely. I am talking about issues that could happen when we block the bank levy. The \$370 million bank levy is certainly part of the Budget Measures Bill. The government could argue that the defeat is significant when we block this part of the legislation because the budget goes into deficit and we can call on the Governor for an election.

**The DEPUTY SPEAKER:** The Clerk has reminded me that I should advise you that we really do need to stick to the actual budget measure, not whatever might happen. I do need to draw you back to the substance of the bill.

**Mr PEDERICK:** Thank you, Madam Deputy Speaker. I did notice some leeway earlier, but I will let that go.

**The DEPUTY SPEAKER:** I had to advise the member for Unley and the member for Mawson. I have had to advise all of you, so that is as fair as we can be, I think.

**Mr PEDERICK:** Thank you. The government talks as though we are knocking out the whole Budget Measures Bill. It could not be further from the truth. There are tax concessions outlined in the Budget Measures Bill, there are payroll tax rate concessions, there are off-the-plan stamp duty concessions and there are land tax exemptions. We will support these amendments.

There is also an increase in grants. There are \$15,000 grants for off-the-plan apartments for a contract entered into while the development is still at the preconstruction stage for the period between 22 June 2017 and 30 September 2017. We support those amendments. As part of the legislation, there is the foreign ownership surcharge, a 4 per cent tax on stamp duty for foreign owners for purchases of residential property after 1 January 2018. Provisions similar to this already exist in New South Wales, Victoria and Queensland and are about to be introduced in Western Australia. Some states also have increases in land tax for foreign owners.

It is interesting that when the Treasurer was asked about the possibility of introducing this new tax last year, he strongly rejected the need for such an impost in South Australia and described supporters of the tax as xenophobic. How quickly things turn. Certainly, the Treasurer has provided no evidence to indicate that foreign investors are leaving eastern state markets and driving up prices in the South Australian market.

In regard to both foreign ownership and off-the-plan apartments, I happened to be at a forum the other day and there would have been 50 to 60 either Chinese nationals or new citizens to this country all looking at off-the-plan apartments. They will certainly have to make some relatively quick decisions if they want to get in before the September cut-off date. Obviously, if they get in before then, it will be before the 1 January date when the foreign investment surcharge comes in next year. I am sure the accountants, the lawyers and the conveyancers are all working overtime as we speak looking at those proposals for those people.

I am a little concerned about the foreign surcharge tax. In my electorate of Hammond in the Murraylands, it is just a fact that we would not survive without foreign workers. If we did not have visa holders of various numbers—and there have been 457s, 417s and there are others; a new visa just came out recently with the minor shake-up federally in regard to visa laws—and if we did not have these foreign nationals coming into the Murraylands, into Hammond, to take up so many jobs that need to be filled to promote agricultural add-on businesses that are all pretty well in the food production sector, in primary production or in value-add areas, in meatworks or on lettuce farms, or mushroom farms (Costa mushrooms), we would have been lost over the years and we would be lost right now if we did not have that great cultural input from so many internationals coming into the region.

I noted only the other day at our All Culture Fest in Murray Bridge that 26 people became Australian citizens. I salute the many people who come from many countries across the world to make our area a much more colourful and cultural place. They are the people who are willing to take on those jobs and do the work that is needed. This foreign investment tax could be an impost on people who are doing fine work in Australia, growing our agricultural economy and making our area a better place. The minister said he was concerned about Flinders Ports putting on a levy of \$7 a head for tourists, yet when the government wants to hit people up for levies and taxes, like the foreign investment tax or the bank tax, that is okay because that is their plan and that is what they want to do.

I want to talk about the bank tax. As I said, it is estimated to collect \$370 million of revenue over four years. The levy in 2017-18 is \$97 million, while the estimated surplus is about \$72 million. That shows that, if the levy is not collected, the budget in 2017-18 would be in a small deficit without any compensating actions. I understand that there is something like up to \$600 million in allocated



funding in the budget that could be utilised, if it had to be. We only have to reflect on the \$1.1 billion that came out of nowhere the other day to completely turn Transforming Health—which anyone could have told the government was a mess—on its head. When money needs to be found, it seems to be able to be found.

It is true that sometimes banks are not held in high regard. When a Newspoll was conducted, it recorded a 68 per cent approval for the federal bank levy, so the Weatherill Labor government thought there would be strong support for the state major bank levy. However, The Advertiser-Galaxy poll showed 55 per cent opposed the state major bank levy and only 28 per cent supported the levy. Certainly, internal polls by the banks have shown very similar results.

Even though the financial operatives—the banks and businesses—are well aware of our position in regard to this part of the Budget Measures Bill and that we will vote it out, they are still carrying on with their multimillion dollar advertising campaign outlining the impact that this will have on individuals right throughout South Australia.

The minister indicated that he was here for individual South Australians. Well, guess what? This is going to hit everyone who has any amount of superannuation, everyone who has a loan, everyone who has any sort of shareholdings in banks—they will all be hit. I have come off the land and I have not been afraid to borrow a few dollars. When I needed it, my financiers have always been there and it has always been handy. Someone has to pay the bill and that is exactly what happens.

The Labor government wants to impose this \$370 million tax on this state. What are we going to see next? Will there be a poll tax when you drive over the Victorian border, the Western Australian border or the Northern Territory border if you want to return to live in South Australia? Will there be a road toll put in place to fund road building? Will there be something like a state-based GST? It would not surprise me if the member for Cheltenham, the Premier, thought that he could get away with that as well. All this could happen and that is why people are concerned about this tax.

What upsets me is that rivers of gold have entered this government since 2002, from back in the days when the former member for Port Adelaide was the treasurer. I was here when they announced the extra \$500 million of GST money that came out of the blue. It came in and it was squandered. It has happened time and time again. All this money has been squandered as if it just did not exist in the first place. What really upsets me is the complete lack of knowledge on the Labor side of this house about how businesses and banks operate and about the fact that someone has to pay the bills.

The Cooper family was mentioned the other day. They have been fine brewers in South Australia for over 100 years. It is a fine family company. When they were mentioned, there was laughter on the government benches. Do you know what the Premier said? He said, 'They are not just the business class; they are the donor class.' What a disgrace! The government want to play a class war; that is all they want. They want to play a class war in this place, and that is how they operate. Well, God help them if they ever had to run a business in real life because it would not work.

We have a government that want to tax South Australians to death. They just want to tax us into oblivion. Even after selling the forests, after giving them away for something like \$650 million when they were worth over \$1 billion, the new owners, a Canadian superannuation firm, has managed to make four times the profit. That goes to show how badly the government treated ForestrySA. They were generating only \$43 million a year and now there is four times that profit coming through.

We have seen the Motor Accident Commission sold off. That was budgeted at about \$500 million—\$2.8 billion and climbing. There is not much left. After all these assets have been sold, we have a bank tax, a major bank surcharge. It will impact on South Australians. South Australians just want to have the right incentive, the right impetus and the right modelling in place. They just want to run their businesses. They do not want to have to have a handout from the government in order to expand. They do not want to have to have a handout from the government to employ someone, but that is exactly what is going on in this state. That is exactly what is going on, and it is a disgrace. This affects every business and every individual in the state.

Today, when the Treasurer was asked questions about power and why the climate change target for South Australia was dropping from 55 per cent to 43 per cent, he had no idea. He had obviously completely forgotten about all the diesel generators that will have to come to save all of us over summer. When I say 'all of us', it will not be just big business; it will be every individual in this state who will need that power because the lights are going out. The lights are going out because of green ideology, which is driving businesses out of this state and others are just hanging on.

I talk to shopkeepers who have to put up their prices because the forward contracts of their power prices have gone up by over 140 per cent. It is an absolute disgrace, when we have so many mineral resources in this state, that we have this green ideology that is destroying the place. To top it off, we have this evil bank tax being put in place. It will impact every individual and every business, and it will not matter whether they are a worker, a unionist, a non-unionist or an employer. Every individual will be impacted if this insidious bank levy goes through.

We will support the Budget Measures Bill, but we will be doing all we can, working with colleagues in the other place and this place, if they will come with us, to chuck out this insidious bank levy.

Time expired.

Debate adjourned on motion of Hon. S.W. Key.

### **STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL**

*Introduction and First Reading*

Received from the Legislative Council and read a first time.

At 17:56 the house adjourned until Wednesday 2 August 2017 at 11:00.