HOUSE OF ASSEMBLY

Tuesday, 17 October 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

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

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (11:03): To pick up where I left off, I will overlap slightly with what I said previously, which is just to make sure that I am sufficiently thanking all those who have participated in this debate and those who have worked hard on the bill, both when it was introduced and then subsequently in order to assist with this second reading reply. I will therefore make some points responding to many of the questions that were raised during the second reading stage.

A number of issues have been raised in relation to the changes to school governance proposed in the bill, with overarching concerns raised about empowered decision-making by school communities. It should be noted that new in the bill in clause 7 is an object that explicitly promotes the involvement of parents and other members of the community in the provision of education and children's services.

Additionally, the bill will transition remaining school councils, of which there are now 11, from advisory bodies to becoming governing councils. It has been asserted that the provisions relating to affiliated committees in the bill will see them treated as subsidiary bodies to the governing councils, although they may see themselves as independent. These arrangements were framed differently in the version of the bill released for public consultation. However, in response to feedback received from the peak body for affiliated committees, the SA Association of School Parent Clubs, clause 39(1) of the bill now replicates the current section 86(1), this being that the minister may authorise the establishment of committees to be affiliated with the school council.

In the absence of an affiliated committee, a governing body may, as some do, establish a subcommittee to undertake roles similar to those undertaken by an affiliated committee, such as fundraising and providing a forum for consultation with the school community. That is a matter entirely for the parent community and relevant governing council.

Also raised was the issue of the minister's ability to appoint a person to a council. It was noted that this is not an unfettered power but only related to specific circumstances, such as in clauses 38(3)(b) and 17(2) of the bill. Clarification of ministerial appointments to governing councils was requested, however. I can confirm that under the bill the minister is able to do this in the following circumstances: under clause 17(2), in establishing a school-based preschool the minister must appoint a suitable number of parents of children attending a school-based preschool to the governing council of the school; and under clause 38(3), in the event an election of council members fails, the minister may hold a supplementary election or appoint members of the council.

For completeness, it should be noted that under clauses 46(3) and 51(2) the minister may make arrangements for the election or appointment of the governing council's elected or appointed members where a new council is formed due to closure or amalgamation of schools and where a

governing council is dissolved in relation to disciplinary reasons. This is consistent with the current arrangements set out in section 85 of the Education Act.

The member for Morialta has indicated that he will be filing an amendment to at least require a supplementary election before allowing a ministerial appointment to be made on a governing council and perhaps allowing for the governing council to make its own nomination where a supplementary election does not result in a position on a council being filed. I will be open to considering such an amendment.

The member for Morialta has also identified that clause 38(3) will allow the minister to make appointments if an election of members of the governing council fails because no person nominates or no votes are cast. This clause then provides for either the conduct of a supplementary election or for the minister to appoint members. This is another matter that the member for Morialta has indicated for potential amendment to clarify that a supplementary election must be held prior to any ministerial appointment being made. Again, I am open to considering such an amendment.

The opposition has stated that there are currently clear provisions at section 84(1)(a)(i) of the Education Act requiring that parents comprise the majority of members, except in an adult education school, and at section 84(1)(a)(iv) that the presiding member not be a member of staff of the school or a person employed in an administrative unit for which the minister is responsible. I have filed an amendment, amendment No. 4 in the second set of amendments filed in my name, that will clarify that the presiding member must be a person responsible for a student and that they are not able to be an employee of an administrative unit for which I am responsible except where there is no other member willing to be the presiding member and this may only occur with the chief executive's approval.

The member for Morialta also stated that participation of councils in a scheme for the resolution of disputes between the council and the head teacher should be reinstated in the new legislation as one of the matters to be mandated in the constitution, together with other existing requirements. These are currently set out in section 84(1)(e) of the Education Act. I have amendments Nos 1, 2 and 5 in the second set of amendments filed in my name that seek to address this.

The Debelle recommendation for the establishment of a legal fund for governing councils which are in dispute with the department has been raised in comments about the bill. I clarify that the arrangements for this are published in paragraph 10A of section 5 of the Administrative Instructions and Guidelines, which are published in accordance with section 96 of the current Education Act. This sets out that the department is able to provide funds to pay for independent legal advice.

Where the governing council is in dispute with the department, the department will not fund legal advice for disagreements between members of a governing council and has passed a formal resolution at a properly constituted meeting of the council resolving that the council is in disagreement with the department. The resolution must specify the questions upon which the council is seeking legal advice and is operating within the scope of its designated role and function. The governing council chairperson must write to the department stating that the council is in dispute with the department and include the questions upon which the council is seeking legal advice.

It is not the role of the department to consider whether the funding criteria are met, nor to assess the governing council's legal questions. The department's role is to forward the legal questions to the Crown Solicitor within five days of receipt, to keep the minister and the department's chief executive apprised of the nature of the dispute and whether the Crown Solicitor has certified the provision of independent legal advice and to provide funding for the legal advice if the Crown Solicitor deems this appropriate. The Crown Solicitor will determine whether the funding criteria have been met, including whether the questions are of a legal nature, and the independent legal practitioner where appropriate.

New disciplinary arrangements are set out in clause 48 of the bill, which will allow the minister to give broad direction to governing councils. The member for Morialta has indicated that he is not convinced that there are clear examples of why these powers will be necessary in addition to the other powers the minister already has. This clause allows for a ministerial direction in limited

circumstances and only where detriment has been caused to students or parents of the school. The direction that can be issued is limited to correcting or preventing such detriment.

The opposition is of the view that clauses 50 and 51 broaden the powers of the minister to suspend a governing council beyond what the act currently allows. They have indicated that they will be considering amendments to maintain current arrangements providing for the restriction or exercise of a specified power of the performance of functions for a particular period of time. Section 97 of the Education Act provides for the removal of members of the council, including all members in relation to whole of council actions or decisions—for example, under section 97(c)(iii), if the council has failed to comply with directions or administrative instructions of the minister under this act.

There is no provision to suspend a council while any such matter is investigated or while consideration is given to whether members of the council or the whole council should be removed and reconstituted. While the powers and functions of a council may be suspended temporarily in urgent circumstances, there is no provision currently that allows for the continuation of relevant council business while such powers are suspended.

The purpose of clause 50, together with clause 48, was to provide alternative ways of dealing with disciplinary issues on a council without having to resort to the drastic step of removing council members or all council members and to provide for administrative arrangements in the case that the council has been suspended. The approach in the current act is a blunt instrument when it comes to governing councils. The approach the government has taken in the bill is to provide for a more nuanced series of instruments to deal with matters that are less severe than removing the whole governing council.

The bill includes new powers for the chief executive of the department to direct that a child be enrolled at a particular school without consultation with that child's parents. This is a departure from the current section 75A of the Education Act, which allows the chief executive to direct that a child be enrolled at a particular school on the basis of their disability and requires that such consultation occur. As noted by the member for Morialta in his second reading contribution, an undertaking to address this was given at a briefing on the bill. As indicated at that time, I have included a requirement for such consultation to occur in amendment No. 6 of the second set of amendments filed in my name.

Consistent with the provisions in section 75A, this requires that reasonable steps are taken to consult with each person responsible for the child. Expiation of fines relating to non-attendance has been raised as a concern, particularly that an expiation notice is a blunt instrument that is easier than conducting a family conference. I would like to put on the record that this bill broadens options in dealing with parents who do not send their children to school.

Expiation notices would be able to be used in circumstances where the parents have refused the substantial support offered by the department and other agencies to assist their child to get the schooling they deserve. Issuing expiation notices will be a lever to get parents to put their child in school without the need to pursue court proceedings. The amount of the expiation will be set out in regulations, which will be developed following the passage of the bill and will be subject to consultation.

In regard to family conferences in relation to students at non-government schools raised in the member for Morialta's second reading contribution, and in particular the interplay between these provisions and the non-government school sector, I would like to clarify that family conferences are able to be conducted in relation to the non-attendance of all students, including those at non-government schools. Such conferences are intended to be an escalation of a response where efforts by the school to address non-attendance issues have failed.

Family conferences would be triggered in respect of selected cases that have been referred to attendance and engagement social workers in DECD. The minister has a role of ensuring the attendance of all children at school, and the DECD supports the minister in this role. This is primarily achieved through the case management role undertaken by attendance and engagement social workers in DECD for government schools. Both the chief executive and the relevant principal are to

give effect to decisions made at the family conference. Therefore, a representative of the chief executive needs to be party to decisions made at such conferences.

The bill continues to make provision for religious instruction by churches and other church-related organisations. In reflecting the cultural diversity of government schools, the provision has been broadened to recognise that what is, for some, religious instruction, for others is more intercultural. In so doing, the bill aims to give school communities greater control over what happens at their school by providing the principal with the authority to set aside time for religious or intercultural instruction provided by prescribed organisations.

In response to feedback received in the consultation and to the department generally, parents will ultimately be responsible for deciding whether their child should attend religious or intercultural instruction. As for any other school activity for which their consent is required based on the information provided, they will need to determine whether they consent for their child to attend or to participate. In drafting these provisions, consideration was given to the broad range of responses received during public consultation on the bill, including submissions calling for the removal of provision of religious seminars and submissions in support of them.

Over 50 per cent of the submissions on this particular topic called for the removal of provision of religious seminars. A smaller number of submissions supported their continuance. There were a number of submissions that suggested improvements if provision of seminars was to continue to be included in the bill. In addition to setting out an opt-in arrangement for such activities, the bill also provides that children whose parents have not consented to their participation in such activities will not suffer detriment and must be offered alternative curriculum-related activities.

In his second reading contribution, the member for Morialta raised again the question of Christmas carols in government schools. In order to settle this matter, the first government amendment filed in my name includes an additional object of the act which recognises the diversity of the student body in this state and, additionally, articulates a principle that schools, preschools and children's services are free to celebrate events that are of significance to their communities.

The opposition has indicated that they are aware that there is a suggestion that there is a new model being developed intended to refocus children's centres away from education and towards health services and health professionals. Clause 121, which allows for a person to be employed to provide health, social or other non-education services in schools and children's services, was cited as an example of this.

As previously provided in writing, I confirm that the Teachers Registration and Standards Act 2004 requires a school principal, preschool director or teacher at a school, preschool or prescribed service to hold a teacher registration. Accordingly, any teaching or leadership position in a school, preschool or children's centre must be held by a registered teacher. Additionally, there is no proposal to change the leadership arrangements for children's centres. Leaders of children's centres will continue to be preschool directors.

The final issue raised by the member for Morialta related to clause 134, which deals with the community use of school facilities, noting that the Debelle report recommended:

> …that the Department impose a contractual obligation upon third parties using a site of the Department to give notice to parents of children using services provided by the third party should a member or employee or volunteer of that organisation be arrested and charged with a sexual offence…

This clause has been introduced into a range of DECD agreements with third parties using DECD sites, and this work will continue as the applicability of the clause is considered for all existing agreements. The template to be used by schools in establishing shared use agreements has been written to include the clause, and the guide sheet has been developed to support both schools and community groups to understand what this clause requires. The community use agreement is available through the DECD website. Additionally, there are clauses in the current use of school or preschool facilities agreement form that impose contractual obligations on third parties using DECD sites to give notice to parents.

In conclusion, as mentioned previously, there are two amendments filed in my name. Although I have previously described some of the matters that these amendments address, I would like to clarify that they provide for, first, clarification on the operation of clause 35, which prohibits

corporal punishment in early childhood services (this amendment sets out that this prohibition relates to government services); and, secondly, the amendment of language in clause 110 to change references from 'dismissal' to 'termination', consistent with such references in the bill.

Thirdly, there is a technical amendment to appellable decisions in clause 125, which specifies that the section does not apply to directions in relation to the closure or amalgamations in part 4, division 5 and part 5, division 3. Further to advice from parliamentary counsel, such decisions are not directions and so do not need to be specified. Finally, a new clause 135A has been included further to legal advice that indicated that any expiable offence must be prosecuted within six months. This amendment will instead allow for a period of two years for a prosecution where an expiation fee applies.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr GARDNER: I have a question about clause 3 that we might consider further between the houses. In relation to the definition of non-government schools on page 10, it has been suggested by a stakeholder group that the current definition of a non-government school—that is, a school that is registered under the Education and Early Childhood Services (Registration and Standards) Act that is not a government school—might be slightly broadened to include that a non-government school means a school and an education and care service. I put that on the record, and the minister can answer if she wishes. We could discuss between the houses that a stakeholder group has suggested that amendment, and if the government wishes to comment, then they might.

The Hon. S.E. CLOSE: You are quite right; we will look at that between the houses.

Clause passed.

Clauses 4 to 6 passed.

Clause 7.

Mr GARDNER: My understanding is that in the original act there were no objects and principles listed as such. I indicate my thanks to the minister for her comprehensive response to questions I raised in the second reading contribution. I think we will get through the committee stage a lot more quickly than we otherwise might have and potentially even be finished by lunchtime today. I apologise if I repeat any questions she has already answered; she was moving at some pace.

We understand that there were no objects and principles in the previous act and the minister's intent, as described, was to establish some. Of course, these objects and principles do not just inform what follows in the act, but I imagine they will be referred to in future when ministers or chief executives of the department are identifying the policies and procedures that the education department will follow. My question is: what process did the minister use to arrive at this set of principles as outlined in the original bill?

The Hon. S.E. CLOSE: This has been in process since 2009, I understand. A discussion paper was prepared and all the stakeholders were consulted, and then it was included in the consultation that went via YourSAy.

The CHAIR: Another question, member for Morialta?

Mr GARDNER: No, we can move to amendments.

The CHAIR: I am looking at schedule 2, amendment No. 1 in your name, member for Morialta, which I presume you are moving. Are you going to move your amendment No. 1 on schedule 2?

Mr GARDNER: For the sake of clarity, there have been a couple of extra amendments that have just been tabled, so when we get to them I do not want us to get confused. The first—

The CHAIR: Hang on a second. It would be nice if the table knew about the extra amendments.

Mr GARDNER: I think the one the Chair has asked me to deal with is the first of those.

The CHAIR: We could take your word for it—

Mr GARDNER: I think that would be an excellent idea.

The CHAIR: —and do not think me churlish, but the table would like to see the amendments.

The Hon. S.E. Close interjecting:

Mr GARDNER: One of them deals with this clause a bit later on. It is an additional thing to one of your amendments.

The CHAIR: It has been put to me by the table that we could postpone this clause and work on other clauses while we are working out where the amendments are lying.

Mr GARDNER: At the end of the day, we have a couple of amendments that we can deal with quickly on this clause first, and then if we need to we can postpone, or we can postpone to—

The CHAIR: We are old-fashioned here; we have a certain order we like to deal with things. If you do not have clause 7 under control, we can move on to other clauses.

Mr GARDNER: I apologise to the house. We had a look at the amendments that the minister filed early this morning, proposed one further one, and that was requested a little while ago. We will get to it soon, so I move:

That we postpone clause 7.

The CHAIR: Do you know if your new amendments are going to affect anything else in the bill, or is it just clause 7?

Mr GARDNER: They will not.

The CHAIR: So we can move on to other clauses.

Motion carried; clause postponed.

Clauses 8 and 9 passed.

Clause 10.

The CHAIR: Minister, you are going to move your amendment and we are only going to consider it to the end of (a), because your amendment, member for Morialta, does not include anything after that.

Mr GARDNER: I am happy for us to deal with just the minister's amendment and mine will be unnecessary.

The Hon. S.E. CLOSE: I move:

Amendment No 1 [EduChilDev–2]—

Page 15, after line 40—Insert:

(1a) Without limiting the provisions that may be included in a model constitution for governing councils of schools, each such model constitution must contain provisions requiring—

(a) the governing council to participate in a scheme for the resolution of disputes between the governing council and the principal of the school; and

(b) the members of the governing council to comply with a code of practice approved by the Minister.

Mr GARDNER: The previous act had a dispute resolution mechanism required to be included in governing council constitutions. In my second reading, and in discussions with the minister, I indicated that the lack of a dispute resolution model in the new bill was inadequate, from the opposition's point of view. We therefore indicated that we would move an amendment to restore what was in the current bill, and the amendment tabled in my name does that.

The minister's amendment that we are now discussing is, to that point, identical to the one the opposition suggested. The additional point that the minister brings in, though, is that school constitutions must contain provisions requiring that 'the members of the governing council to comply with a code of practice approved by the minister'. There are some other amendments that we will deal with that are consequential to that, which establish further details about the code of practice.

The opposition is open-minded about whether or not this is beneficial. The opposition became aware of the introduction of the code of practice into the school governing council constitutions into the bill last night. That is fine; these things happen, and if there is an issue we can deal with it between the houses. I understand that the minister may have passed over this in her second reading response but, as I said, she was moving at some haste, so at this stage I invite her to explain the benefit, purpose or need for the codes of practice, which the opposition will then consider between the houses.

The Hon. S.E. CLOSE: The code of practice is currently provided for in section 84 of the Education Act, so we have moved it into this provision to make it straightforward.

Mr GARDNER: That sounds like a reasonable explanation, and we will proceed on that basis.

Amendment carried.

The Hon. S.E. CLOSE: I move:

Amendment No 2 [EduChilDev–2]—

Page 16, line 3 [clause 10(3)]—After 'constitution' insert:

and each code of practice approved by the Minister

This is consequential on the decision we have just made.

Amendment carried; clause as amended passed.

Clauses 11 to 32 passed.

Clause 33.

Mr GARDNER: I think I raised this in my second reading speech; having printed it off, it turns out that speech went to 45 pages, and I have not had time to line up the questions I asked in that and the minister's responses given just 20 minutes ago, but there is the issue of these $20,000 fines. In this case, these are for the offence of a member of a governing council failing to disclose a conflict of interest and so forth.

The issue has been raised that these fines are higher than some others. As I indicated in my second reading contribution, the opposition does not propose to amend these fines but, for the record, can the minister identify the reason for the figure of $20,000 being chosen? My understanding is that it is to enable consistency with other similar offences under similar acts but, given that there are offences that have $5,000 fines or $10,000 fines in other acts, is there a cross-government approach that has been proposed to deal with those further offences as well?

The Hon. S.E. CLOSE: The fines were set on the advice of parliamentary counsel to be generally consistent. I cannot speak to any further changes the government might make on acts for which I am not responsible, but that is why that figure was chosen.

Clause passed.

Clause 34 passed.

Clause 35.

The Hon. S.E. CLOSE: I move:

Amendment No 3 [EduChilDev–2]—

Page 29, line 32 [clause 35(1)]—Delete 'stand-alone' and substitute 'Government'

Mr GARDNER: I invite the minister to explain the need for replacing 'stand-alone' with 'government'. I am not sure if there are any non-government preschools that would otherwise be captured, but if there were some clarity there that would be helpful.

The Hon. S.E. CLOSE: This is essentially a drafting decision to create consistency with the next clause.

Mr GARDNER: I cannot imagine that we would have any great objections, but we will have a look at it in more detail between the houses.

Amendment carried; clause as amended passed.

Clause 36 passed.

Clause 37.

Mr GARDNER: I am interested in this provision under clause 37(2):

Subject to this Act, the same body may be the governing council for 2 or more schools.

I am just curious if the minister can articulate in what circumstances that provision is likely to be used. I can think of one where schools might be merging potentially in that process, but other than that are there any other provisions where this would be used?

The Hon. S.E. CLOSE: My advice is that, although this has not happened, there is an effort for futureproofing in case there is such a need in the future.

Clause passed.

Clause 38.

Mr GARDNER: I move:

Amendment No 3 [Gardner–1]—

Page 31, lines 1 to 10 [clause 38(2)]—Delete subsection (2) and substitute:

(2) Subject to this Act, a majority of the persons appointed under subsection (1)(b) must be persons who are responsible for students enrolled in, or children who are to attend, the school unless the school is wholly or principally for adult students.

I identified the purpose of this in the second reading speech but, to be very clear, this amendment deals with the requirement, which the opposition believes is useful, for there to be a parent majority on school governing councils. The amendment specifically states:

Subject to this Act, a majority of the persons appointed under subsection (1)(b) must be persons who are responsible for students enrolled in, or children who are to attend, the school unless the school is wholly or principally for adult students.

Put simply, we want to maintain what is currently the situation of having a parent majority on governing councils.

The Hon. S.E. CLOSE: Subclause (2)(b), which is removed by this amendment, is intended to deal with circumstances where a school council is not able to be composed of a majority of parents, which does occasionally happen. To revisit my response to this, we are concerned that we need to be able to address the situation where a council is not able to be composed of a majority of parents. Also, subclause (2)(c), which would be deleted under this amendment, is intended for futureproofing in case there are instances in the future where the minister may wish to declare a school or a class of schools exempt from needing a parent majority on the council.

The committee divided on the amendment:

Ayes 19
Noes..... 21
Majority..... 2

AYES

Bell, T.S.	Brock, G.G.	Chapman, V.A.
Duluk, S.	Gardner, J.A.W. (teller)	Goldsworthy, R.M.

AYES

Griffiths, S.P.	Knoll, S.K.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pisoni, D.G.
Sanderson, R.	Tarzia, V.A.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

NOES

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

PAIRS

Pengilly, M.R.	Hamilton-Smith, M.L.J.	Redmond, I.M.
Atkinson, M.J.	Speirs, D.	Gee, J.P.

Amendment thus negatived.

The Hon. S.E. CLOSE: I move:

Amendment No 4 [EduChilDev–2]—

Page 31, after line 10—Insert:

(2a) The governing council of a school must, in accordance with the governing council's constitution, appoint or elect one of its members to be the presiding member of the governing council, being a person who—

(a) except in the case of a school that is wholly or principally for adult students, is responsible for a student enrolled in, or a child who is to attend, the school; and

(b) is not a member of the staff of the school or a person employed in an administrative unit for which the Minister is responsible,

(however, the governing council may, with the approval of the Chief Executive, disregard the requirement under paragraph (b) if there is no other member willing to be the presiding member).

Mr GARDNER: I indicate that the opposition will supporting this amendment but then moving a further amendment. This amendment builds on what the opposition is proposing in amendment No. 4 in what I assume is schedule 2, which I will be withdrawing. Therefore—

The CHAIR: You will not be proceeding with it.

Mr GARDNER: —I will not be proceeding with it. However, the purpose of this amendment is to enable the chair of the governing council to not be somebody who is responsible to the minister. This is an important amendment that will ensure the independence of governing councils from inappropriate interference, or the perception of interference, or the feeling that they are going to be in a circumstance where the chair is the employee of the minister, as in an example described by Justice Debelle, where you might have some serious issues. It is therefore important to maintain a parental chair. I am pleased that the government has come to the table and is supporting this amendment. I will get to the further improvements that are necessary when we deal with the next amendment.

The CHAIR: Are you happy to respond to those comments before the member for Morialta moves his new amendment No. 1 on his new schedule 4? This is an amendment to your amendment.

The Hon. S.E. CLOSE: I think we are still discussing amendment No. 4, but yes, because I am accepting his new amendment, whichever procedure works for the Chair is fine by me.

Mr GARDNER: I move:

Amendment No 1 [Gardner–3]—

Page 31, after line 10 [inserted subsection (2a)]—After 'executive' insert:

and until such time as a person who is not a person referred to in paragraph (b) is willing to be the presiding member

The minister has, in her version of the amendment, said that the governing council may, with the approval of the chief executive, disregard the requirement that it be a parent rep if there is no other member willing to be the presiding member. That sounds, on the face of it, to be reasonable, but the opposition is very concerned about the circumstance. Sometimes, personality conflicts in these situations can present in a way that a parent representative might be willing to stand but might feel intimidated out of the idea of standing.

For example, if a staff member or somebody else on the council has been the chair for the previous years, these things can sometimes have a culture of dominance, and that parent might feel intimidated out of standing for the position so that the otherwise ineligible person is able to continue. In that circumstance, I want to be abundantly clear that if, in a future meeting, the parent wishes to take up that responsibility, then their right to do so is asserted.

I am very pleased that the minister has had a look at this and that, in the very brief time she has had to see it, she has seen the potential merit in it. This amendment would ensure that the circumstance where an ineligible person—a staff member, really—takes the chair, they only continue until such a time as a person who is not ineligible is willing to be the presiding member. I think this probably neatly wraps up a solution.

The Hon. S.E. CLOSE: I am willing to accept this amendment. I am not sure that it is abundantly necessary but, in order to reassure anyone who is anxious, I am happy to accept it. What we have done in the amendment that is now being amended is make sure that we are entrenching the requirement for a chair of the governing council to be a parent—someone who is not employed—only allowing the fail-safe that should there be no-one willing to do that, we are still able to have a functional governing council. Of course, as soon as someone is prepared, who is a parent and not an employee, we would revert to that. I am happy to accept this amendment to my amendment.

Amendment to amendment carried; amendment as amended carried.

Mr GARDNER: I move:

Amendment No 5 [Gardner–1]—

Page 31, lines 11 to 18 [clause 38(3)]—Delete subclause (3) and substitute:

(3) If an election of members of the governing council of a school fails because no person nominates for the election, or no votes are cast in the election, then—

(a) the Minister must conduct at least 1 supplementary election in accordance with the governing council's constitution; and

(b) if that election or those elections also fail, the Minister may appoint such persons to the governing council as the Minister thinks fit (and subsection (2) will be taken not to apply in relation to the governing council in such a case).

This amendment deals with the circumstance envisaged in the bill whereby there are insufficient candidates or votes cast for the election of governing council members. The bill provides an opportunity for this circumstance to be dealt with, at the minister's discretion, by either (a) having a supplementary election, or (b) appointing such persons to the governing council as the minister thinks fit.

The opposition understands that there can be circumstances whereby such a mechanism is necessary. I have been to governing council meetings that have failed to make quorum. I have been

to governing council AGMs where there has been a frisson of desperation as people try to encourage others around the room to just put their name down so that the meeting can be constitutional. We understand that these circumstances can happen. However, it is important that in the interests of empowered parental engagement in their schools, the priority be given to parental engagement and not ministerial appointment.

I am not suggesting for a moment that this minister would do this, and I am not saying that necessarily about other potential ministers from her party or other past ministers from her party, but at the other end of the spectrum the fact is that sometimes ministers get into disputes and arguments with governing councils and it can all be deeply unpleasant.

In those circumstances, I would hate to think that this would be a get out of gaol clause for a minister who wished to appoint some person from the department to the school council to pursue a certain policy agenda rather than a parent having the opportunity to come on at a subsequent stage. So our amendment requires that, while both of the opportunities to fill those positions are still available to the governing council, the supplementary election must take place first before ministerial appointments.

I realise that there are opportunities where a governing council might identify some people and say to the minister, 'We would like to appoint this person from the school community whom we have identified,' and that is probably the purpose for which the minister might argue that the second section is of benefit. I would say that the same end result can be achieved by just having the supplementary election and nominating that person.

The Hon. S.E. CLOSE: I am happy to support this amendment.

Amendment carried; clause as amended passed.

Clauses 39 to 41 passed.

Clause 42.

The Hon. S.E. CLOSE: I move:

Amendment No 5 [EduChilDev–2]—

Page 33, after line 4 [clause 42(3)]—Insert:

(ab) a provision requiring the governing council to participate in a scheme for the resolution of disputes between the governing council and the principal of the school; and

(ac) a provision requiring the members of the governing council to comply with a code of practice approved by the Minister under section 10(1a)(b); and

We have tried to do very similar things with the two amendments. Mine are slightly broader, taking into account the question of the code of practice, as discussed earlier.

Amendment carried.

The CHAIR: You are not proceeding with your amendment?

Mr GARDNER: We will have a look at the codes of practices between the houses, as indicated. On that basis, the amendment is similar to that of the minister's, so we will not proceed.

Clause as amended passed.

Clauses 43 to 47 passed.

Clause 48.

Mr GARDNER: The minister spent a little bit of time in her response defending the inclusion of clauses 48, 50 and 51. The opposition does not at this stage propose to support those clauses. Without rehashing the whole of the second reading debate, clause 48 as proposed suggests that the minister may direct a governing council or affiliated committee if they are satisfied that the governing council of a school or an affiliated committee has refused or failed to perform a function under this act, or has performed a function or exercised a power in a particular manner that has caused a detriment to the students or a substantial section of the students or persons who are responsible for the students.

My first issue is in relation to this question of 'to the detriment'—the minister has to be satisfied that it is to the detriment of the students. Without rehashing my lengthy comments on the Debelle report in the second reading, my concern is that all that is required is that the minister be satisfied that something is to the detriment of the students. A previous minister seemed to suggest in this house that sexual assaults at school being identified to other parents at the school was to the detriment of those students.

For me, it is not satisfactory that a minister can just be satisfied that some of these activities of a governing council cause detriment. I invite the minister to provide examples of where clause 48 might be so directed. I think the example that she used in her response earlier was to describe the provisions in the current act as a very blunt instrument, giving only an all or nothing type of approach. I have had a quick look at the current act and I am not convinced of that analysis, certainly by comparison with this bill, which gives the minister such expanded powers.

I appreciate the government will be supporting this clause; the opposition will be opposing, but if the minister wishes to put anything on the record identifying an example of how this clause might be useful then I invite her to do so.

The Hon. S.E. CLOSE: It seems pretty clear in the current act that there are only very blunt instruments for engaging with a council where the minister is satisfied that detriment is being caused to students. I would draw the member's attention to the need for the governing council to refuse to perform any function under the act or perform a function or a power in a particular manner that causes detriment. Short of simply removing the council, there is currently not a lot that a minister is able to do.

An example that has not occurred but could occur, and is conceivable, would be some form of policy that is discriminatory against a particular group of students that the governing council determines is something that they want for their school. Importantly, this decision is appellable under division 2—Appeals to Administrative and Disciplinary Division of the District Court. This action is subject to that; therefore, any minister who acted in a capricious manner and did not have a strong amount of evidence of real detriment to students would be unlikely to make any such decision, which appears to be the opposition's concern.

This is not about exercising harsher control on governing councils; it is in fact about allowing for a more subtle relationship should there be matters that arise. The vast majority of the time in the vast majority of schools this will never, ever be an issue. What we want is to not be in a position of having to say, 'We are going to dissolve the entire council because you have made this decision.' What we want is to be able to work through that decision, and this enables that degree of subtlety for a future minister.

Mr GARDNER: I indicate that we will be proceeding with the amendment, but we will take on board the minister's example and give it further thought between the houses. However, at this stage I remain unconvinced, and I suspect that my colleagues in the opposition will also be unconvinced.

The Hon. S.E. CLOSE: May I ask, given that I sense a division coming, whether we are going to put the amendments together, because my objections are—

Mr GARDNER: We have to deal with them clause by clause, but we do not need to debate everything.

The Hon. S.E. CLOSE: Okay, I understand. Thank you.

The CHAIR: You could have asked us that bit, too. We are interested observers—we just want to be in the loop if we could be.

The committee divided on the clause:

Ayes 22
Noes..... 19
Majority..... 3

AYES

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

NOES

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

PAIRS

Gee, J.P.	Redmond, I.M.	Hamilton-Smith, M.L.J.
Speirs, D.		

Clause thus passed.

Parliamentary Procedure

VISITORS

The CHAIR: I welcome to the house today our guests in the public gallery, two VIEW clubs. We welcome them as guests of the member for Reynell. We hope they enjoy their time here in the house today.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Committee Stage

Debate resumed.

Clause 49 passed.

Clause 50.

Mr GARDNER: The opposition will be opposing clause 50, for the same reasons as described in clause 48; we would prefer if the minister's powers were not expanded.

The committee divided on the clause:

Ayes.....23
Noes 19
Majority 4

AYES

Atkinson, M.J.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C.	Hildyard, K.A.

AYES

Hughes, E.J.	Kenyon, T.R. (teller)	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.	Wortley, D.	

NOES

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

PAIRS

Gee, J.P.	Redmond, I.M.	Hamilton-Smith, M.L.J.
Speirs, D.		

Clause thus passed.

The CHAIR: I ask members to stay in their chair as there will be a division on the next clause.

Clause 51.

Mr GARDNER: What protections are there—the minister outlined a process for how these—actually, do you know what? I am going to deal with that at the next clause. Let's just vote against this one.

The committee divided on the clause:

While the division bells were ringing:

The CHAIR: I will just point out to the VIEW ladies that you are getting three divisions in one, which is very unusual. I hope you are enjoying it!

Ayes 23
Noes 19
Majority..... 4

AYES

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

NOES

Bell, T.S.	Chapman, V.A.	Duluk, S.

NOES

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

PAIRS

Gee, J.P.	Speirs, D.	Hamilton-Smith, M.L.J.
Redmond, I.M.		

Clause thus passed.

New clauses 51A, 51B, 51C, 51D and 51E.

Mr GARDNER: I move:

Amendment No 10 [Gardner–1]—

Page 38, after line 39—Insert:

Subdivision 6—Governing Councils Legal Fund

51A—Interpretation

In this Subdivision—

Crown Solicitor has the same meaning as in the Crown Proceedings Act 1992;

Fund means the Governing Councils Legal Fund established under section 51B.

51B—Governing Councils Legal Fund

(1) There will be a fund kept in a separate account at the Treasury to be called the *Governing Councils Legal Fund*.

(2) The Fund consists of—

(a) the money provided by Parliament for the purposes of the Fund; and

(b) any money paid into the Fund under any other Act.

(3) Any money standing to the credit of the Fund that is not for the time being required for the purposes of this Act may be invested by the Treasurer.

(4) Income from investment of the Fund will, at the direction of the Treasurer, be paid into the Fund or into the Consolidated Account.

(5) A deficiency in the Fund will be met from the Consolidated Account.

51C—Payments from Fund

(1) The Fund is to be applied as follows:

(a) as payment for the costs of independent legal advice incurred, or to be incurred, by the governing council of a school in relation to a dispute between the governing council and the Department;

(b) as may otherwise be authorised by or under this or any other Act.

(2) A payment may only be made from the Fund under subsection (1)(a) with the approval of the Crown Solicitor.

(3) The governing council of a school may, in a manner and form determined by the Crown Solicitor, apply to the Crown Solicitor for approval of a payment from the Fund under subsection (1)(a).

(4) An application must be accompanied by such information or documents as may reasonably be required by the Crown Solicitor

(5) The Crown Solicitor must approve the payment from the Fund under subsection (1)(a) if the Crown Solicitor is satisfied that—

(a) there is a genuine dispute between the governing council and the Department that is not trivial, frivolous or vexatious; and

(b) it is necessary or appropriate that the governing council seek independent legal advice in relation to the dispute.

(6) In performing a function under this section, the Crown Solicitor is, despite the *Public Sector Act 2009* or any other Act or law, independent of direction or control by the Crown or any Minister or officer of the Crown.

(7) Nothing in this section prevents a governing council from seeking any legal advice it thinks fit.

51D—Accounts

The Minister must cause proper accounts to be kept of money paid to and from the Fund.

51E—Audit

The Auditor-General may at any time, and must at least once in each year, audit the accounts of the Fund.

We would like to introduce new clauses 51A, 51B, 51C, 51D and 51E. I described this at length in the second reading, but we will proceed again to describe it briefly here. Justice Debelle recommended that this fund be established—a governing councils legal fund—so that when governing councils need to seek legal advice there is a fund established for them to do so because, of course, the Debelle case identified an example of where a governing council sought to undertake certain actions and was advised by the department that they could not do so, and that was wrong advice. The department provided them with advice of a legal nature that was incorrect.

If that governing council had had access to this fund, as has been pointed out, they might have been able to access advice, provided their advice to the government and the government might not have got itself into such a jam on that occasion. That is why Debelle said that it was a good idea to have this legal fund. What was the government's response to this? They agreed to it. They said, 'Yes, we will have this legal fund to be administered by the Crown Solicitor.' The process for establishing that is set out in proposed new clauses 51A, 51B, 51C, 51D and 51E.

Let me summarise the minister's argument, and if she disagrees with me she can say so. Her argument, as I understand it, was that they agreed to the Debelle recommendation, but they thought they were better than that. They thought they could do something cleverer: they will have an administrative officer of the department that schools' governing councils that want to have advice can get advice from. They can apply to this administrative officer of the department for permission to get some education department money to then go forward to the Crown Solicitor, and the Crown Solicitor will determine if they have a case to make and get some advice after that.

The whole purpose of Debelle's recommendation was that this fund be available and independent from a decision of government. In the minister's comments before, when she outlined the process for how matters are currently dealt with, what I failed to hear clearly—and I invite the minister to respond if she would like—was what protections there are for a governing council so the department will not nobble an approach by that governing council for funds. The minister said that it is not the department's purpose to determine the merits of their request, only whether it is compliant with the governing council's duties under the act.

Again, I go back to the Debelle case. I am not convinced that if the current situation were in place and the governing council in question in the Debelle case had gone to the department, when the department had a clear view at that time that there was supposed to be no notification to parents given and that it was not going to be a good idea for the school to proceed down that way, that the department in that case would, under these current arrangements, have allowed the governing council to proceed to receive legal advice. That is why Debelle thought that it should be an independent fund and not administered by the education department, and that is what the opposition proposes to put into the legislation on this occasion.

The Hon. S.E. CLOSE: I indicate that we will not be supporting this at this time but, as I have already stated off the record to the member for Morialta, we will take this under serious consideration between the houses. The initial concern is the difference in the scheme that is articulated here from that which is set out in our administrative instructions, in particular the form in which the request for assistance is made. We will do some detailed analysis and then make a decision prior to the vote in the other place about whether or not we can allow this to go through.

Mr GARDNER: On the basis that the minister has indicated that there will be further consideration between the houses, the opposition is not inclined potentially to divide on the matter today. We have just had divisions on similar issues. However, I urge the government to reconsider its position on this amendment. Acknowledging that the government is voting against it on this occasion, the opposition is certainly voting in favour of it. We hope that between the houses the government will see reason on this.

New clauses negatived.

Clause 52.

Mr GARDNER: Can the minister identify if there are any amalgamations currently on the books, currently planned or currently going through processes?

The Hon. S.E. CLOSE: Not that we are aware of. We will take that on notice and provide the information between the houses.

Mr GARDNER: When providing that information between the houses, I invite the minister to identify, if it turns out that there are some, whether it is likely that the provisions in this act will apply—given that it is going to come into effect on a date to be set by proclamation, assuming that this act passes before the end of this year—or would it be the current act?

The Hon. S.E. CLOSE: It will be under the existing act. We still have regulations to draft in relation to amalgamations, so it will not be relevant to any amalgamations that are currently in process, if indeed there are any.

Clause passed.

Clauses 53 and 54 passed.

Clause 55.

Mr GARDNER: I move:

Amendment No 11 [Gardner–1]—

Page 41, lines 31 and 32 [clause 55(2)(d)]—Delete '(not being a teacher at a school that is subject to the review) nominated by the Australian Education Union (SA Branch)' and substitute:

representing the staff of each school to which the review relates, nominated by the staff of each such school

This is of a similar nature to amendments the member for Unley and the Hon. Rob Lucas moved in relation to a previous bill when we were debating some changes to the TAFE SA Act a couple of years ago, and I referenced it in my second reading contribution.

There are several places in the act where the Australian Education Union is identified to provide particular representation. The opposition contended then and contends now that, while representation of staff in these matters is tremendously important, the very fact of somebody's membership or otherwise of an individual body should not determine their eligibility to represent their fellow staff members.

Therefore, the opposition suggests an amendment at this clause, that if there is a review committee the reference in the composition of the committee to there being a nominee of the Australian Education Union should instead be a person representing the staff of each school to which the review relates nominated by the staff of each such school. It is a common-sense and perfectly sensible amendment.

The Hon. S.E. CLOSE: We will be opposing this amendment.

Amendment negatived; clause passed.

Clauses 56 to 62 passed.

Clause 63.

The Hon. S.E. CLOSE: I move:

Amendment No 6 [EduChilDev–2]—

Page 45, after line 12—Insert:

(1a) Before giving a direction under this section, the Chief Executive must take reasonable steps to consult with—

(a) each person who is responsible for the child; and

(b) any other person or body prescribed by the regulations,

and may consult with such other persons or bodies as the Chief Executive thinks fit.

The member for Morialta and I are trying to do a very similar thing in making sure that we enable and require consultation with parents or caregivers who are responsible for a child in making a decision about direction of enrolment. This amendment is slightly broader than the one from the member for Morialta that is yet to be considered in that it does allow for the consultation and is consistent with the current arrangements in section 75A.

Mr GARDNER: I was thinking about letting that through, but I have to call the minister's attention to the fact that, when she says her amendment is broader than the opposition's, they are in fact exactly the same words.

The Hon. S.E. CLOSE: I take that back. I must have read that from another comment and I brought it in, so I withdraw the remark that this one is broader.

Mr GARDNER: Very gracious, minister, thank you. The opposition wholeheartedly supports this amendment. I acknowledge that when I drew the minister's attention to the issue at stake here during the briefings prior to the second reading debate in the parliament, the minister immediately acknowledged on that occasion that she would be open to an amendment.

We have both gone to parliamentary counsel presumably with similar instructions, and parliamentary counsel have done their excellent work as always. I thank Mr Herbst for his readiness to support the government and the opposition in getting the best possible legislation on this occasion. The opposition supports the government's amendment and I indicate that I will therefore be withdrawing my amendment which, as I have said, was exactly the same.

Amendment carried.

The Hon. S.E. CLOSE: I move:

Amendment No 7 [EduChilDev–2]—

Page 45, lines 18 and 19 [clause 63(4)]—Delete 'requiring the Chief Executive to consult with specified persons before giving a direction, or' and substitute 'provisions'

This is consequential on the previous agreement.

Amendment carried; clause as amended passed.

Clause 64 passed.

Clause 65.

Mr GARDNER: Clause 65 deals with the enrolment of adult students. An adult must not be enrolled in a school if they are a prohibited person under the child safety act and must not be enrolled at a school unless a working with children check has been conducted in relation to the person within the preceding five years. A number of stakeholders have asked the question of me, and presumably of the minister as well, how this deals with children who turn 18 while in year 12.

In the current draft bill, the provision at subclause (3) might not have been there but for the sake of clarity, I know that some people following this debate have been asking about this. There is

a provision in this bill that those sections did not apply to the continuing enrolment in a school of a student who turns 18 while enrolled at the school.

It does raise the broader and more challenging question dealt with in the child protection portfolio. In relation to adults in our schools who have reached the age of majority while at school, we do not ask them to take a working with children check but we do know if they would be a prohibited person under the Child Safety (Prohibited Persons) Act. Are there any adults in our schools who are prohibited people under the Child Safety(Prohibited Persons) Act but who are able to stay in our schools because they turned 18 while at school?

The Hon. S.E. CLOSE: Because young people who turn 18 in the course of their study are not required to have an assessment, it cannot be known what their status would be if they were required to undertake an assessment. I think we just have to apply common sense. We are always working through risk mitigation of course, but there is also a degree of common sense that a young person at 17 years and 11 months and a young person at 18 years and one month is the same human being who is still at school and completing their study.

I am not sure if you were asking me to inform you about how many young people who have turned 18 there are in our school system, because there would be quite a few. I would probably be able to find out at least an estimation of that, if that is what you are looking for. It is self-evident that by not asking young people to obtain a working with children check on the day they turn 18, if they are still at school, we are unable to know the counterfactual of what would happen if we did ask them to.

Mr GARDNER: I accept the minister's response, but I think under provision 1, an adult person must not be enrolled in a school if they are a prohibited person under the Child Safety (Prohibited Persons) Act, which I imagine is slightly different from just failing a working safely with children check. Perhaps the minister, between the houses, could check if there are any of those in our schools and what we are doing to ensure that other children at those schools are kept safe.

The Hon. S.E. CLOSE: Yes, I will endeavour to determine what information we do have.

Clause passed.

Clauses 66 to 81 passed.

Clause 82.

Mr GARDNER: I move:

Amendment No 14 [Gardner–1]—

Page 56, lines 35 to 37 [clause 82(2)]—Delete subclause (2) and substitute:

(2) If a person responsible for a student who is a child seeks, in writing, permission of the principal of the school for the student to be exempted from attendance at intercultural instruction or religious instruction on conscientious grounds, the student will be exempted from attendance at such instruction.

Amendment No 15 [Gardner–1]—

Page 57, line 1 [clause 82(3)]—Delete 'does not have consent to participate in' and substitute 'is exempt from attendance at'

Amendment No 16 [Gardner–1]—

Page 57, line 2 [clause 82(3)(a)]—Delete 'participating in' and substitute 'attending'

I suspect we have probably fleshed this out at some length. Just to put it very simply, the opposition believes that the current arrangement, which is that it is satisfactory to give parents the opportunity to have exemption from participation in religious or intercultural instruction and that the opt-out provision is something that has not caused great mischief. Changing it to an opt-in provision, as the government has done, I think does not have great merit. Therefore, the opposition proceeds with these amendments as suggested. We urge the government to support them and maintain the status quo in relation to religious and intercultural instruction.

The Hon. S.E. CLOSE: The reason I do not support the amendments is that in practice at school, having gone through this with both of my children, you are sent a form and asked to say whether or not you allow the child to attend. So opt-in or opt-out is meaningless in the sense of the use of the form.

I am disturbed, though, by the way in which clause 82(2) has been rewritten so that the parent is seeking permission from the principal for the child not to attend. I would have thought it is entirely up to the parent to exercise a right, whether we describe it as opt-in or opt-out, rather than to seek permission from the principal to allow that child not to attend.

We are dealing with highly sensitive matters when we talk about religious instruction. I believe that we have a very common-sense approach to recognising that there is a diversity of views about religions and about individual faiths within our community and therefore within our government schools, and we do not seek to impose any religious beliefs or any instruction on particular religious beliefs on any individual child that their parents may find to be problematic for their family. We do not impose that because that is not the kind of schooling system we have. We give the power to the parents—and this bill further strengthens that—to make a justifiable and reasonable decision about what they want for their children in their understanding of the world.

Let's be very clear: this is not about what occurs within a school and is run by the school. Teachers teach information relating to religious beliefs and cultural ceremonies all the time. What we are talking about is people outside the school who are not teachers who are coming into the school or inviting students onto their property specifically to give them instruction and information about their faith, their belief or their culture. I think it is extremely important within a balanced multicultural society that we respect parents' capacity to make a decision about that. That is what our amendments to the existing act have done through this bill, and that is why I will not support the opposition's position.

Mr GARDNER: The minister raises the question about the use of the word 'permission'. For the minister's benefit or, indeed, for anyone else who is interested, the current act provides:

(2) The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.

So that is the basis for the use of the word 'permission' in the proposed amendment. The opposition is simply seeking to maintain the status quo that our minister just articulated, namely, that our schools provide a safe, welcoming environment for people from all sorts of multicultural backgrounds and different faith backgrounds and are able to operate in that way. In my experience, it is more often parents who have no religion, rather than parents who have a different religion, who tend to prefer to exercise their power in this. I say that it is the parents' decision entirely and must remain the parents' decision entirely. The minister and I are as one on this; however, the opposition believes that the current arrangements are working well and proposes to maintain our amendment.

The committee divided on the amendments:

Ayes 18
Noes..... 22
Majority..... 4

AYES

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

NOES

Atkinson, M.J.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C.	Hildyard, K.A.

NOES

Hughes, E.J.	Kenyon, T.R. (teller)	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

PAIRS

Marshall, S.S.	Gee, J.P.	Redmond, I.M.
Weatherill, J.W.	Speirs, D.	Hamilton-Smith, M.L.J.

Amendments thus negatived; clause passed.

Clauses 83 to 105 passed.

Clause 106.

Mr GARDNER: I move:

Amendment No 17 [Gardner–1]—

Page 68, lines 23 to 25 [clause 106(2)(b)]—Delete 'with the agreement of the Australian Education Union (SA Branch) (1 or more of whom must be nominees of the Australian Education Union (SA Branch))' and substitute:

(at least 1 of whom must be a person elected by officers of the teaching service to represent them on committees established under this paragraph)

Earlier, I described some of the matters in relation to the appointment of staff to various bodies and the position of the Australian Education Union in the current act. This is another example of that. In relation to appointment to promotional level positions, an application for a position in the teaching service classified at a promotional level is to be submitted in accordance with the regulations to either the chief executive, or to a committee established by the chief executive consisting of members appointed by the chief executive with the agreement of the Australian Education Union (SA Branch), one or more of whom must be nominees of the Australian Education Union (SA Branch).

The opposition takes the view that identifying the Australian Education Union singularly in this case is contrary to our preferred model, which is that at least one of those people on the committee must be a person elected by officers of the teaching service to represent them on committees established under this paragraph. It may well be the case that a significant majority of people working in our schools are members of the Australian Education Union, and good luck to them. There is absolutely nothing wrong with that at all. There are, however, teachers who do not choose to be, and I do not see why they should be excluded from participating in this service in this way. The opposition therefore puts this amendment to the house.

The Hon. S.E. CLOSE: I indicate that we will not support the removal of the union from this—

The CHAIR: You will not be supporting?

The Hon. S.E. CLOSE: No.

Amendment negatived; clause passed.

Clauses 107 to 109 passed.

Clause 110.

The Hon. S.E. CLOSE: I move:

Amendment No 8 [EduChilDev–2]—

Page 71, line 31 [clause 110(2)]—Delete 'dismissal' and substitute 'termination'

Amendment No 9 [EduChilDev–2]—

Page 72, line 2 [clause 110(5)]—Delete 'dismissal' and substitute 'termination'

These are technical in terms of consistency and terminology.

Mr GARDNER: I will take the minister's word for it. We will reserve our position until we have had a chance to look at it further between the houses.

Amendments carried; clause as amended passed.

Clauses 111 to 124 passed.

Clause 125.

The Hon. S.E. CLOSE: I move:

Amendment No 10 [EduChilDev–2]—

Page 80, lines 24 to 26 [clause 125(5), definition of *prescribed action*, (a)]—Delete '(other than a direction relating to the closure of a stand-alone preschool or children's services centre under Division 5 of that Part)'

Amendment No 11 [EduChilDev–2]—

Page 80, lines 27 and 28 [clause 125(5), definition of *prescribed action*, (b)]—Delete '(other than a direction relating to the closure or amalgamation of a school under Division 3 of that Part)'

These amendments are technical. It has been identified that part 4, division 5 and part 5, division 3 do not provide for a direction to be made or other decisions or actions to be taken under these divisions. Parliamentary counsel has agreed with this assessment and removed the brackets accordingly.

Mr GARDNER: Once again, I will take the minister's word for it and note the nodding of those whose opinions I trust and value. We will probably be supporting this.

Amendments carried; clause as amended passed.

Clauses 126 to 135 passed.

New clause 135A.

The Hon. S.E. CLOSE: I move:

Amendment No 12 [EduChilDev–2]—

Page 86, after line 19—Insert:

135A—Commencement of prosecution for offence against Act

(1) Proceedings for an offence against this Act must be commenced within 2 years of the date on which the offence is alleged to have been committed.

(2) Section 52(1)(a) of the *Criminal Procedure Act 1921* does not apply to proceedings for an offence against this Act.

This has been included further to legal advice that indicated that any offence expiable must be prosecuted within six months. This will, instead, enable the two-year period for proceedings to commence. That is particularly important when it comes to being able to have a prosecution on attendance which may be building up for some time. We need to make sure that we are able to pay full attention to all the evidence over a period of time.

Mr GARDNER: I had a look at this amendment last night and this morning and, rather than going into detail and holding up the committee further on this occasion, I request that the minister flesh out that argument between the houses so that we can give it full consideration before it goes to the Legislative Council.

New clause inserted.

Clauses 136 to 139 passed.

Clause 140.

Mr GARDNER: I move:

Amendment No 18 [Gardner–1]—

Page 90, line 26 [clause 140(2)(y)]—After 'regulations' insert:

(other than an offence against Subdivisions 1 or 3 of Part 7 Division 2 of this Act)

In my second reading contribution the opposition set out, at great length, our objection to the idea of expiation notices, that these offences of truancy be expiable. The minister, in her response earlier, stated why she was in favour of truancy offences being expiable.

This amendment sets out the long-argued position of the Liberal Party for over a year since the minister and others first floated the idea of expiation notices for truancy offences. Put simply, the opposition supports the expansion of the family conference provision in this act. We identified that it was a particularly useful thing that our truancy officers can do, and that is why the opposition has pledged, if elected, to expand the number of truancy officers by 50 per cent, so that they can get those family conferences working.

It is important that the threat of significant court action be there for those parents who are not willing to engage. We do not see a benefit in providing a $750 fine, or whatever other level of fine might be set out by regulation, on this occasion. Therefore we move this amendment, which removes the truancy offences from the expiation provision.

The Hon. S.E. CLOSE: I will be opposing this amendment for the reason that was, essentially, set out in my second reading reply speech. Let us be very clear: although lack of attendance is not a widespread problem, in terms of numbers for chronic and unexplained absences, where it occurs it is a complete disaster for children. Not having access to school is the worst thing a parent can do, not making sure kids are turning up to school is the worst thing parents can do for their children's future.

We have been listening to the experts who are involved in working with these families, and what we need is a range of ways to manage the decisions being made by the parents. One of those ways, which has been supported by the opposition, is to introduce family conferences. This is a very, very useful mechanism. Another measure is to make sure the prosecution is more straightforward and more likely to succeed. Although we have had two successful prosecutions, we need to not be complacent about the likelihood of other prosecutions being successful, and I again appreciate the opposition's support on those changes.

To introduce another tool can only be helpful for the people who are working with families. They understand that there are different signals and messages that families who do not send their kids to school will receive and respond to. We have determined that expiation notices are another tool that will be useful for them; hence, we are supporting it. It does not stop having family conferences and it certainly does not stop prosecutions, but it gives the attendance officers and the department another opportunity for engaging with the family in a way that will make a difference to their choices about whether or not they send their child to school.

The committee divided on the amendment:

Ayes 18
Noes 22
Majority 4

AYES

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

NOES

Atkinson, M.J.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.

NOES

Cook, N.F.	Digance, A.F.C.	Hildyard, K.A.
Hughes, E.J.	Kenyon, T.R. (teller)	Key, S.W.
Koutsantonis, A.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

PAIRS

Marshall, S.S.	Weatherill, J.W.	Redmond, I.M.
Gee, J.P.	Speirs, D.	Hamilton-Smith, M.L.J.

Amendment thus negatived; clause passed.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TRANSPORT ONLINE TRANSACTIONS AND OTHER MATTERS) BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Assent

His Excellency the Governor assented to the bill.

SOUTHERN STATE SUPERANNUATION (PARENTAL LEAVE) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (LEADING PRACTICE IN MINING) BILL

Message from Governor

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—

Part A—Executive Summary Annual Report 2016-17 [Ordered to be published]
Part B—Agency Audit Reports Annual Report 2016-17 [Ordered to be published]
Volume 1 Annual Report 2016-17
Volume 2 Annual Report 2016-17
Volume 3 Annual Report 2016-17
Volume 4 Annual Report 2016-17

Volume 5 Annual Report 2016-17
Independent Commissioner Against Corruption and the Office for Public Integrity—Annual Report 2016-17
Judicial Conduct Commissioner—Annual Report 2016-17
Local Government Annual Reports—Robe, District Council of Annual Report 2016-17
Parliament of South Australia—House of Assembly—Parliamentary Service of the Annual Report 2016-17 [Ordered to be published]

By the Premier (Hon. J.W. Weatherill)—

Electoral Districts Boundaries Commission—Determination and Report of the Remuneration Tribunal No. 8 of 2017
South Australian Boards and Committees Information as at 30 June 2017—Annual Report

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

Attorney-General's Department—Annual Report 2016-17
Australian Crime Commission—Assumed Identities and Witness Identity Protection Annual Report 2016-17
Controlled Substances Act 1984 and Summary Offences Act 1953 Statutory Reports—2016-17
Dangerous Area Declarations for the period 1 April 2017 to 30 June 2017
Road Block Authorisations for the period 1 April 2017 to 30 June 2017
Section 47, Criminal Investigation (Covert Operations) Act 2009—Annual Report 2016-17
Regulations made under the following Acts—
Criminal Law (Forensic Procedures)—Prescribed Authority
Summary Offences—Vehicle Immobilisation Devices
Rules made under the following Acts—
Magistrates Court—Criminal—Amendment No. 63

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

Adelaide Park Lands Management Strategy—2015-25
Charles Sturt Council Heritage Places Development Plan Amendment
State Planning Commission—Annual Report 2016-17

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

Construction Industry Long Service Leave Board—Annual Report 2016-17
Construction Industry Long Service Leave Board Valuation of Long Service Leave Liabilities as at 30 June 2017
Return to Work SA—Annual Report 2016-17

By the Treasurer (Hon. A. Koutsantonis)—

Essential Services Commission of South Australia—Annual Report 2016-17

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

Distribution Lessor Corporation—Annual Report 2016-17
Lotteries Commission of South Australia—Annual Report 2016-17

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

Australian Energy Market Commission—Annual Report 2016-17

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

Regulations made under the following Acts—

Primary Produce (Food Safety Schemes)—Dairy—General

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)—Saving Provisions

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

Architectural Practice Board of South Australia—Annual Report 2016-17

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

Mr HUGHES (Giles) (14:09): I bring up the report of the committee, entitled Annual Report 2016-17.

Report received.

ECONOMIC AND FINANCE COMMITTEE

Mr ODENWALDER (Little Para) (14:09): I bring up the 96th report of the committee, entitled Annual Report July 2016-June 2017.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:11): I bring up the report of the committee, entitled Annual Report 2016.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:12): I bring up the 125th report of the committee, entitled Marine Scalefish Fishery Summary of Evidence 2014-17, also called, 'Good things come to those who bait'.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 126th report of the committee, entitled Natural Resources Northern and Yorke Fact Finding Visit.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. S.W. KEY (Ashford) (14:14): I bring up the 11th report of the committee, entitled Annual Report.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 29th report of the committee, entitled 'Briefing report: work health and safety concerns related to home care and support of South Australians with a disability and elderly South Australians'.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms VLAHOS (Taylor) (14:16): I bring up the 577th report of the committee, entitled 'Enhancement to Narnungga (Park 25) West Park Lands precinct, between West Terrace and the rail corridor, Adelaide'.

Report received and ordered to be published.

Ms VLAHOS: I bring up the 578th report of the committee, entitled 'Flinders link project: extension of the Tonsley rail to Flinders Medical Centre'.

Report received and ordered to be published.

Ms VLAHOS: I bring up the 579th report of the committee, entitled 'Port Adelaide renewal project: waterfront land release, north west and Fletcher's Slip'.

Report received and ordered to be published.

Ms VLAHOS: I bring up the 580th report of the committee, entitled 'Port Adelaide renewal project: waterfront land release, dock one and port approach south'.

Report received and ordered to be published.

JOINT COMMITTEE ON FINDINGS OF THE NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. T.R. KENYON (Newland) (14:19): I bring up the report of the committee.

Report received.

Question Time

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): My question is to the Premier. Why has the electricity crisis in South Australia become so severe that, according to Foodbank SA, many families have been left to choose between paying their energy bills or feeding their family?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:20): I am surprised that the Leader of the Opposition returned to the question of electricity. I would have thought he would have been wanting to banish that thought a long way from his mind. Who can forget the disappearing $300 which then became $60 or $70?

Let's just talk about vulnerable people. What sort of message does it give to vulnerable people to get on the telephone and ring them up and promise them $300 in their pocket if you vote for them when, in fact, you knew all the time that that wasn't going to emerge; it would be $60 or $70 and it wouldn't happen for five years?

Members interjecting:

The Hon. J.W. WEATHERILL: Vote for them not once, not twice—but twice to actually even see this money. The truth is that the authors of the crisis in the electricity market are the guilty party, the Liberal Party who privatised the Electricity Trust of South Australia. That is why we made the first and most important commitment of a re-elected Labor government to recreate the E&WS—a place where we can house our energy assets, our water assets, retaking control of the energy market to protect those same vulnerable people, those same vulnerable South Australians who the Leader of the Opposition cries crocodile tears for. We are supporting them by putting downward pressure on electricity prices through an energy plan which will take control of our energy future. This is our commitment to the people of South Australia.

Members interjecting:

Mr MARSHALL: A question to the Premier, sir?

The SPEAKER: Leader, would you be seated. That was a most unedifying display. Let's try again. Leader.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): My question is to the Premier. Can the Premier explain why there are more than 37,000 electricity customers in South Australia who are struggling with energy debts and why the average debt in South Australia of $876 is the highest in the nation?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:22): The Australian Energy Regulator released the energy retail statistics for quarter 3 of 2016-17. The number of residential customers disconnected for non-payment in South Australia has increased from the previous quarter from 2,412 to 2,879. Now, 102 small businesses were disconnected in the March quarter, compared to 69 for the previous quarter. When compared to the other national energy customer frameworks, South Australia does have a slightly higher rate, but it is worth noting that the AER statistics do not distinguish between people who refuse to pay and people who cannot pay.

Members interjecting:

The SPEAKER: As far as I can tell, the Treasurer has offered the opposition no provocation, yet, so I am not going to brook interjections.

Mr Marshall: He stood up.

The SPEAKER: He stood up, did he? It's provocative for a minister to rise to answer a question?

Mr Marshall interjecting:

The SPEAKER: I call the Leader of the Opposition to order. Treasurer.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker. We have taken a number of measures to assist South Australians facing energy-related financial stress, including the REES scheme, which is the Retailer Energy Efficiency Scheme, which provides energy efficiency activities to businesses and households and energy audit services to low-income households. We also have home energy toolkits available from most libraries and the offices of members of parliament, which assist householders to better understand energy use in their homes, or those who want to reduce their usage.

We have the home energy audit worksheet, which can be downloaded from the government's websites. Of course, there is an energy advisory telephone service and online information. We also provide energy concessions for eligible South Australians for both electricity and gas usage. For administrative simplicity, the concession is applied through the electricity account, and on July 2014, the concession increased from $165 per annum to $215 per year.

The South Australian government also provides a medical heating and cooling concession of about $215 per year to assist South Australians on a fixed low income with qualifying for a medical condition that requires the frequent use of heating and cooling, which can of course increase bills. As part of the Mid-Year Budget Review last year, we announced a new policy of automatic concession rate rises to apply from July of this year costing the budget over $14½ million over the next four years.

Mr MARSHALL: Point of order, sir: I ask that you bring the Treasurer back to the substance of the question, which is why the number of people is so high—37,000. The Treasurer is outlining to the house a number of initiatives the government has put forward and is doing it in a very eloquent way, but the question is actually why the number is so high—37,000 households.

The SPEAKER: I am sure the Treasurer will find his way to the point.

The Hon. A. KOUTSANTONIS: I bring no quarrel to the house, sir.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: This one is about your energy plan. Do you want me to read about that? I can, about your $70 in five years' time.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: Well, our plan—

Members interjecting:

The Hon. A. KOUTSANTONIS: Isn't it amazing, the embarrassment when you release your own energy plan and in your own energy plan the do-nothing option gives you a better return than

the incentives offered by the opposition, so doing nothing is worth more to them than the Liberal plan? Thank you very much for reminding us, Mr Speaker, that the opposition's do-nothing plan is actually a higher concession for householders than when they intervene in the market.

Ms CHAPMAN: Point of order.

The Hon. A. KOUTSANTONIS: Ah, the dauphin!

The SPEAKER: Point of order.

Ms CHAPMAN: The Treasurer is out of control in debate, rather than answering the question as to why the 37,000 applies.

The SPEAKER: The Treasurer has changed his tone from the previously reasonable tone of giving the house information.

The Hon. A. KOUTSANTONIS: As part of the Mid-Year Budget Review, we applied a concession increase. We do that to make sure that for people who are on fixed incomes, while their bills rise, their concessions rise in line with inflation. People who access all the affected concessions, which assist in paying energy, water, sewerage and medical heating costs, can expect to get a total extra annual savings of about $54. To further assist these vulnerable customers—

Mr Marshall interjecting:

The SPEAKER: I warn the leader.

The Hon. A. KOUTSANTONIS: —we have also introduced a Cost of Living Concession. That Cost of Living Concession is part of an annual payment where we give $200 to eligible recipients and $100 to tenants, which helps them of course manage their electricity bills, but of course, ultimately—time has expired.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Premier, and I am hoping he can answer this question and provide an explanation to the house as to why—

The SPEAKER: The leader will be seated. Irrelevant commentary of that kind is not permitted in question time. The member for Elder.

ELECTRICITY PRICES

Ms DIGANCE (Elder) (14:28): My question is to the Minister for Mineral Resources and Energy. Minister, can you outline to the house the impact on wholesale electricity prices in South Australia since the release of the government's energy plan?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:28): I thank the member for her question and note her ongoing support and indeed the government's ongoing support for the rollout of Our Energy Plan. Part of its objective is to put downward pressure on prices. We all know that South Australia's wholesale prices have traditionally been higher than those in the coal-rich Eastern States, which is precisely what our multilayered energy plan is aimed at combating.

As part of the findings in the report by the Australian Competition and Consumer Commission released yesterday, it was confirmed that almost half of every power bill is attributed to network costs—in other words, the maintenance of the poles and wires used to distribute energy to our homes and businesses. On average in the past decade, South Australia's electricity costs have been 25 per cent higher than those in New South Wales and 31 per cent higher than those in Victoria, which has historically claimed to have the lowest cost in the nation. Victoria has held the mantle traditionally as the lowest cost power generator in the country. So far this financial year, that is no longer the case.

South Australia's wholesale prices are 10 per cent lower than the average for 2016-17. Figures released for the September quarter reveal that the margin above New South Wales prices

has fallen to 4.1 per cent. Remarkably, with no precedent whatsoever in the previous decade, power prices in South Australia this year are 2.4 per cent lower than they are in Victoria.

In addition, over the past four months we have seen almost a 100 per cent increase in the amount of renewable energy being exported from South Australia to Victoria. We are trying to stimulate a system that encourages investment, helps Australia fulfil its obligations under the Paris Agreement and, most important of all, lets the market deliver the lowest cost and the most reliable power for consumers.

Since we announced Our Energy Plan seven months ago, we have seen major investment announcements in South Australia. This is because our plan was carefully crafted not to disrupt the market, nor to deter new projects. In fact, the only two new large-scale dispatchable energy generators that have been committed to the National Electricity Market in recent years are both here in South Australia: a new AGL gas generator at the Barker Inlet, the first to be built in Australia for years, replacing part of the Torrens Island plant, and a $650 million solar thermal plant being built in Port Augusta by SolarReserve, the biggest facility of its kind in the world, which will increase competition and drive down prices.

We have had many renewable projects receive development approval. We have also seen ENGIE, who own Pelican Point, spend $40 million on the upgrade to the second unit at Pelican Point, and construction of the world's biggest battery is nearing completion in the state's north. Our efforts have been focused on self-reliance—that is, increasing generation here locally in South Australia, not being reliant on interconnectors and extension cords into other jurisdictions, but producing more power here in South Australia to make sure that we are self-sufficient, producing South Australian power for South Australians.

Our plan has been specifically designed to put downward pressure on wholesale prices and, importantly, ACIL Allen, who were elicited to do the economic modelling for members opposite, found that the opposition's do-nothing option was much more advantageous than when they actually acted to intervene in the market.

What we are finding is that our plan is working, is lowering prices and of course we are producing more power here in South Australia, rather than building an extension cord to plug in to another jurisdiction that is worried about its own supply because they have scarcity in the market. It does not sound like quite the short-term plan to lower prices.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): My question is to the Premier.

The SPEAKER: The leader will be seated. He approached me earlier, asking me to provide him with an answer in writing as to why I ruled his approach to his last question out of order. The relevant standing order is question 97, 'Such questions not to involve argument':

> In putting any such question, a Member may not offer argument or opinion, nor may a Member offer any facts except by leave of the House and only so far as is necessary to explain the question.

The 'Practice of the House of Assembly', Blackmore's says:

> The object of this is to prevent the use of such language or statements by means of a question which might lead to debate. Argument, opinion, inference, imputation, irony, hypothetical cases, reference to past debates of the same session are equally irregular.

Mr MARSHALL: Can the Speaker provide the evidence of where I was using debate or argument in the question?

The SPEAKER: Well, I will be able to do that when I watch the replay.

Mr MARSHALL: That's what I was asking you to do, sir.

An honourable member: Go to the replay!

The SPEAKER: Yes, exactly.

Mr MARSHALL: So you can't recall what I said, but you've given a ruling?

The SPEAKER: What I recall is that it was out of order and—

Mr MARSHALL: How is it out of order, sir? You ruled it out of order. What was the basis for your ruling it out of order?

The SPEAKER: I do not have a photographic memory, but—

Mr MARSHALL: But you've ruled it out of order, sir. What part was argument?

The SPEAKER: I ruled it out of order because it violated standing order 97.

Mr MARSHALL: Because it specifically used argument; is that your argument, sir?

The SPEAKER: I have stated the—

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is called to order. Point of order, member for Newland.

The Hon. T.R. KENYON: Generally, if a member wants to take issue with the ruling of the Chair, they need to do it through a motion.

The SPEAKER: Well, I would ask if Hansard could provide me with the words that the leader used to introduce his last question. I am not in a position to stop the proceedings of the house to go and look at the action replay.

Mr MARSHALL: I wasn't asking you to do that, sir; I was asking afterwards. But you have come forward and you have said that I used argument in my question. I would be quite keen to clarify that.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned. I am confident in my ruling.

Mr MARSHALL: Excellent, sir.

The SPEAKER: Leader.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:35): Thank you, sir. My question is to the Premier. Why has the number of small business customers who have energy debts increased by more than 20 per cent in South Australia in just the last 12 months?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:36): Because there is a failure of the National Electricity Market, and the evidence I supply the house of the failure of the National Electricity Market is the Prime Minister today standing up and saying exactly the same thing that we are saying: prices are unacceptably high. The market is not offering South Australians, or indeed the nation, responsible pricing for power. There needs to be something done.

They are saying that the market is not operating in the manner it was intended, and that's why South Australians are not getting the benefit of what they were promised when our assets were privatised by members opposite. Remember, it is important to take this into context. Why were our assets privatised? Our assets were privatised to minimise—

Members interjecting:

The Hon. A. KOUTSANTONIS: No, it wasn't the reason. The reason we were told in this house it was privatised was to minimise risk on state taxpayers, to afford South Australians more competition and lower prices.

Mr PISONI: Point of order, sir: the minister is entering debate.

The SPEAKER: I will listen carefully to the minister while I deal with this other matter.

The Hon. A. KOUTSANTONIS: The National Electricity Market, as it has been established and as it is operating, is giving South Australians uncompetitive offers by uncompetitive retailers. If

you read the ACCC's report from yesterday, what he is saying is that, in South Australia, companies like AGL have 43 per cent of the generation capacity and I think 48 per cent of the customers. What he is saying there, and what minister Frydenberg is saying—which members opposite ridicule—is that they should shop around. But whenever the government says, 'Shop around,' it comes with derisions of members opposite. We now have the head of the ACCC saying that the unfair competitive advantage that—

Mr MARSHALL: Sir, I ask you to bring the minister back to the substance of the question.

The SPEAKER: Yes, the minister is debating the matter.

The Hon. A. KOUTSANTONIS: The Australian Competition and Consumer Commission review, Retail Electricity Pricing Inquiry, which was released yesterday, was a detailed preliminary report released on the impacts of electricity pricing on small business and on retail customers. What Mr Sims has found is that there are significant issues with the level of competition in South Australia, which directly impacts small business.

Small business wish to contract competitive prices and wish to use their demand to go to a retailer to get a competitive price. What the ACCC report has found is that it shows that electricity prices have increased because, overwhelmingly, there is a lack of competitive market forces in South Australia. That lack of competitive forces in South Australia is showing that we have higher retail pricing than we should. That's why the government went out to the market with its own load to bring in a new competitor.

We told the large market dominant players, who have been found in this ACCC report to be so vertically integrated into the market as to be uncompetitive, that what we have done is brought in a new retailer—a new generator—who will be offering new, competitive market offerings through the solar thermal plant in Port Augusta to lower prices.

Members interjecting:

The Hon. A. KOUTSANTONIS: Yes, that's right, and we have brought that in through the back of giving them the government's load for 20 years as an anchor tenant. If you want more competitive tension in the market, there are a couple of things that you have to do. First, you have to make sure that there is plenty of competition. You don't allow such a service like electricity to be privatised in the way that it was where you have monopoly arrangements in place.

As the ACCC found out, the drivers for the major increase in the bills up until 2016 have been made up through network charges: poles and wires and distribution lines. Of course, they are distribution lines and poles and wires that we built as taxpayers, which were then sold to monopoly interests, and monopoly interests are extracting their return. They make up 45 per cent of the bill.

It's no wonder that small businesses are struggling to get competitive offers when you are seeing such large investments by the taxpayer handed over to the private sector and the private sector treating these assets as if they were built yesterday, trying to get a return on them because they paid such an inflated price for them because of the way the market was set up by members opposite when they privatised them.

What you are seeing out of the report is that the highest prices in the nation are not in South Australia: they are in places like Queensland. What you are seeing is that South Australia's prices are lower than they are in Victoria. Of course, it's important to remember that our plan is bringing downward pressure.

ENERGY PRICES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): My question is to the Minister for Mineral Resources and Energy. Why has the minister repeatedly spoken about anticompetitive behaviour by electricity retailers and done nothing about it when, as part of the deregulation of the electricity market, he said in December 2012 that the government would be able to 'immediately reintroduce regulation at the first sign of collusion or any other anticompetitive behaviour'?

The SPEAKER: I suppose the assertion that the minister has done nothing about it is somewhat rhetorical and is probably out of order, but if the Treasurer wishes to answer it he may.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:41): Yes, sir, I do wish to maintain Mr Marshall in the public debate as long as possible.

The SPEAKER: No, the—

The Hon. A. KOUTSANTONIS: Leader, sorry.

The SPEAKER: —Treasurer is warned—

The Hon. A. KOUTSANTONIS: I apologise, sir.

The SPEAKER: —for using other than the title of the Leader of the Opposition.

The Hon. A. KOUTSANTONIS: Yes, sir. Importantly, re-regulation certainly is something that the COAG Energy Council has considered. Re-regulation, of course, is a double-edged sword. Re-regulation can deter new competitive forces from entering the market, but of course deregulation can often—sometimes, depending on the style of the market—have a differential impact. It is important to note that in a deregulated market it is your best option of having competitive prices offered to South Australians.

I do note that when the government deregulated retail pricing we received the support of the then energy Liberal spokesperson and then the Liberal opposition. I think the call was then, 'Why haven't we done it sooner? Why did we take so long to deregulate pricing?', so I find this line of questioning interesting. But, of course—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I would have to say, if the Liberal Party wants to talk about promises made about lowering prices, I would refer you to the *Hansard* when ETSA was privatised when we were promised lifelong lower prices because of the sale of our electricity assets to private owners. How did that turn out?

Members interjecting:

The Hon. A. KOUTSANTONIS: Again, members opposite are returning to the idea that they are the ones who were the architects of higher prices. But the ACCC report is very instructive. You have seen the ACCC talk about privatisation previously where governments have privatised assets, for example, by not allowing certain competitive forces to enter the market to try to restrict competition to maximise the sale price, and he has been quite critical of that, of jurisdictions.

A case in point that he has used is privatisation of power assets, like members opposite when they privatised our assets. They did all they could to fatten the lamb before sale, and when they fattened the lamb, of course, they made sure that the people who bought our assets could get the maximum return for their shareholders wherever they were. Of course, they are now reaping that benefit.

What we are attempting to do through new competition by bringing in the new solar thermal plant, by deregulating electricity prices and by making sure that we have more competitive tension is to lower prices. The energy plan is working because what you are seeing for the first time is lower prices than Victoria. Interestingly, this is the first time South Australia has been a net exporter of energy and our power prices have been lower than those in Victoria.

The ultimate humiliation for any political party is to put out a plan to say that the do-nothing option gives you a bigger return than acting. The do-nothing option in the Liberal plan gives larger savings to households than their intervention, and no amount of shouting, no amount of interjecting, will save the Leader of the Opposition from what he has done to the opposition this week, because what he did to the opposition this week was fundamentally weaken them.

Members interjecting:

The Hon. A. KOUTSANTONIS: He has ruined his own plan within days of announcing it, and interjecting will not change the fact that on television you could actually see the moment when we saw the whole plan disintegrate before him, when he turned to his shadow energy minister and he said, 'Is it $300 or $70?' 'It's $70.'

The SPEAKER: This conduct is as bad as the federal parliament.

ENERGY PRICES

Mr VAN HOLST PELLEKAAN (Stuart) (14:45): Supplementary: given the minister's reference to the ACCC draft report released yesterday and his comments about privatisation, does he agree with the ACCC, which said that the distribution businesses in Victoria and South Australia, both of which have been privatised, are the most efficient in the country and more efficient than the government-run ones in other states?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:46): My point to the shadow minister is: haven't you done enough damage? The deer in the spotlight.

The SPEAKER: The Treasurer is warned for the second time for debating.

Mr VAN HOLST PELLEKAAN: Point of order, sir: if the Treasurer doesn't have an answer to the question, he should just stay quiet.

The SPEAKER: The member for Stuart is called to order, warned and warned a second time and should have been—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is also called to order, warned and warned a second time for dissenting from the Speaker's ruling. One thing I have tried to crack down on in this chamber, to make it more orderly and better for the people of South Australia, is bogus, student politician-type points of order, such as the member for Stuart just took. He is on the edge. Member for Giles.

RURAL ROAD FUNDING

Mr HUGHES (Giles) (14:47): My question is to the Minister for Transport and Infrastructure. Can the minister outline roadwork programs undertaken to improve rural roads?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:48): In South Australia, we are investing record levels of investment to support and upgrade roads, including $1.9 billion over the forward estimates for road funding packages. Regional roads continue to receive ongoing routine inspections and pavement repairs as necessary to ensure state roads are kept in a safe and trafficable condition for all road users. Significant investment continues to be made for regional roads, too.

In total, across the state $532 million is being spent on road maintenance and safety measures over four years, with $341 million of this to be spent in the regions. These funds are spent each year to maintain South Australia's 13,000-kilometre arterial road network and 10,000-kilometre network of unsealed outback roads. Last financial year, in 2016-17, approximately 662 kilometres of resurfacing and resealing was delivered to improve ride quality and safety on rural roads. In 2017-18, approximately 596 kilometres of rural roads will be resurfaced, approximately 170 kilometres of shoulders resheeted and 190 kilometres of shoulders resealed. In total, nearly 1,000 kilometres, 956 kilometres, of roads will be upgraded.

Expressions of interest for more than $35 million of road projects in regional South Australia are currently out to market and being managed by the Department of Planning, Transport and Infrastructure. These projects include $3.3 million for 25 kilometres of shoulder sealing on the Princes Highway between Kingston and Millicent; $2.5 million for four new rest areas on the Stuart Highway between Glendambo and the Northern Territory border—I should say, Mr Speaker, a route which has recently been gazetted as able to accommodate quad road trains; $2.36 million for eight kilometres of shoulder resheeting between Maitland and Minlaton; and $2.14 million for 26 kilometres of shoulder resheeting and sealing on the Southern Ports Highway between Kingston and Robe.

These works are in addition to other significant projects being undertaken, together with the federal government, in regional areas, including the $106 million APY Lands Main Access Road project. A $29.2 million contract to construct stage 2 of the APY lands project has just been awarded to Toll Mining Services to construct 88 kilometres between Umuwa (Double Tank) and Mimili, with

the contract expected to support 40 jobs, including 13 for local Anangu. The department have also called tenders for the final section of road in the APY lands project, 66 kilometres between Mimili and Indulkana.

Further east, works will soon commence on the construction of overtaking lanes as part of the $24.86 million Sturt Highway Productivity and Safety Improvements project, laying the foundation for the future introduction of higher productivity freight vehicles on that route. BMD Constructions will build the two new overtaking lanes at Annadale and Kingston on Murray while also extending overtaking lanes at Stockwell, Renmark and Lyrup.

PRIVATISATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): My question is to the Treasurer. Can the Treasurer confirm the total return to government resulting from the privatisation by way of sale, lease or licensing of the Motor Accident Commission, the forestry rotations in the South-East, the Lands Titles Office, the bus service contracts, the rail rolling stock, SA Lotteries and the Glenside health precinct, and, if he can't, will he get that information and provide it to the house?

Mr Pisoni: Another fire sale.

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

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): I'm glad the Deputy Leader of the Opposition is so fascinated by privatisation; it's like an itch they have. Yes, I will get the answer.

Ms CHAPMAN: Point of order: clearly, the minister is debating this matter.

The SPEAKER: I uphold the point of order. Is the minister—

Ms CHAPMAN: Yes, he said he would get it.

The SPEAKER: That you would supply the information to the house?

The Hon. A. KOUTSANTONIS: Yes.

FINES ENFORCEMENT AND RECOVERY UNIT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): A further question to the Treasurer: has the minister or his department undertaken any investigation or modelling or called for expressions of interest for the sale of fines and/or revenue from the Fines Enforcement and Recovery Unit, and, if so, will he table any reports on the same?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:52): I would have to check. I doubt very much we have, but I'll go have a look. I am not sure what work the independent Public Service does, but I'll go back and check and get back—

Mr Knoll: An independent Public Service?

The Hon. A. KOUTSANTONIS: Yes, they are independent.

Members interjecting:

The Hon. A. KOUTSANTONIS: Often, in the lead-up to the caretaker period, the Public Service begin bodies of work for incoming briefs. The incoming briefs detail a number of options that the Public Service offer incoming ministers. So I don't know—

The Hon. J.W. Weatherill: Things that they can't get past us.

The Hon. A. KOUTSANTONIS: Yes, things that they can't get past us; that's right. I am not aware, but I will check to make sure if any work has been done. Like I have said many times, we have been in office for 16 years, and in those 16 years we have never privatised SA Water. We have no plans to; we rule it out. Mr Speaker, we rule it out. We will not sell SA Water. I invite the opposition to make the same commitment.

Mr Marshall interjecting:

The SPEAKER: Before the Treasurer launches into debate, I warn the leader for the second and final time. At the time he began interjecting and asking the Treasurer another question, the Treasurer hadn't yet tipped over into debate. He was still supplying the house with information.

An honourable member interjecting:

The SPEAKER: Yes, that's my point. Treasurer.

The Hon. A. KOUTSANTONIS: I will check and get back to the member, but we rule out privatising SA Water. It will not occur.

Members interjecting:

The SPEAKER: The member for Unley is warned. Deputy leader.

FINES ENFORCEMENT AND RECOVERY UNIT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): My question is to the Attorney-General. Has anyone in his department undertaken such an assessment? Furthermore, has Mr John Ovenstone, the fines enforcement recovery officer of the unit, been advised that he will retain his employment in the event of sale and/or privatisation of any aspect of the unit?

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) (14:55): I am not quite sure, given that the first part of the question I assume is referring to the question earlier to the Treasurer, but so far as I am aware there has been no conversation whatsoever about Mr Ovenstone's unit being changed in any way, other than the fact that there is a bill before the parliament, I think in another place, or maybe it's still here, I am not sure—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, I'm telling you what we are doing with it. We are trying to give them improved powers so that they can do a better job for the community in collecting the fines and the unpaid expiation notices around the place. We think it's very important that the government be very vigilant in pursuing those matters. We are trying to make sure that they can do that well.

Also, given the fact that the government has gone to all the trouble of establishing a stand-alone and dedicated money-collecting agency, we are actually seeking to use their expertise to help the government collect civil dues owed to it as well. So we are very happy with the unit, and as far as I am aware there is no intention whatsoever for us to be doing anything other than keeping it exactly where it is.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:57): My question is to the Minister for Education and Child Development. What actions have the government taken to ensure the safety of baby Evie when her sibling was removed due to safety concerns?

The SPEAKER: Is that sufficient information for the minister to answer the question?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:57): Well, it is an abbreviation, but I won't seek further information at this stage because it's inappropriate to discuss individual cases of children—I actually think children anyway, but specifically under guardianship. I will seek a briefing and determine what information I am able to provide in this public forum.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:58): I have a supplementary. Just a point of clarification, baby Evie is not under guardianship: she is with her father. My question is again to the Minister for Education and Child Development. Given the psychologist's report dated 18 September 2015 recommended, and I quote, 'It is imperative that decisions regarding the unborn infant's long-term

care arrangements are made in a timely manner (and preferably within a six-month period),' why was baby Evie left with her mother who has now been charged with aggravated assault for an incident that occurred on 1 October 2016, when Evie was eight months old?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:58): Again, I won't canvass the private details of an individual at present. I will seek a briefing to determine whether there is any information that I can provide.

TAFE SA MODBURY

Mr GARDNER (Morialta) (14:58): My question is to the Minister for Higher Education and Skills. What progress has been made on the proposed Datacom project at Modbury TAFE? How many jobs have been created?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:59): That's an Investment Attraction proposition, which has the prospect of creating many hundreds of jobs. I will get an update for the member, but the last advice I had was that it was well on track.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order.

Ms Chapman: See how good I have been for the first 40 minutes.

The SPEAKER: Yes, I think you have. Congratulations.

TAFE SA

Mr GARDNER (Morialta) (14:59): My question is to the Minister for Higher Education and Skills. Have all the 2,500 TAFE students undertaking courses at risk of losing accreditation been contacted, as the minister undertook to ensure would happen last sitting week?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:59): TAFE have advised me that on the day of our discussion in the last sitting week they were informing all students associated with the qualifications mentioned that there was this report and that they would keep them up to date and also where they could come to obtain more support and advice.

Subsequently, TAFE has been undertaking a very serious process of assessing its response to ASQA, which will occur next week—it's due next week—and, as part of that, determining whether all the students who were initially caught in saying they were part of those qualifications were in fact likely to have an impact. That work is reaching its finalisation during this week and the subset of students who were initially contacted will be determined that are potentially affected still.

The reason for the distinction in the first instance is that, rather than the entire qualification coming under question, it is a question of the units of competency within them. Therefore someone involved in the qualification but not in that individual unit of competency, although they would have received the original email, will be able to be reassured that that doesn't apply to them. The students captured are from 25 March to October who were enrolled in those individual units of competency. I expect later this week to be able to be much clearer about the numbers involved and also the consequences for those students.

TAFE SA

Mr GARDNER (Morialta) (15:01): The minister in her response indicated that there were some students who have been contacted because they are enrolled in the course and some who will get further contact because their units of competence are particularly being called into question. Can the minister advise the house how many students were contacted? Was it the 2,500 as originally suggested? How many students fall into the second category who have severe issues over their competence units?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:02): I don't necessarily accept the severe issues

because that is still being worked through. It's important that we provide information that is accurate, but the first number of students who were contacted was a larger number of students—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert has been offered no provocation. The minister is only providing the house with information and yet he interjects. He is called to order.

The Hon. S.E. CLOSE: The initial contact was a larger number of students, in the order of 2,500, or possibly even more, in order to make sure that all were captured. They of course will be informed if they are not involved. I didn't complete that sentence entirely, but the ones who are subject potentially to some remedial action will also be informed. As I said, I expect to have clarity on those numbers and also what the consequences are likely to be later this week.

TAFE SA

Mr GARDNER (Morialta) (15:03): Supplementary: I believe the minister in her first answer said that they were informed on the day that she informed the parliament. Can the minister advise the house by what mechanism these students were informed?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03): I am advised that TAFE sent an email out.

TAFE SA

Mr GARDNER (Morialta) (15:03): My question is to the Minister for Higher Education and Skills. Can the minister update the house on the work of the task force she announced last sitting week, and which she briefly referred to earlier, which was going to do two things: to help TAFE fix their accreditation issues and to report weekly to the minister? Has it undertaken those two tasks?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03): Indeed, the task force was immediately established in the week that we were discussing this in parliament. The chief executive of TAFE is on the task force. One of the board members who has experience interstate with training provision and also the chief executive of the Department of State Development, although he has delegated it to the person who is appropriate within his department working on skills policy, have formed that task force and have appointed an independent organisation to assist them.

When I spoke two or three weeks ago, the intention was that they would appoint someone externally, and the organisation they have appointed is Quorum, which is an organisation that is led by people who have extensive experience not only in the quality of training provision but also in the auditing thereof. They have appointed them not only to do the task I mentioned on the Thursday of our last sitting week, which is to investigate the internal mechanisms TAFE used to ensure that they are keeping their standards at the level required, but also to oversee the work being done in the response by the task force to ASQA towards the end of October.

That organisation is now working hard. In terms of meetings, I understand that they have had four meetings. I have had two face-to-face meetings and also two written briefings provided to me in the time since we last met.

TAFE SA

Mr GARDNER (Morialta) (15:05): My question is to the Minister for Higher Education and Skills. Is the minister now able to confirm whether the TAFE CEO and senior executives will or will not be receiving hundreds of thousands of dollars in bonuses in the most recent financial year?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:05): As I have said repeatedly, this is a corporatised organisation and this is a matter that is the decision of the board. I have had a conversation—several conversations, in fact—with the chair of the board on this very subject. He is very clear that the decision that he and the board will make will take notice of what has occurred. The report that has been received from ASQA is critical of TAFE, and that will be considered by the board; so, too, will the response and the way in which ASQA responds to TAFE's report later in October.

TAFE SA

Mr GARDNER (Morialta) (15:06): Supplementary: can the minister advise the house what KPIs the board is using to determine whether these bonuses are going to be paid and, in particular, whether quality and accreditation form any part of the decision-making as to whether these bonuses of hundreds of thousands of dollars will be received?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:06): It ought to be clear for the record that that is cumulatively, not individually, hundreds of thousands of dollars. Yes, I can get the KPIs, if they are available, the KPIs from the board on the consideration. But absolutely it is clear to me from the discussion that I have had with the board chair that the quality of the offering from TAFE is part of the consideration of whether or not the employees are due to receive their bonuses.

Parliamentary Procedure

SPEAKER'S RULING

The SPEAKER (15:07): The leader queried one of my rulings. Hansard has provided a record of what the Leader of the Opposition had to say when asking a question. He said:

> My question is to the Premier, and I am hoping he can answer this question and provide an explanation to the house as to why—

That's out of order. It's just unnecessary material. It's not asking a question.

Mr MARSHALL: You said it contained argument. What was the argument it contained?

The SPEAKER: It's just bumph.

Mr MARSHALL: Specifically, sir, you made in your ruling, which you provided to the house, that it contained argument. I would be very keen to know where the argument in that was.

The SPEAKER: Yes, 'may not offer argument or opinion, nor may a Member offer any facts except by leave of the House'.

Mr MARSHALL: Can the Speaker outline whether there was argument or comment or material to the house?

The Hon. J.M. Rankine interjecting:

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

Mr MARSHALL: Sir, if you could just provide clarification?

The SPEAKER: The clarification is: when you've got the call to ask a question, ask a question. Don't share with the house your hopes and fears for how the question is going to turn out—

Mr MARSHALL: But is this a new ruling?

The SPEAKER: —or whether it is going to be answered.

Mr MARSHALL: Well, for clarification, sir—

The SPEAKER: No, it's not clarification. Please sit down and let the member—

Mr MARSHALL: This is two rulings already today.

The SPEAKER: Please—

Mr MARSHALL: Earlier, it was about argument or opinion—

The SPEAKER: If the leader does not sit down, I will name him. He is just disrupting the house with a quarrel. The member for Morialta.

Question Time

TAFE SA

Mr GARDNER (Morialta) (15:08): I have a supplementary question for the Minister for Higher Education and Skills. Given the minister said in her previous answer that she had had several conversations with the chair of the TAFE board and potentially others, why hasn't the minister told the TAFE board chair that she will direct him not to provide these bonuses?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:09): First of all, I have confidence in the chair of the TAFE board to undertake the appropriate action and, secondly, the process is not yet completed that would warrant such a final decision.

TAFE SA

Mr GARDNER (Morialta) (15:09): My question is to the Minister for Higher Education and Skills. Has the government sought or received any advice as to whether TAFE or the government is liable to damages or compensation as a result of the loss of accreditation of courses? This could of course include the aircraft maintenance courses.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:09): While we do not discuss legal advice sought or obtained, I am able to say that the approach that TAFE has taken and will take is that of being a model litigant, should there be a situation where that is required. I believe at present, as up to date as my information is, there has been no such move amongst the students who were undertaking the course that CASA, alongside TAFE, has temporarily suspended. It is far too early to determine whether that might be an outcome of the current audit process, but TAFE has assured me that it will operate as a model litigant in the event that the matters do turn to a legal situation.

FUTURE FUND

Mr VAN HOLST PELLEKAAN (Stuart) (15:10): My question is for the Minister for Mineral Resources and Energy. Is the government standing by its 2015 commitment to put 7 per cent of total royalties revenue received in years when the state budget is in surplus into a future fund?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:11): We will be doing all we can to make the future fund a reality. The Premier and indeed the cabinet are very keen to make sure that the future fund is operational, and we will have more details to say about that very soon.

FUTURE FUND

Mr VAN HOLST PELLEKAAN (Stuart) (15:11): Supplementary, sir: given that this was a 2015 commitment, how much money has the Treasurer put aside to fulfil this commitment?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:11): Again, the opposition will have to wait until we make further announcements as we get closer to the time.

FUTURE FUND

Mr VAN HOLST PELLEKAAN (Stuart) (15:11): Supplementary, sir: when will the Treasurer bring legislation to this house to fulfil his 2015 commitment?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:11): Soon.

REGIONAL CAPABILITY COMMUNITY FUND

The Hon. T.R. KENYON (Newland) (15:11): My question is to the Minister for Emergency Services. How is the government investing in the capability of regional communities to respond to bushfires?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:12): I thank the member for Newland for his question and note his strong interest in and support of bushfire capabilities in his electorate and the north-eastern suburbs and foothills around Adelaide. As people would know, we are now entering the bushfire season. We have had the first two declarations of regions of our state entering their fire danger seasons, being the north-east pastoral and the north-west pastoral districts. That happened on the weekend. It is very important that all of us take what precautions we can to prepare for bushfires.

As part of that, we are running a program, as we have for a number of years, to support communities to improve their capabilities to respond to bushfires across South Australia. It is called the Regional Capability Community Fund, and it is a program initiated by my colleague the member for Light when he was the minister. This is a very worthwhile program in which $480,000 per year is devoted to supporting communities across the state with grants of up to $2,500 on a fifty-fifty cost sharing basis.

We are now in the third year of the program and 273 individuals and organisations have benefited from grants. They include things like upgraded equipment for mobile firefighting units, bulk water storage tanks, personal protective clothing and equipment, and high-volume water pumps. As a direct result of this latest round, we have seen more than $1.1 million in equipment rolled out across South Australia ahead of the fire danger season.

Today, I am very pleased to announce that the government is going to be extending this grant program for another two years to 2020. This is an additional $1 million provided to those regional communities for their disaster resilience, and it will mean we can support even more landholders and community groups to purchase equipment that will enable them to respond safely when disaster strikes. The new grants will open mid next year.

So far, the successful applicants to the program have delivered some very important safety for our communities. I will mention some examples. We all remember the devastating impact of the Pinery fire in 2015. We have seen some great responses from the community out of that devastation, one of which was the Adelaide Plains Football League, which raised over $90,000 towards water storage in the region, including a 216,000-litre tank opposite the Pinery Hall, which is in the member for Goyder's electorate.

As a direct result of this fund, we have been able to support the Pinery Community Centre to purchase two high-volume transfer pumps to complement the large tank opposite the hall. The treasurer, Ian Wedding, has advised my office that the equipment has now been purchased, allowing both CFS appliances and local farm firefighting units to simultaneously and rapidly draw from the large tank as a key refilling location in the region.

Similarly, John Harris is a farmer in Cunliffe on Yorke Peninsula, which, as a strong region for lentil production, can often see harvest fires occur. He recalls two large fires during the last harvest, one of which was just a couple of kilometres away from his farm. He attended another in Kadina with others. He was first to arrive on the scene with a farm firefighting unit before the CFS volunteers arrived to take control.

While they continued to support CFS in fighting the fire, their swift action showed John the great benefits of farm firefighting in managing incidents before they get out of control. I am happy to say that John applied for and was successful in securing a $2,500 grant towards a 1000-litre farm firefighting unit, which is now ready to use ahead of the upcoming harvest and fire danger season.

I am happy to put the call out to all MPs to make sure that your communities are well aware of this fund. It can support local community organisations as well as farmers across the state to improve their capability so that we can all be more resilient for the risk of bushfires.

SAFEWORK SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:16): My question is to the Attorney-General. Given the Premier's public statement that the report should be available, will the

Attorney now immediately give the full report into the failed SafeWork SA prosecutions to the families of all victims and then make the report public?

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) (15:16): I think we must have a different understanding of what the undertaking was by the Premier because, as I understood it, he was in discussions with a number of the understandably concerned relatives, family and friends of people who had suffered serious industrial accidents and who were concerned about the way in which those matters had been progressed. He indicated that he would be providing copies of the recommendations and findings of the investigations or the work that had been done in relation to looking into the way SafeWork had been conducting itself.

What has actually happened is that there was a meeting that occurred between myself and at least one of the concerned families. SafeWork SA staff and management have been in touch with all of the relevant families, but I had a meeting probably 10 days or a fortnight ago, at which time I provided a document to the people who were at that meeting, which outlined the findings or recommendations of the work that had been done and the steps that were being undertaken in relation to that matter.

I also made the offer that if individual families had particular concerns about their case, we would be more than happy to arrange for them to receive private briefings in relation to those matters so that they could ask any question that they might conceivably have about the way the process had been conducted, or any other matter for that matter. It was entirely a matter for them.

I did hear today that there was some suggestion that there is a request for further material. I am happy, when I receive some formal indication of that, other than through the form of a question from the deputy leader, to have a look at what's being asked for. My understanding is at this point, not having seen anything other than having heard the question from the deputy leader and having heard other, I guess you would say, hearsay accounts of what might be being sought, I am not precisely aware of what additional material is being sought, but the original point that was being made I think by the Premier was that everyone in government—me included, obviously—accept the fact that we were not happy with the way in which some of these matters have been managed and some of them have been dealt with.

That is why we wanted to have an examination of SafeWork SA, and that obviously traversed a great many matters. It looked at management structures, it looked at staffing, it looked at skills—it looked at a whole range of things. So there has been a sharing of that material, but I am happy to look into any further information, obviously, that any of those interested people want to receive.

Ms Chapman interjecting:

The Hon. J.R. RAU: As to that point, I will have a look at the recommendations and the actions that are coming out of it, and that may well be something I can share with the deputy leader.

Ministerial Statement

ROYAL ADELAIDE HOSPITAL OUTPATIENT MEDICAL IMAGING

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:20): On behalf of the Minister for Health in the other place, I table a ministerial statement on the Royal Adelaide Hospital outpatient medical imagery.

SITE CONTAMINATION, THEBARTON

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:21): On behalf of the Minister for Sustainability, Environment and Conservation, I table a ministerial statement.

Grievance Debate

HARTLEY ELECTORATE

Mr TARZIA (Hartley) (15:21): I rise today to give a bit of an update as to some recent events that I have supported in and around my electorate. Firstly, I would like to commend the Hindu Council of Australia for the wonderful display that they put on for Deepavali (or Diwali) 2017, which is of course the Festival of Lights. It was a great day at the Wayville Showgrounds, and I sincerely congratulate the Hindu Council of Australia on what they did.

I was fortunate enough also to support McHappy Day at Felixstow McDonald's. As you would appreciate, Deputy Speaker, a lot of fundraising goes into this very worthy and noble cause. I understand that McHappy Day and the Ronald McDonald House Charities have been preparing for the biggest fundraising event on their calendar, and they were aiming to raise more than $4.1 million for Ronald McDonald House Charities, to help put a smile on the faces of seriously ill children and their families across Australia.

To put that fundraising target into perspective, it equates to more than 31,000 nights of accommodation in a Ronald McDonald House for families in need. I would like to especially thank Aseem Lubana, Felixstow McHappy Day event manager, and all the team at Felixstow McDonald's for making us feel welcome, and for participating in a very worthwhile fundraising event for a great cause.

I would like to congratulate the Hectorville Hurricanes, the local netball club. They had a successful fundraising night over the weekend. They were all very well behaved, and it was great to acknowledge their wonderful achievements this past year. I would especially like to thank Mick Seager, president and treasurer of the Hectorville Netball Club, as well as the various sponsors, volunteers and the players—

Ms Cook: Hear, hear!

Mr TARZIA: There you go: the member for Fisher used to play for the Hectorville Hurricanes. You never know where you will end up if you play for the Hectorville Hurricanes, Deputy Speaker. I also rise today to speak about a recent traffic issue in my electorate. When I look at page 8 of today's *Advertiser*, I see an article entitled 'Traffic fear over AIdi'. We know that Aldi recently applied to build a supermarket, a bulky goods outlet and a warehouse development at 176-180 Gorge Road, Newton. A number of residents in my electorate have raised this particular issue.

Whilst you may be amenable to an Aldi, as I am sure many residents are, what we have near this proposed development is an intersection that has been one of the most troublesome intersections in the area for too long. With the help of the community, we have been lobbying the state government for some time for a solution to the intersection that has been named in the RAA's top 10 risky road intersections in South Australia. To date, the state government has yet to act on that intersection. Therefore, I have been petitioning the area in a concerted effort to lobby the state government for a solution to this intersection.

With the help of local residents, I am increasing the pressure on this state Labor government for safer roads and for a much-needed solution to this intersection. Recently, we have seen that a development application has been made for an Aldi store near that troublesome intersection. As I said, while residents may be open to an Aldi store in the area, it will of course bring more traffic to that Silkes-Gorge Road intersection. I will continue to lobby the government not only for safer roads but also for a much-needed solution to that intersection. Any interested resident can contact me or my office on this issue and we will circulate a petition to them.

I would also like to thank the Campbelltown Meals on Wheels for all they do in our local community. On the weekend, my second function for the evening was to attend a Campbelltown Meals on Wheels fundraiser. This is a great organisation and we thank them for all they do. I am hoping that their fundraiser raised some much-needed funds for an excellent local cause.

Thanks also go to the committee of the Madonna delle Grazie di Panduri, which recently celebrated their 25th anniversary. It was a pleasure to attend their celebrations, along with the member for Dunstan. We attended the procession and the mass in Payneham. Congratulations go

to Connie Zito, the Zito family and all of the Madonna delle Grazie di Panduri committee on a fantastic job. I also had the pleasure of attending the local CIC La Nostra Festa function. I would like to thank CIC for all the wonderful work they do in supporting especially our elderly Italian constituents.

MARRIAGE EQUALITY

Ms COOK (Fisher) (15:26): I rise today to discuss a matter of great importance to me and to many on this side of the house, and indeed on both sides of the house, as well as to many, many South Australians, and that is marriage equality. I do not want to suggest that I approve of or support the expensive and unnecessary bandaid approach to social policy reform that is currently being undertaken by the Prime Minister and his conservative puppeteers in Canberra. Labor rejected the idea of a national plebiscite and we reject still the idea of a national voluntary, non-binding postal survey.

The people of South Australia elect their federal and state representatives to scrutinise and legislate on their behalf, to take the temperature of their respective electorates and to make their constituents' views known in their advocacy for issues both in this place and in our communities. To suggest that a postal survey is best practice in introducing long overdue social change, as the Prime Minister has done by sending us all down this path, is an abject failure of both political and moral leadership. Nevertheless, we are where we are.

Given these circumstances, there is only one thing people like me, many in this chamber and certainly many in my electorate can do, and that is to win the survey and to continue to apply pressure to conservative members of the Turnbull government who have already intimated that a resounding yes result will not sway their vote in the house, so nothing yet is certain.

While I may strongly refute the need for such a mechanism, I have been busy fighting hard to ensure that a strong yes vote is returned here in South Australia and indeed right across the country. I was thrilled to join many from the house, the other place and thousands of South Australians on the steps of this building on Saturday 16 September to send a loud and emphatic message that South Australians support marriage equality and the right of any two consenting adults of sound mind, regardless of their gender, to enjoy the institution of marriage, as any opposite-sex couple currently do.

When my husband and I received our postal ballots in the mail, we hurriedly gave the yes column a big tick before popping them straight back into the post in the prepaid envelope to be counted by the ABS. For anyone listening at home, there is a video of my husband, Neil, and I doing just that—putting it in the post—and that can be found on my Facebook page. I have also received a great deal of positive feedback from many in my local community regarding their support for marriage equality.

I am heartened that throughout this campaign I have spoken with a broad range of South Australians of many ages, races and social circumstances, the majority of whom have expressed their support to me. That is not to demonise people I represent who will be voting no in the postal survey either. I completely respect everybody's right to say no. I understand their own deeply spiritual and personal rejection of this issue that they hold, but I welcome the opportunity to discuss with any of my electors my reasons for voting yes and ask for their understanding as to why I believe this very important cause, on behalf of me, my electorate and all South Australians, is worth fighting for.

I would also like to quickly make mention of those members of our community who are same-sex attracted and who are likely feeling persecuted, confused and isolated throughout this affair. Labor hears you. We hear you, and we are fighting for you. People such as you have endured a torrent of hate throughout this campaign, a torrent of lies throughout this campaign, but this is not who you are and this is not your place in our community.

To every gay man or woman across South Australia, to every de facto gay couple longing to get married, to the hopeful young couple with an eye to marriage one day, to every confused young person who may be feeling disillusioned at school or home after such a public and forensic debate of your personal choices, Labor is fighting and will always fight for you. There is still a while to go in this survey, and I would encourage everyone in the electorate of Fisher, and indeed right across the

state, to vote yes in the postal survey. Give these vulnerable people in our community the voice they deserve.

Return the ballot paper as soon as possible in the reply-paid envelope and ensure that the voice is heard in helping to bring about this long overdue and important social reform. If you have never even received your ballot paper or you have lost it and require a replacement, please google 'marriage equality ABS' and follow the links, but replacement forms must be requested by this Friday, 20 October. I also take the opportunity to thank my friends in the community who are in same-sex and loving relationships who do such a great job of raising their children and supporting me. Let's get this done and vote yes.

LOXTON ROAD ROUTE

Mr WHETSTONE (Chaffey) (15:31): I would like to speak today about some roadworks, and I am glad to see that the minister is here. After the state government redirected heavy vehicles from the Yamba roadblock through Loxton, through Moorook and to the top of the Kingston hill while roadworks are undertaken on the Sturt Highway, heavy vehicles, B-triples and road trains are going through the townships of Loxton and Moorook.

Sadly, a week ago, a truck travelling through Loxton lost a wheel set and all its brakes. That wheel set got away from the truck, bounced down the road and absolutely flattened to the ground a sunshade enclosure at the Loxton District Bowling Club. If circumstances had been different and the bowling club had been actively using that rink, it would have created havoc. Thankfully, it did not, but it did show the vulnerability of putting road trains and B-triples around a town roundabout not suited for these large trucks. These trucks have to cut off two lanes to get around the roundabout, and heavy vehicles now have to go past schools and school crossing lights and kindergartens and playgrounds.

It raises concerns as to why they would put these heavy vehicles, at this point in time, through road maintenance programs through the townships of Loxton and Moorook. The people in Loxton and Moorook are rightfully upset because of the vulnerability and safety concerns that they feel this redirection is posing. The bowling club president, Terry Thurston, said that, if it was a couple of hundred metres farther back, that wheel set could have gone through a retirement village. A wheel set weighs a considerable amount; it has a serious amount of momentum, and going through a town really does pose a risk.

Again, I am glad to see that the minister got up and made an announcement today. He is actually being a spokesperson for the federal government because most of the money we are putting into highways is federal government money. The minister is announcing over 500 kilometres of resurfacing. Is that resurfacing about shoulder upgrades or is it about actual, factual resurfacing? The expansion of the restricted access vehicle network includes 36.5-metre long road trains off the Sturt Highway down to Gawler. What I want to know is: how much safety consultation has been done because it goes through townships?

The Hon. S.C. Mullighan: Surprisingly little.

Mr WHETSTONE: Yes.

The DEPUTY SPEAKER: Order!

Mr WHETSTONE: How much consultation was done?

The DEPUTY SPEAKER: Order! You are addressing the Chair, not—

Mr WHETSTONE: I met with the CEO of DPTI.

The DEPUTY SPEAKER: Order, sit down! Stop the clock. You will get an extra minute if you continue—your choice. He is entitled to be heard in silence. Member for Chaffey.

Mr WHETSTONE: Thank you for your protection, Deputy Speaker.

The DEPUTY SPEAKER: Any time.

Mr WHETSTONE: What I want to know is whether the Loxton roundabout complies with 36.5-metre vehicles. Does it comply with B-triples and the road train configuration? As I said, having

to cut lanes to get around that roundabout does not look as though it complies to me. In terms of the consultation period, I met with the CEO of DPTI, with the mayors, and he did not tell us that there was up to a two-year road maintenance program so that we would get trucks rattling through two towns. We see speed limit reductions on the Browns Well Highway and the Ngarkat Highway. We are not seeing road maintenance being undertaken down there.

The road maintenance backlog in South Australia is understood to be in the area of $1 billion. Other issues include that the speed limit is now being reviewed on the Sturt Highway at the entrance to Renmark and there is no funding available. Truck businesses have moved. We have up to 250 extra truck movements out of a side street onto the federal highway. A letter has been sent to the minister about upgrading, making safety concerns a priority, yet we have no money available for safety upgrades on the Sturt Highway.

I would like to know exactly how much money is being put towards safety and how much is being put towards shoulder upgrades that are already falling to bits between Loxton and Moorook. These are brand-new shoulder upgrades that are already crumbling, so it just goes to show that, while there is money being spent on regional roads, some of it is just half baked.

INTERNET ACCESS FOR THE ELDERLY

The Hon. S.W. KEY (Ashford) (15:36): Many older senior residents of Ashford/Badcoe do correspond—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. S.W. KEY: —with friends and family.

The DEPUTY SPEAKER: Order! Stop the clock. Sit down. The members for Chaffey and the minister can leave the chamber now and continue their discussion outside, except you are the only minister here, so stand there and do it. The member for Ashford is entitled to be heard in silence. Member for Ashford.

The Hon. S.W. KEY: Many older senior members of Ashford/Badcoe correspond with friends and family by Facebook, email and Skype, but certainly equal numbers of constituents do not use the internet to lodge claims or seek assistance.

I was talking to members of the local bowling club recently, and they pointed out to me that, although they quite often use the internet, particularly iPads and personal computers, they have a problem filling out forms, surveys or seeking information, particularly when the allotted time runs out and the whole thing runs down. The rumour—and I hope that it is a rumour—is that the federal government has made a decision that all forms, applications and grants will be done online and that they will not entertain any of those things being done by old-fashioned letters. If people do not have access to any of those technologies, they will be in big trouble.

Obviously, right at the moment, as the member for Fisher rightly pointed out, we are in the middle of a campaign on marriage equity, certainly one that I support. Under the same circumstances that she mentioned, it is a bit of a shame that we cannot just get the federal government to get on and amend the Marriage Act, but we are stuck with what we are stuck with and let's hope that the survey supports that reform.

I was interested to read in the most recent Australian Bureau of Statistics reports that 86 per cent of Australian households have access to the internet. Those who do not have access to the internet are increasingly being left behind as more and more people are dependent on having some sort of digital technology connection. Interestingly, in South Australia the rate of home internet access is lower than the national average, at only 82 per cent, and a number of older and Indigenous Australians and low-income recipients and people living in remote areas are disproportionately represented by those statistics.

On the face of it, perhaps not being able to participate in online campaigns because you do not have access to the internet or a mobile phone is not such a burden, but I think it is a symptom of inequality, and people who do not have access to digital technology will be increasingly isolated and alienated from the world of communications that most of us take for granted. I would argue that this

inequality is getting worse. More and more private organisations and government departments that deliver services and information that many South Australians rely on for everyday living expect their customers or clients to be able to access digital technology.

Whether it is to pay a phone bill or to advise Centrelink of changes of circumstances, claiming for Medicare or from private health funds, reading school newsletters, doing our banking, paying for car registration, buying tickets to events (and there is a whole story that goes with that, particularly with the most recent grand final), enrolling in university and TAFE courses, reading the latest news or finding the manual instructions for a new appliance, there is an expectation that most of these everyday activities will be done online.

Of great concern to me is the number of South Australians who cannot afford the technology but who need to do all these things. Not everybody wants to go to the library or in fact have the skills even if they do get to the fabulous local library to do their work. Judging from some of the people who come through the Ashford electorate office, this is going to be a really big concern in the future. Other members in this house would understand the number of people who come through with trouble interpreting their power bills.

Also, with many bills we now receive, certainly with a telephone bill, you pay an extra fee to receive the paper bill, so there is already an inequity built into how we receive that information, albeit bills.

Time expired.

OAKLANDS PARK RAIL CROSSING

Mr WINGARD (Mitchell) (15:42): I rise today to express my concerns and frustrations with the state government's handling of the Oaklands crossing project. It will come as no surprise to anyone here that I have been working with my community for more than four years to fix Oaklands crossing. We have had a great result getting funding commitments from the federal government and, after a long campaign, the state government has jumped on board, along with the local council. But it appears that the state government wants to lock our community out of the consultation process and keep us in the dark about what is going on.

Each week, I am contacted by dozens of constituents who want to know what is going on with the Oaklands crossing upgrade. They want to know things such as when will the work start? What local roads will be closed around the crossing? What disruptions will occur to local businesses? Will there be any compulsory acquisitions of businesses, homes or community facilities? Will the Warradale train station be impacted during the construction phase? What safety features will be included? Those questions and many more come to my office regularly. I have asked the minister for a briefing with the department to get some updates and answers for my community to those questions, and they have constantly been denied.

One of the big questions that comes through my office that I have had a lot of consultation on is about the Vietnam Veterans' clubrooms on Addison Road at Warradale. and what will happen with them. They are right alongside the train station. They are a wonderful group in our local community, and they are very aware that their facilities are very much in the precinct of where works are going to go. What they have always wanted is to be kept in the conversation and the communications regarding what is going on.

I have had a great relationship with the Vietnam Veterans, attending their Long Tan lunch and helping them with their clubrooms when they were vandalised, and we keep in touch regularly. In fact, Doc Ballantyne is always letting me know how important this group is, and I do agree with him. He also tells me regularly about the state of the Repat, and he is not too happy about what is going on there, nor are any of the Vietnam Veterans. The big thing for this group is that they want to be kept in the loop. They want to know what is going on. We know that the Oaklands project is going ahead, and they are very supportive of the project. They just want to make sure that they are not left out in the cold.

As we found out last week, their clubrooms are actually owned by the Scouts. The government has compulsorily acquired that venue, but do you think they have gone and spoken to the veterans? Do you think they have gone and sat down with them, had a cup of tea and said, 'This

is the process. This is what we are going through. Here is what we are going to do for you and this is what we are going to work with you on'?

No, the government has not had that conversation. They have left them out in the cold and left them quite concerned about what the future might hold for them. They have not given them an opportunity to find a new venue. They have not talked about what options are on the table to get them a new venue. The government really has been very poor in its handling of communications with this.

As I have said, I have written to the government on a number of occasions asking specifically to have a briefing to talk about the Vietnam vets, a great group in my community, and that has been denied. There has been no response and no consultation with myself or our community around this aspect.

Ms Digance interjecting:

The DEPUTY SPEAKER: Member for Elder, would you like to come up to the chair now, please?

Mr WINGARD: The member for Elder does make a very good point.

The DEPUTY SPEAKER: No, you are talking to me

Mr WINGARD: She says that I have been invited to—

The DEPUTY SPEAKER: Member for Mitchell, back to your job, which is your grievance. You are talking to me.

Mr WINGARD: Thank you, Deputy Speaker. With regard to the invitation to a Public Works meeting next week, it is a little bit like the government coming back to the veterans and saying, 'We will meet with you on Wednesday.' What has happened here is that, after the eviction notice has been given, after they have been told they are leaving, after they have been told their premise is being compulsorily acquired and with no conversation about what might happen in the future, the government wants to sit down and have a chat. We do not accept that.

We are going to stand up and fight for these veterans. They have served their country. They have set themselves up in a great little home. They have a great little spot. They are happy to be relocated. They are happy to talk about other options, but they would like the courtesy of that conversation before being told their property is going to be compulsorily acquired and that, in effect, they will be evicted.

As far as they are concerned, they were told that they could have to move post Christmas, which is a very, very tight turnaround, but communication is the issue here. It has been incredibly poor. As a result, it means that they have started to hear whispers about people coming and doing soil tests. They will tell them one thing and someone else will tell them something else. They are getting in quite a state of panic knowing that they are going to go and they have not been communicated with. It is incredibly poor and this government really needs to have a long hard look at itself.

It is not hard to sit down with a community group. It is not hard to talk to them, in particular when the local member writes to you three or four times over a five-month period and you do not respond. It is not good enough.

GILES ELECTORATE

Mr HUGHES (Giles) (15:47): I rise today to talk about a number of issues in my electorate. During my last grievance debate, I reflected on the very positive news not just in Whyalla but in the whole of the region and expressed my disappointment at the member for Bragg in relation to one of those very positive stories—namely, the green light for Carrapateena—when she decided to take in the metropolitan media a rather negative approach to what was seen by those of us in regional South Australia, especially in Port Augusta, Port Pirie, Whyalla and the surrounding communities, as a very positive announcement about the Carrapateena go-ahead from OZ Minerals.

There has been a lot of good news. There has been good news about Whyalla, but unfortunately BGC, the big Eyre mining contractor in the Middleback Ranges, went against the flow

of that good news. It recently announced the loss of over 50 jobs in the Middleback Ranges, just outside Whyalla. That will have an impact coming on top of the other job losses that occurred in the lead-up to administration.

The only plus with the job losses at this stage is that in the overall region there is now a very significant demand for labour, especially skilled labour. Some of the companies I have been speaking to are finding it difficult to secure boilermakers and welders, which just gets back to the need for continuity when it comes to training and vocational education. I am sure though that, given the list of projects that are in the pipeline, things will move in a very positive direction.

I would like to reflect upon something else that has recently occurred. One of our great wishes, and I think it is the great wish of both sides of this chamber, is to see the establishment of permanent dialysis in the APY lands. We are getting close to that at Pukatja (Ernabella). We are getting closer, step by step.

On the weekend, there was a major art auction of Aboriginal works in Adelaide. When I was in the APY lands a few weeks ago, I had the privilege of seeing two major works that were put up for auction yesterday, and they were major works that were incredibly impressive. They were at the Amata Art Centre. They represented, if you like, collective art: a number of artists contributed to these two major works. In addition to those two major works that were auctioned on the weekend, works from all seven of the art centres in the APY lands were also auctioned and they included not only visual arts but also ceramics and other expressions of artistic endeavour. It was good to see all seven art centres involved, plus communities from throughout Australia making contributions as well.

The money raised at that auction will go towards the first year of recurrent expenses at the Pukatja dialysis centre. Just under $170,000 was raised at the auction, which is an incredibly impressive effort. I am sure it will end up going significantly over the $170,000 because one work of art was passed in because it did not meet the reserve, but they are very confident that that piece of art will sell.

In the second year of operation, the state government may come in and pick up the recurrent expenses associated with the dialysis centre, which will be run by Purple House, which has a fantastic record in the Northern Territory and Western Australia when it comes to running a remote dialysis. The state government is possibly going to pick up in that second year, but there is a national discussion going on at the moment to see if these remote dialysis units could come under Medicare. That would actually be a good model.

Time expired.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Committee Stage

In committee (resumed on motion).

Clause 7.

Mr GARDNER: I move:

Amendment No 1 [Gardner–1]—

Page 13, line 32 [clause 7(1)]—Delete 'State.' and substitute:

State,

and, in the course of achieving those objects, it is an object of this Act to continuously improve the wellbeing and safety of children in this State.

From memory, the minister advised in her previous answer to my question—I am sure *Hansard* can confirm—that the process by which we arrived at these objects and principles involved a discussion paper going back to 2009, back and forth, and a draft bill that went out for consultation, and here we are.

The opposition notes that there are many things in these objects and principles that that process turned up, some of which are straightforward and sensible and some of which are very good

indeed. What is not mentioned at any point in the objects and principles is students' safety and wellbeing. I think that is certainly something we strive for in the application of our education acts. The opposition feels that it is important that the objects of this act include a reference to our desire to continuously improve the wellbeing and safety of children in this state, and therefore I commend the amendment to the house.

The Hon. S.E. CLOSE: I am happy to support the amendment.

Amendment carried.

The Hon. S.E. CLOSE: I move:

Amendment No 1 [EduChilDev–1]—

Page 13, after line 37—Insert:

(2a) It is a further object of this Act to recognise the diversity of the student body in this State.

Amendment carried.

The Hon. S.E. CLOSE: I move:

Amendment No 2 [EduChilDev–1]—

Page 14, after line 17 [clause 7(3)]—Insert:

(h) subject to this and any other Act or law, schools, preschools and children's services centres are free to celebrate events that are of significance to their communities.

When we are talking about the fact that there is a very diverse student body and also that our schools are secular in nature, I wish to add a reference for clarity that schools, preschools and children's centres are free to celebrate events that are of significance to their communities.

Mr GARDNER: I move an amendment to the minister's amendment:

Amendment No 1 [Gardner–2]—

Page 14, after line 17 [inserted paragraph (h)]—After 'communities' insert:

(including, for example, by singing Christmas carols)

In identifying and referring to this amendment she has just moved, in the journal of record in South Australia, *The Advertiser,* in a piece by Mr Tim Williams in relation to issues to do with religious instruction and things we were debating earlier in relation to clause 82, the minister said:

These provisions do not apply to in-school celebrations of significant events such as Christmas and Easter and the Government has filed an amendment to make this unambiguously clear.

The amendment the minister has just moved is worthy, but it does not, as the minister suggested, make clear the critical question that has been confronting the community of South Australia for the last four or five months—Christmas carols and whether or not it is unambiguously clear that they are to remain possible in our public schools.

The opposition believes that the minister will welcome the amendment we have suggested because it does in fact make it unambiguously clear that Christmas carols are to be allowed to be maintained. I know that she herself enjoys a Christmas carol and I commend her for that. It is good for the voice. The minister's amendment inserts this subclause:

(h) subject to this and any other Act or law, schools, preschools and children's services centres are free to celebrate events that are of significance to their communities.

My amendment inserts, after the word 'communities', the words '(including, for example, by singing Christmas carols)' thereby guaranteeing that Christmas carols will be protected under the act.

The Hon. S.E. CLOSE: We will accept this amendment because quite clearly if we were not to, it would be argued that we were opposed to Christmas carols, which we never have been and never will be. I think it is a pity to bring that into a piece of legislation because there are a number of events that are significant to schools, and they are not only those that are associated with a traditionally Christian celebration, but I have had enough of the politicking over Christmas carols. It

has been absurd from start to end, and I will accept this in order not to prolong that kind of game playing with our schools.

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (EXTREMIST MATERIAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:01): I rise to speak on the Statutes Amendment (Extremist Material) Bill 2017 and indicate that I will be the lead speaker. The bill is to amend the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953 and in particular to create new offences regarding extremist material, including its possession, production and distribution. Additionally, it is to provide more powers to the police with regard to search warrants. The government announced on 26 September this year that they would give the police greater power to combat terrorism 'through new laws targeting people who produce and distribute extremist material'.

Undoubtedly, members are concerned, as the wider public are, about the contemporary conditions in which we live and in particular the acts of terrorism and threats that we now witness on our televisions and other media on a daily basis. It is clearly important to identify these and act where possible, in the early stages of radicalisation, as a counterterrorism measure. The introduction of the bill recognises that it is an important part of disrupting extremist activity to prevent the harm to the community that logically will follow.

I want to say something about a presentation that was made by a former adviser to the United Nations, Mr Mike Smith, in respect of his position as executive director on the United Nations Counter-Terrorism Committee Executive Directorate. Recently, in an address he gave, he pointed out that there is generally amongst the public quite a high expectation that the police do everything they can to monitor and deter those who pose a serious threat. Perhaps more any other offence, because the consequences are so cruel and so final, there is this expectation on the police to do that.

Members would be aware that if someone has been captured after the event of a threat or attack, one of the first questions asked is whether the person was known to the police and intelligence agencies; if so, what was the nature of the background of the person in question and, furthermore, if there was a history and it had been identified, why was this person at large? I think it is fair to say that there is quite a high expectation, perhaps unreasonably so, on our local police as to their capacity to ensure that every person who is a risk is in some way under supervision, or in some envelope of custodial safety, if I can put it as generously as that.

In that regard, we see the need for ensuring that there is an upgrading of both the powers of the police and the obligation, in this case by offences that are being introduced, of members of the public to ensure that they are given clear notice that certain behaviour will be illegal and that it will be part of our statute. The first thing under this bill is to create two new offences. Firstly, it will be an offence for a person to collect or make a record of information that 'could be of practical use to a person committing or preparing' a terrorist attack or have possession of such information.

In this regard, this is will be an indictable offence with a maximum penalty of imprisonment for up to seven years. Largely, this has been drafted based on United Kingdom law which, as we know, has a long history of both legislative and administrative attention to how they deal with terrorist attacks. The second is that it will be an offence to possess, produce or distribute extremist material without reasonable excuse. Such material is deemed to be extremist material if a reasonable person would see the material as 'encouraging, glorifying, promoting or condoning terrorist acts'. This will be a summary offence with a maximum penalty of $10,000 or imprisonment for up to two years.

Concern has been raised by stakeholders—unsurprisingly, our advisers in the legal world, particularly the Law Society—that the offences cover conduct which is very broadly defined. Although that is the case, I think the public generally expects action to be taken, where possible, to disrupt the production and dissemination of extremist material. The definition of 'extremist material' includes reference to:

(a) material that a reasonable person would understand to be—

(i) directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts; or

(ii) seeking support for, or justifying, the carrying out of terrorist acts…

Quite clearly, the real danger with this law is that it may apply to people who are not about to commit terror acts, for different reasons. Obviously, there is every likelihood that a lot of different people will be captured by this who, on the face of it, have no intention whatsoever of progressing to commit a terrorist attack. The contribution of the reasonable excuse as a defence is presented by the government as covering the risk here and ensuring there is protection for legitimate possession or production of this information.

Quite clearly, as the bill is drafted, there are two main areas that ought to have some protection. The first is where there is a legitimate public purpose, that is, an academic delivering a public lecture or media reporting. For obvious reasons, the persons responsible as the authors of this material, its preparation and the like, will have in their possession material that in every likelihood would otherwise be captured by this legislation.

I am not a great supporter of the idea of having a blanket cover for everybody and then the people who are acting lawfully having to go along and prove that they should be exempt from this huge umbrella of cover. Nevertheless, I accept that that is an area that clearly needs to be excluded and needs to be in the statute itself or, at the very least, in the regulations.

The second area of the defence of reasonable excuse having prima facie acceptance is, firstly, when the material has come into the possession of the person via an unsolicited process and, secondly, that reasonable steps were taken to get rid of it. Obviously, the facts of the case would need to be considered. It is not sufficient to say, 'Look, all this material arrived in a box and I didn't order it, I didn't ask for it, I didn't pay for it, I didn't solicit it in any way; therefore, I should be able to rely on this,' and then to find that they have had it in their possession for a year and have not in any way acted to dispose of it, hand it in to somebody or the like.

There is a second aspect of this, and that is that reasonable steps must be taken by the person who is in possession of this material to get rid of it. That is the approach of this bill. It is not ideal, but it is an approach that we are prepared to accept on the basis that we will need to do some further investigation on this matter. However, on the face of it, we will accept that process. What is concerning to us—and this is a matter that we will consider further and possibly present amendments in the Legislative Council—is the extra powers to the police.

Quite obviously, the South Australian police are the first responders to incidents. They are the people who are out there protecting us in an incident where people's lives are at risk or indeed lost. They are the ones who have to go in and protect the rest of us as best they can. They also have to care for and evacuate those who may be injured, and they have the gruesome task of dealing with those who might be murdered in such an incident.

I have a great deal of regard for the fact that South Australian police, amongst their other duties, are and will be called upon in the future to deal with these situations, including any siege. In recent decades, it is not something that we have experienced in South Australia, but some of us are old enough to remember bombings here in Adelaide. For different reasons, we have been exposed

to acts of terror, which might have had a different motivation, but we have relied heavily on our South Australian police to provide us with the support and protection in those circumstances. They have my full commendation and support in that regard.

My concern is that South Australia Police have requested greater powers to deal with and disrupt this terrorist activity, acknowledging that the commonwealth had already developed offences and that COAG is reviewing a national approach to these reforms. In fact, the police sought these reforms last year. Ten months later, we are here in the parliament dealing with this bill that was tabled on the 27th, only a couple of weeks ago, and we are expected to deal with it in a very short space of time even though the government have had this request for some 10 months.

What is curious about the urgency of the government on this now, and the claims that the Attorney-General is acting to present this as a counterterrorism initiative, is that they did nothing until after the Prime Minister had acted and made announcements that there would need to be a coalition of support across the country via COAG to address a number of these matters. It seems that then, only then, was the Attorney woken from his slumber on this issue to actually act.

What is being asked for in the bill is that the new offences not require evidence to suggest a particular connection between the material and the terrorist; thus, this very much broadens the search and seizure powers of the police. I think that there are problems with that. Members of the opposition need to consider the contribution from other stakeholders, and so we will agree to the bill being progressed. I thank the members of the government for the briefing they provided on 9 October but, again, even in that briefing the confirmation that only SAPOL and the DPP have been consulted about this bill is quite concerning in itself.

If the government see this as an important initiative, if they see these offences as a legislative measure to try to target people who produce and distribute extremist material, then why on earth was this bill not drafted months ago, in fact, last year, and distributed for people to have a look at? It is concerning that that is the approach that has been taken. We will support the bill but reserve our right to pursue amendments in another place.

Mr TRELOAR (Flinders) (16:18): The government announced on 26 September 2017 that they would give police greater power to combat terrorism through new laws targeting people who produce and distribute extremist material. In light of contemporary concerns for public safety, it is clearly important to identify and act on early stages of radicalisation. As has been evidenced by interstate arrests, it is an important part of disrupting extremist activity to prevent harm to the community.

The public expect our police to do everything they can to monitor and detain those who pose a serious threat. Under the bill, the government create two new offences under the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. The first is that it will become an offence for a person to collect or make a record of information which could be of practical use to a person committing or preparing a terrorist act or to have possession of such information. This will be an indictable offence with a maximum penalty of imprisonment for seven years. This is based on a similar UK offence.

It will redefine the offence under section 14(1)(b) around failing to provide food to a vulnerable person if the defendant is liable to provide food, accommodation or clothing to them. This will have a maximum penalty of imprisonment of three years. Similarly, the ill-treatment of a vulnerable person has come to public attention, where children have been left in squalor or an elderly person has been left without adequate food or care. Consultation and a government briefing have been provided. With those remarks, I conclude my contribution.

Mr KNOLL (Schubert) (16:20): I rise also to make a contribution on the Statutes Amendment (Extremist Material) Bill, introduced by the Attorney-General on 20 September. Essentially, this bill is quite simple in the concept that it is trying to achieve. It wants to create an offence for a person to collect or record information which a reasonable person would call extremist material. It then creates a second offence around the dissemination and distribution of such material.

I have had a look at the United Kingdom and the very difficult problem they are dealing with. They have obviously reacted by trying to stop or slow down the radicalisation of people within the

community. It is a huge problem. They have experienced a large number of attacks in and around Westminster and Manchester. A number of high-profile incidents have captured our attention. They are awful in their impact because they really strike fear at the heart of not only the communities that are affected but also, much more broadly, entire countries. Here we are, on the other side of the world in Australia, having suffered a number of attacks thankfully nowhere near as severe as the loss of life that we have seen over there, and we are attempting to deal with this issue as well.

We agree with the government that there is a need to be proactive in this space. Luckily, in South Australia we have not had a terrorist incident. We are also lucky in South Australia that, even though a number of people are being monitored, that number at this stage is quite small. Only one person in South Australia, to my knowledge, has been charged with a terrorism offence. This means that to a certain degree we have the luxury of importing the best of what the rest of the world is doing to deal with this problem in the hope that we can prevent issues before they occur, that we can put in place a system that stops these issues from occurring rather than trying to mop up after the worst excesses of radicalisation that our community may bear in the loss of life or serious injury.

We on this side have proposed a whole series of measures in relation to curbing terrorism and also in trying to deradicalise or stop the radicalisation of members of our community. We had a discussion today about the proposed shoot-to-kill laws, which should send a message to any and all who would seek to undertake a terrorist incident that we are serious about stopping them in their tracks in the event that they make that disgusting decision.

We have also made policies quite public around other measures to reduce radicalisation through a greater use of community constables within extremist communities. We know that this extremist population, one would have to say, manifests itself around the Islamic faith. It is not exclusive to that. I am not making a political point here; it is just the facts as they have been presented to us; however, it is more broad than that.

We need to engage with these at-risk communities so that they understand the Australian way of life, and the beautiful standard of living that we have here, and the fact that we have a society with lower levels of crime compared with the more developing countries, where corruption and bribery are not rife and you can make comments about the government separate to that. By comparative standards to the rest of the world, we observe the rule of law, and that needs to be preserved. It needs to be protected and it needs to be understood by everybody who lives here.

So having a community constable, which is a police officer with limited jurisdictional powers, to engage with at-risk communities to show them that our police force can be trusted in the vast majority of cases to do the right thing means that we do not need to fear the police. In some countries the police force are the ones who are brutalising their citizens; the police force are being used as an army to oppress average citizens. That is not the case in South Australia, and it is not the case in Australia.

In fact, South Australia Police are ranked the highest when it comes to people's appreciation and trust for the work that they do. Even this morning, we heard figures of about 75 per cent of people who believe that South Australia Police go about their work fairly and that they are treated fairly in their conduct with the police.

The community constable is designed to be someone who is a few steps from being a full-blown police officer and provides that link between SAPOL and at-risk communities and can show them that they can trust the police and that we can and should respect the rule of law in Australia. I think that goes quite a long way in actually helping to stop radicalisation in the first place and to stop the resentment, the disenfranchisement and the isolation that are many of the precursors to radicalisation.

We have also discussed measures around improved training for security guards and improved firearms training for police officers. This is, essentially, a broad suite of measures to make sure that we are ready and able to deal with the issues as they occur. We have also announced plans around a communications strategy. Again, the whole idea of that is to stop radicalisation in its tracks.

The whole desire to have a communication strategy is not only in that initial response period where we need to get quick and accurate information disseminated out to the community so that

people can respond and keep themselves safe but also, in those moments, it is incumbent upon us to speak in a language that denigrates terrorists for what they are, who they are and what they are doing as the murderous, suicidal scum that they are. In doing so, we seek to denigrate rather than to immortalise those who choose to undertake these horrific acts.

What the government has put on the table in this bill—and again, I will defer to a lot of the comments from the deputy leader around the manufactured haste that seems to have come into play here—is a movable feast. We have seen eight tranches of legislation from the federal government around increasing protections, increasing penalties and improving methods for dealing with terrorist incidents and also around antiradicalisation strategies. I have been lucky enough to have briefings from a variety of departments on the work that they are doing. This is a movable space. Whilst we support the intent of the bill, and we are going to support the bill through this house, there are a huge number of questions to be raised in relation to how this is going to work in practice.

The real question that I have and that we have as an opposition is, first off, about wanting to understand what the legislative experience is. I understand that in the UK it is quite new. Having said that, do we have here any understanding of what other states are doing in this regard? What we have is quite a broad bill that states that something is extremist if:

> (a) [it is] material that a reasonable person would understand to be—
>
> (i) directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts; or
>
> (ii) seeking support for, or justifying, the carrying out of terrorist acts;

Terrorist acts and terrorism offences are clearly defined federally, and I understand that there is a common set of wording across the country around what that looks like. That part is defined well enough, but the definition of 'extremist material' is quite broad.

Obviously, for legislative purposes, that is the way it has been presented to parliament, but for me that raises huge questions about what is extremist material and how it is going to be defined in practice. What does this mean for those who are going to have to attempt to make a judgement on whether something is extremist material? The second and probably the most important question I have and I would like to tease out in committee is: who gets to determine what is extremist material? Is it going to be a court, or are we going to be providing police with training so that they can make a determination on what is extremist material?

When we have dealt with possession offences in other ways—possessing illegal firearms, possessing illicit substances and possessing other illegal weapons—we were able to clearly define, or over time through common law have clearly defined, what those weapons are. I will give an example. We have now defined when a kitchen knife becomes a weapon; otherwise, making a blanket statement that the possession of a knife is illegal means that every single household in South Australia has just broken the law. Are we facing the same situation here with what is extremist material and who is going to make that determination?

I can understand that through a court process a judge will make a determination and can sit down and use the reasonable person test as an objective test to be able to make that determination, but when we are putting our police out there on the front line how are they going to be able to make that determination and how is that going to work in practice? I think that there are serious questions as to how that is going to be put in place.

The Liberal Party wants to work constructively with the government on getting this right. We want to make sure that that balance between freedom of speech and freedom of expression on the one hand is balanced versus the security of our state and the need to intervene as early as possible to prevent issues, but where is that line drawn? For instance, if this bill becomes law and in researching this act I try to access extremist material, how is that captured? Do I have to go to a court of law to prove my innocence? I understand that there are some legitimate public purposes and that there is a defence here.

Essentially, are we going to get a situation where we are asking our front-line officers to make decisions and determinations and, out of an abundance of caution, make a more broad decision, which means that this will lead to a lot of superfluous prosecutions down the track to try to

test this legislation out? Are we going to impinge upon people's right to freedom of speech and impinge upon people's right to explore the big wide world and inadvertently make those who have absolutely no intent of actually undertaking terrorist acts criminals by virtue of this legislation? I think there are a lot of questions to be asked as to how this is going to work in practice.

We are here offering support. We are here offering the cooperation of the opposition to get towards a workable solution, but we are also mindful that we are here to get a workable solution that works through the unintended consequences that so often happen with government bills and make sure that we can actually get to an outcome where South Australians are safe and the liberties they are choosing to give up are not given up in vain, but are given up in the appropriate cause of keeping our community safer.

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) (16:34): I thank everyone for their contributions. I am hopeful that all of us basically share the same appropriate objectives, that is, to make sure that we keep our community safe and that, in taking steps like this, which you would hope you would not have to do but I think that it is more than arguable—it is unfortunately necessary in the present circumstances that we do do something—that parliaments around the country take that responsibility and act accordingly.

It gives me no pleasure to bring a bill such as this before the parliament because I would much prefer us to be living in a community where even the thought of this type of behaviour was so far from anyone's mind that it would not be necessary. Sadly, that is not where we are.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: Clause 4 is to insert the provision under the Criminal Law Consolidation Act that creates the indictable offence. My question to the Attorney is: does this follow exactly the format in respect of the UK legislation and does it apply anywhere else in Australia?

The Hon. J.R. RAU: Thank you for that question. I am advised that if you look at the bill, in new section 83CA(1)(a), in the second line, there are the words 'to be of practical use'. With the exception of those words—and I suppose subclause (4), which clearly refers to the commonwealth, which has obviously nothing to do with the British model—new subsection (1) does basically follow the British model with the exception that those words 'to be of practical use' have been added in because that is the way in which it has been interpreted there, so we want to make it clear that that is what we are on about, not some more generic proposition

Members would be aware that COAG has been discussing matters relating to this. I do not believe that any of the other states have yet managed to put into their statutes provisions of a similar kind, but I think it is fair to say that all of them are intending to do things along these lines. The commonwealth certainly has been making noises about this type of thing.

The analogy is basically this. We have provisions dealing with, for example, the provision of information in the nature of a how-to-do kit for bombs or a how-to-do kit for other things that are illegal, and we have provisions about people using the internet to recruit for terrorist organisations, for example. Bear in mind, too, that we are getting to the point now where increasingly terrorist activities appear to be being carried out by people who are not necessarily connected with a group. These are not necessarily activities that are organised by a group of people who act in a coordinated fashion who are semiprofessional or qualified in some way. These tend to be lone actors who hatch an idea in their own minds and decide they will go off and do it.

In those circumstances, handing a person who is of that frame of mind practical information about how they might go about executing such an act is not dissimilar conceptually to providing a person with information about how to build a bomb. It is certainly facilitating people being able to

translate what might be just a thought or a whim, giving them the practical information that enables them to translate that from simply a thought to an action. But the answer is: with the exception of those words I have just referred to, this is the British position.

Ms CHAPMAN: The forfeiture provision basically says that, if you are convicted, you forfeit and there is a right for the court to let you retrieve certain material. Presumably, if they are satisfied that they are personal effects or something of that nature, they can be retrieved. Is that all the same as the British arrangements?

The Hon. J.R. RAU: I am advised that that is actually a more local element. That element is essentially to align the offences here with things like child exploitation material. Where a person is charged and successfully prosecuted in respect of this type of matter, the equipment they were using would be treated in South Australia in the same way as equipment used for the purposes of child exploitation material might be treated. It is aligning the consequences of this prosecution with the consequences of analogous but different prosecutions under existing South Australian law.

Ms CHAPMAN: I think it is fair to say that these forfeiture laws are not necessary for the purposes of retaining material in the custody of the police or the DPP for prosecution because they are entitled to do that in any event and keep it secure for the purposes of any trial or whatever. In any event, I understand. You want it to have the status as though it were in the category of material that should not be allowed to survive, like child pornography.

Then we go to the provisions under new clause 37—which will be new section 37 if the bill is passed—which give the possession arrangements, with the exception of there being 'a legitimate public purpose'. Is this a replica of what is in the UK or is this of local origin?

The Hon. J.R. RAU: I am advised that the defences here are of local drafting. However, the primary offence, as I explained earlier, with the exception of those words about practical use—I beg your pardon. Let me just take some advice. The definition of 'extremist material' here is, I am advised, an adaptation based on the British definition, but the actual wording otherwise is not based on that. The defences are locally drafted.

Ms CHAPMAN: Having gone down the track in respect of a summary offence here and the broader definition essentially of 'extremist material'—I note that you have put in these clauses to try to draw back conduct for artistic purposes, academic speeches, etc.—what is the justification for going further? Given that the United Kingdom has established this legislation, as you have rightly pointed out in your second reading, had it tested in the courts and it appears to work, it is the basis upon which you are bringing it to this jurisdiction. Where something has been tried and tested, that is always something helpful to any legislature to consider. Why has this novel addition been incorporated?

The Hon. J.R. RAU: I am advised in this way: the summary offence, which obviously is a less serious matter from a criminal point of view, is different in a material way because it does not have any obvious necessary connection with any particular terrorist event or offence which may be or is being urged to be perpetrated. That is the reason why it is a lesser offence than the other.

I guess we are drawing the distinction between somebody who is in possession of material as opposed to somebody who is attempting to proselytise or train others. We are saying neither of it is any good, but clearly the person who is actively seeking to promote, to train, to inform or instruct others is doing something much more potentially dangerous than somebody who might simply be, for whatever reason, in possession of the material. As the deputy leader pointed out, we are actually saying that there are significant carve-outs for legitimate public purposes which, hopefully, would exclude anybody with a reasonable excuse for being in possession of the material.

Ms CHAPMAN: If it does not operate in Britain and it does obviously apply with these qualifications, why is it actually necessary to have this extra step other than because of the fact that the police have asked for it?

The Hon. J.R. RAU: I guess the answer is along these lines. We have been advised that there are circumstances in which the police have not been able, from an evidentiary point of view, to establish a connection between material and any particular terrorist act or planning of any particular terrorist act.

At the moment, one might regard that as leaving us with a bit of a gap in the legislation so that a person can be in possession of this material unless the police can demonstrate—and of course the onus is on them to demonstrate—that there is a connection between that person having this material and some particular terrorist event, and the police do not then enliven any other powers that they might have in terms of not just prosecuting for that but even being able to arrest, take the computer or do anything else that they might think is appropriate.

I think it is fair to say, on the basis of the information I have, that it may well be that this offence is in some respects potentially an enabler for the police to identify early on whether there are other offences that have either been or are in the process of being prepared to be committed. The possession of this material enables them to then make inquiries of a person who has this material.

I would be very surprised if many ordinary citizens are in possession, by any definition of the word 'possession', of any of this material. I imagine the average person going about their daily business would not be even remotely likely to encounter this material. We are dealing with a fairly small cohort of people who would even be interested in this material, and to be in possession of it, and it is possible that this self-selecting group are probably of more interest to the police than people who do not have this material.

I come back to the original point I made: this is only a summary offence and this does not carry the same consequences, potentially, as the other offence. We deliberately made it that way, rather than having the two of them being alternatives in the same scale of offending. There are a number of obvious public interest offences.

Ms CHAPMAN: So I take it the answer is that nobody else asked for it, other than the police?

The Hon. J.R. RAU: Yes, they certainly asked for it.

Ms CHAPMAN: No-one else?

The Hon. J.R. RAU: No. I do not recall having had a request from anybody else about this. That said, it may well be—and I do not have access to all these details—that COAG has actually traversed this topic in terms of the ongoing conversations they appear to be having about terrorist material. But, insofar as I am concerned, yes, it is from the police.

Ms CHAPMAN: Other than in the UK, because they did not apply it—they are a mature country with regard to dealing with terrorist activity and they do not have it—where else does this operate, if anywhere?

The Hon. J.R. RAU: We have not gone through a process of seeking out an answer to that question. We have not done this on the basis that somebody else has done it and we are copying it. We have done it on the basis that the argument put to us by the police about the potential utility of an offence such as this in enabling them perhaps to identify and interrupt people who are potentially about to do more serious things was warranted.

I accept the member for Bragg may have the view that these are all questions of fact and degree. I accept that. I made the point earlier that it does not give me any pleasure to bring this to the parliament, but it is a judgment call as to whether or not we wish to make a very firm statement, as a parliament, about people who are possessing, disseminating, using or potentially proselytising with this sort of material.

It is not unknown, for example, with child exploitation material. There are offences in relation to possession of child exploitation material, and then there are different and more serious consequences attached to hosting a website, for example, or transmitting it to third parties. It is not as if that two-tiered response is an unknown thing.

Ms CHAPMAN: So when the police were putting this presentation to you, to have the benefits of this proposed legislation, did they explain to you how many cases that they considered had not advanced because they could not get over the threshold of the obligations currently under the summary offences laws in particular in order to justify getting a warrant, which would be their usual obligation?

The Hon. J.R. RAU: I am advised that there were two examples that were put forward about this. I cannot presently remember the details of those; nonetheless, there were a couple of examples

put forward. Another thing that is probably worth noting is that the threat assessments around Australia vary. They vary geographically and they vary from time to time. It is probably the case that at present, if you are in New South Wales or Victoria—and I do not think I would be letting any cats out of the bag there; they have bigger populations and they are where previous incidents have occurred—more activity has been detected and has resulted actually in people being killed.

That does not mean it cannot happen here and it does not mean that this might not be a place where a self-motivated individual in particular, albeit a crazy person, might wish to make something of themselves and make some sort of statement here. Just because we are not a place that, up until now, has been a focal point of these discussions does not mean that we are not at risk.

Coming back to the point that was raised, I am advised that there were a couple of examples. To the extent that it is possible—I cannot make a commitment on behalf of SAPOL—I would certainly be happy to encourage them to discuss those matters between the houses, if that is of any value to the deputy leader, to give their account of it. I think they are probably best able to speak for themselves in relation to those matters.

Ms CHAPMAN: I note the Attorney's offer in that regard. I am happy to receive the details in writing from—

The Hon. J.R. RAU: Can I make it clear that this is SAPOL's information, not mine. What they are happy to share is a matter for them. What I can say is that I am very happy to ask them to share whatever they are comfortable with sharing on whatever terms they are comfortable sharing it with the deputy leader in order to enable her to better understand what their concern is.

Ms CHAPMAN: Let me be clear: we are being asked to support an aspect of this bill that is completely novel, that to the best of our knowledge has not been asked for in a COAG agreement and does not apply in any other jurisdiction in Australia, but is a process which otherwise, effectively, will subvert the obligation of any other police officer in the proper processes that they go through under the Summary Offences Act—namely, get warrants, show cause and so on.

It is a matter for the commissioner or his representative to come to the Attorney or the government and say, 'We think this would be a handy extra tool in the toolkit. We would like to have it. I know it's not anywhere else, even in Britain, which has been fighting these wars for hundreds of years.' In the last part of the century, of course, the British fought the Irish, but there are plenty of other countries they have been at war with and blowing each other up, and even they have not sought this.

If the police commissioner says, 'We have identified in the course of our investigations in these types of matters this impediment, which means we can't just go in and grab this stuff,' then we will listen to it, but please do not come in here with this idea of, 'I don't know; I can't remember what they told me, but there were a couple of cases,' and then say, 'It's up to the police whether they tell you.' It is up to the government, and the Attorney-General in particular, to convince the parliament that there is merit in this approach and what they are asking us to do, which completely goes against the current laws in respect of access to people's property and the confiscation or forfeiture of assets in the meantime. Please do not get cute with the parliament in this regard.

In any event, if there is COAG instruction on this I am happy to receive it and take it into account. If the police wish to put something to us to satisfy us that there are cases that are failing as a result of their not being able to get sufficient authority to act in cases where they think they are prejudiced in the opportunity to find material that would help to undermine or at least subvert a plot for a terrorist attack, they are welcome to get in touch with us. That is all I have to say.

The Hon. J.R. RAU: The Deputy Leader of the Opposition was doing so well up until then. She had been courteous and receptive to courtesy. Anyway, as I said, I made an offer. I will ask SAPOL to please provide the deputy leader with whatever information they are able to provide her with from their point of view in order to assist her in understanding what their concerns are. I cannot direct the police commissioner to do that, but I will ask him to do that. I am happy to ask him to do that. I think that is the best I can do.

Clause passed.

Remaining clause (5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (EXPLOSIVES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:02): I rise to speak as lead speaker for the opposition on the Statutes Amendment (Explosives) Bill 2017. This is a bill introduced by the Attorney-General to amend the penalties for possession, manufacture and use of explosive devices, essentially, in line with their risk. The explosives offences that currently sit on our statute book are largely covered by the Explosives Act 1936. There are penalties under that act for possession, manufacture and use of any unauthorised manner: a $35,000 fine for a body corporate, and $5,000 or imprisonment of up to 12 months or both in any other case.

Members who follow this type of legislation, who I am sure are not many, know it is largely to regulate and manage the commercial industry in the area, not terrorists. We have other regulation to deal with explosive devices for the purposes of fireworks and the like, legislation that has been a complete killjoy to Guy Fawkes Day; nevertheless, it is one that has developed in line with acceptance of the safety and risk, often to those attending these types of activity, particularly children, when they have in their control items that can explode and cause either death or serious injury.

Loss of eyes and sight and these types of things are matters that have drawn attention to the whole question of safety and protection against injury. Unsurprisingly, there are aspects relating to property damage as well, but I think it is fair to say that, if you have in your possession explosive material, it can, unchecked and unsupervised, turn into a lethal weapon and for obvious reasons is under restriction.

There are other things which historically we have had to deal with in terms of the storage of explosive material. That is now most commonly all the regulation that sits around ordinary product that needs to be kept in a secure facility away from the public and not in a residential area and the like. A classic example of that is the storage of material such as superphosphate, which on its own is pretty innocuous—it helps the grass grow—but is covered by regulation about where it should be situate.

Other examples include product that historically has been used for explosives. I think of one such as the resin in yakka gum, which over the years has been harvested and manufactured into explosives, particularly during World War II. It was used before that as well, having its lifetime use as an explosive, but it was used as a paint thinning option and the like. Over time, some things come in and out of scrutiny in respect of the regulation that sits around them in order to protect individuals who might use or misuse them and cause harm.

The use of these products either on their own or in a manufactured form in some unauthorised manner—namely, by a terrorist to deliberately cause harm to others—is something that needs our attention. It may be that explosives, bombs and the like were the instruments of terrorists in the past. Who knows how much they will be used in the future? We have seen them used by being left in residences and places of public use. We have seen them destroy motor vehicles, and they have also been sent through the post. They are still a weapon of choice that is available and, if unchecked, will cause havoc and, worse still, death.

The bill before us creates new offences under the Criminal Law Consolidation Act. Those offences are: the unlawful use of an explosive device, which if convicted carries a maximum penalty of up to 20 years' imprisonment; possession of an explosive device in a public area without lawful excuse, which if convicted carries a maximum penalty of up to 10 years' imprisonment; possession, supply or manufacture of an explosive device without lawful excuse, which if convicted carries a maximum penalty of seven years' imprisonment; and possession, use or supply of an explosive substance, prescribed equipment or instruments on how to make an explosive device in suspicious circumstances without lawful excuse, which if convicted carries a maximum penalty of up to seven years' imprisonment.

There is a further offence of making a statement about a bomb hoax knowing the statement to be false. If convicted, it attracts a maximum penalty of up to five years' imprisonment. Essentially, all these new offences will cover the use of explosives and precursors by individual members of the public. All except the bomb hoax offence have the defence of lawful excuse because, by its very definition, a bomb does not exist, but there is a threat of it.

The Attorney has already indicated today, and I fully accept, that there has been discussion at a national level spearheaded by the Prime Minister this year, and indeed in the last couple of years since the Lindt Cafe siege in Sydney, New South Wales. More recently, the publication of a coronial inquiry into the deaths of two visitors to the cafe and the person responsible for their deaths set out a number of parameters of reform that need to be considered. As a result, COAG has met again and, I think it is fair to say, elevated their response.

In the previous couple of years, there have been reforms, there have been protective measures introduced and there has been a response to the original inquiry at a national level, and all these things have been welcomed. One of the initiatives nearly two years ago now was for the federal government to provide funding to the state administrations so that they might appoint antiradicalisation workers in this space. That job was given to the Minister for Communities and Social Inclusion in this state. She was handed $135,000 to appoint a counterterrorism person in this area largely to work with youth and others where there may be some risk of radicalisation, and all that was welcomed.

Disappointingly, it took this government months and months even to appoint a person to work in this space as a youth officer. In fact, when I made a request earlier this year to meet with the youth worker in this space who was being paid to do this job, the unhappy news returned that she had actually resigned and gone. The position was not filled for some months but, fortunately, I understand that at least as of earlier last month this position has been filled again.

It is always disappointing to think that when leaders get together and make commitments to do a number of these things they do not follow through or, if they do follow through, that they are not as vigilant as they should be in ensuring that we have the protections which we expect them to deliver and which they promised. In this case, the federal government gave the money, then the government here dropped the ball on the significance of understanding in this state that radicalisation of our youth is probably the most grave and present danger—a threat to our community.

Fortunately, as the Attorney has pointed out, we have not had recent incidents of actual attacks in South Australia, but they already prevail in other states in the last 10 years, and it is a concern. If our representatives—whether it is the Attorney-General or anyone else—go off to these COAG meetings, then quite frankly I expect that when they come back they do the job properly, especially when they are given money. In any event, in this instance of the provision of a punitive regime for people possessing explosive devices and the like for this potentially unlawful use the penalty should apply, and we support that.

However, this is an area of reform that comes with a second and more controversial aspect, that is, providing special powers to the police to enter and seize and the like and, again, to essentially bypass the usual obligations of a police officer in respect of having access to and the capacity to take into possession and/or forfeit material surrounding this type of legislation.

Typically, when they announced this initiative, the government said, 'We are going to have some tough new penalties for makers of homemade bombs.' They did not mention how this is going to be applied by the police relative to what the law currently provides. However, questions have been

raised, including by the opposition, as to why this is necessary. It may come back as exactly the same answer.

The police thought it was a good idea. Obviously, they have not had any cases because we have not had this law in relation to the possession of this material, but I will be interested to hear from the Attorney as to what the justification is for the police to ask for this. This is particularly because in this instance, as distinct from the previous amount of legislation, all the other states have already acted and they have already considered the potential dangers of people who make bombs or attempt to and cause a problem. They have already dealt with it. They have not included in their legislation what we are being asked to consider in this bill by way of police powers, and that is the concern I have.

Other jurisdictions—and we have the benefit of being able to consider this—have already looked at this threat of people who might have in their possession dangerous or explosive substances in suspicious circumstances, and they have legislated to make it an offence in each of their jurisdictions. Western Australia, New South Wales, Victoria, Tasmania and Queensland, in some cases for some years, have had these offences on their statute books, but none of them have had legislation through their parliaments that incorporates what this government is asking us to do in respect of police powers.

The government may have been persuaded by a private briefing from the police as to why this needs to be dealt with in this manner. We are happy to receive any information that could be presented to us to say that this is either necessary or that there have been cases where they have not been able to obtain the requisite threshold authority to take possession of equipment or explosives that has been to the detriment of the safety of the community. We are happy to hear it, but we do need to hear something because at the moment we are not convinced on that aspect. We are minded to remove it in the Legislative Council if we are not provided with some convincing argument, so the invitation stands.

Mr PEDERICK (Hammond) (17:18): I rise to speak to the Statutes Amendment (Explosives) Bill 2017. This bill, which was introduced in September, seeks to amend a couple of acts: the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. What it is aiming to do as a bill is to make sure that the penalties for the possession, manufacture and use of explosive devices and related substances, apparatus and instructions are commensurate with the seriousness of the risk posed by the reckless and malicious use of improvised explosive devices.

Most of the offences relating to the manufacture and possession of explosives are set out in the Explosives Act, the Explosives Regulations 2011, the Explosives (Security Sensitive Substances) Regulations 2006 and the Explosives (Fireworks) Regulations 2016. These offences in regard to the Explosives Act, and the regulations commensurate thereof, are primarily targeted towards commercial or maritime misuse or manufacture of explosives covering, for example, rules governing licensing for the manufacture, keeping, sale and transport of explosives.

The government have indicated that they believe the penalties under the legislation are not significant and, if proceedings under the act are to be disposed of summarily, this means that the South Australian police force cannot utilise investigatory options under acts like the Telecommunications (Interception) Act 2012, the Listening and Surveillance Devices Act and the Criminal Investigation (Covert Operations) Act 2009.

Certainly, in regard to those acts and the changing face of the world we live in, we have terrorism and we have people who, for whatever reason and without any thought of the greater community, want to have bomb hoaxes and want to wreak havoc. Sadly, we will see more and more legislation like this being beefed up not just in this state but in other states and across the country.

In the Criminal Law Consolidation Act there will be significantly higher penalties with the new criminal offences that are created. For instance, an explosive device is defined as any apparatus, machine, implement or material used or apparently intended to be used or adapted for causing or aiding and causing any explosion in or with any explosive substance, and includes any part of any such apparatus, machine or implement.

An explosive substance is defined as any substance used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect, and any substance or substance of a

kind prescribed by the regulations. It is noted that the Attorney-General, by notice in the *Gazette,* can exempt a specific apparatus, substance, machine, implement or material from the definitions and therefore from the operation of part 3D of the act.

It is noted that the offences are beefed right up. There are three new offences relating to explosive devices. The most serious offence is the unlawful use of an explosive device and that carries a maximum penalty of 20 years' imprisonment. The offence of possessing an explosive device in a public place without lawful excuse and to possess, supply or take steps in the process of manufacture of an explosive device without lawful excuse carries a maximum term of imprisonment of 10 years and seven years respectively. In regard to the lawful excuse, the burden of proof obviously lies with the defendant in accordance with existing section 5B of the Criminal Law Consolidation Act.

In regard to that, I note that over the last 25 to 30 years things have tightened up in regard to buying a substance, used by farmers and miners, called Nitropril. Nitropril is ammonium nitrate. It is a fertiliser, a prilled substance, and when mixed with a certain ratio of diesel it creates an explosive device. It is very effective. I have assisted one of my brothers and one of my friends, who did have tickets to operate with Nitropril, to use it effectively on the farm for blowing out dead trees and also stumps, especially where we wanted to put in new tree lines.

It is something you need to manage when you use it, obviously. It is very dangerous if you do the wrong thing. With Nitropril, before it is mixed with the diesel, the ammonium nitrate is quite stable and reasonably safe to handle. There are safety data sheets available on how you use it. It is in widespread use around the place. It is very effective when you have the odd bit—and only the odd bit—of sheet rock that you cannot dislodge out of a paddock and you can blow that up quite effectively with Nitropril. Obviously you have to have the appropriate people who have the ticket to use the explosive material.

As I said, farmers find it very useful. I would not like to see farmers having to prove their innocence if they have the right licences in place and being put under excess burden because of this impending act, but I do understand why this bill has been brought before us. The world has changed. It is changing all the time but I believe that, since the early nineties when we used to use a lot of this on the farm for tree lines and getting rid of some sheet rock in paddocks, the supply has been heavily regulated.

My understanding is that you cannot just drive in and pick up a tonne of ammonium nitrate. You obviously have to have the right licensing and arrangements under the regulations. I would have to check the facts, but from what I have been told, it has been used in regard to Motorsport Park, which is built on a great big rock, essentially, at Tailem Bend. One or two large explosions were used to create their own rubble and also to create access for putting in underground services.

It is a useful explosive and, as I indicated, it is also used in the mining industry on a pretty broad basis. Obviously powder monkeys and others who use Nitropril know how it works: it always finds the easiest way out. When we were blowing out stumps, we found that we had to pack in a few rocks around the charge because otherwise it would take the easy way out and just blow sand everywhere and do half the job. It is very effective but you do have to respect it, just as you have to respect firearms, because an accident can have very dire consequences.

The bill also creates a new offence, with a maximum penalty of seven years' imprisonment, where a person possesses, uses or supplies an explosive substance, prescribed equipment or instructions on how to make an explosive device in suspicious circumstances without a lawful excuse. Obviously, you need to prove that. I note that the equipment used for mixing ammonium nitrate and diesel is basically just a jug and a big bucket. You mix it up and let her brew. It is pretty simply made, but obviously it has to be done by someone who has a ticket to do it.

The part of the bill that I have some concerns about is in regard to the special powers that will be provided to police officers to enter premises at any time, to search those premises for the purpose of checking whether an offence has occurred under the new provisions. I note that no court order is required for these search and entry procedures. Under the current Explosives Act, police officers may only inspect and enter premises that are licensed by the chief executive officer of the department. These sections restrict any police officer from breaking into any part of the premises

and seizing any sample, product or equipment that may be intended to be used for committing any offence.

Obviously, this aspect of the bill is more controversial than the earlier parts of the legislation. The police have the right to enter property, which includes houses and vehicles, in limited circumstances without a warrant. Our current law—and I stress that—would allow the police to do so if they formed the view that an offence was being or had been committed. This bill allows police to enter, seize and destroy devices and to break, enter and search vehicles or vessels. I note that this aspect of the bill was requested by South Australian police way back in early 2007, over 10 years ago. Their primary concern was the risk to police officers. It is noted that in other states legislation does not include the provision of extensive police powers, and obviously this will be debated through this house and the other place as this bill is progressed.

New section 72D in the bill sets out what is to be done in regard to the seizure and destruction of any property that may afford evidence as to the commission of an explosives offence; to do that the safety of officers needs to be taken into account. To investigate the possible explosives offence, the commissioner has broad powers to direct that any seized property should be destroyed. That can be done in situ if required or at some other suitable place, and obviously there are good reasons for that. The material could be volatile.

If they wanted to get rid of the issue—some premixed Nitropril, for instance—I am assuming they would take the appropriate photos and recordings and take the Nitropril away to some place and detonate it. Obviously that would be a reason that you could not transport it. It could either be done on site in a safe location with the appropriate safeguards or taken to a close appropriate facility so that it did not have to be transported too far. If the property is destroyed, the court may order the convicted person to pay to the commissioner the reasonable costs of destruction.

We have talked about the in situ provision, and there is also new section 72E, which refers to the commissioner's appointment of analysts for the purpose of analysing seized property and the use of evidentiary certificates. It refers to the manner in which seized property to be analysed must be set out in guidelines by the police commissioner and placed on a website. Obviously, once the material is analysed, an evidentiary certificate may be used. It will be used in the absence of any proof to the contrary as proof of the fact stated in the certificate. In addition, a subsection in the bill provides a presumption as to the contents of containers or vehicles if the label states or indicates that it contains a dangerous substance.

In the main, this is legislation that is necessary for our time. As I said, we do have some concerns about the police entry rules. Certainly, miners and farmers need access to this material—it is not just Nitropril; I am just using that as an example today. I also note that I am aware that over time, the regulations and legislation have tightened up. As I said, you cannot just turn up to a fertiliser store and buy a tonne of Nitropril and go on your merry way, which is fair enough.

With those few words, we will investigate the possibility of some amendments along the way, whether it is in this place or the other place. We need to make sure that our people are safe, but we also need to make sure that the industries which require explosives have access to these materials, especially in case of farmers, where it might only be once every one or two decades. They are useful and absolutely vital if you need them at that time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:35): Can I thank those who contributed to this debate. I am of the understanding that at present there is no particular opposition to this bill. If that is the case, and if I am correct in that understanding, thank you. If there is a wish for further information, I make the offer I made before in the previous debate, which is that I am more than happy to facilitate the commissioner briefing the member for Bragg on all matters that the commissioner is able to do so, pertinent to any questions she has about operational police matters—in particular, the questions about search and suchlike.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:37): I rise to speak as the lead speaker for the opposition on the Statutes Amendment (Child Exploitation and Encrypted Material) Bill 2017. This was a bill introduced by the Attorney-General seeking to amend the Child Sex Offenders Registration Act 2006; the Criminal Law Consolidation Act 1935; the Evidence Act 1929 and the Summary Offences Act 1953.

Again, this is a bill in which we are considering the creation of new offences around the use and establishment of child exploitation material websites and provide powers to the police in dealing with this evidence and compelling a suspect to provide access to computer material relating to criminal activities. This is the current situation in South Australia: our laws deal only with the possession and distribution of child exploitation material and do not deal with those administering or operating such websites and models to facilitate the possession and distribution of this material.

The new offences will be implemented in this bill to create, host or administer a website which is used to deal with child exploitation material. If convicted, a maximum penalty for the offence is up to 10 years' imprisonment. That proposed offence will have a defence if the person can prove that they had taken all reasonable steps to prevent any person from being able to use the website to deal with the child exploitation material.

Other offences relate to encouraging another person to use a child exploitation material website through advertising the website and, further, to provide information to another person when it is intended the other person will use the information to avoid apprehension for a child exploitation material offence. Finally, it will be an offence to refuse to provide encryption information; if convicted, it will attract a maximum penalty of up to five years' imprisonment.

The Prime Minster has made it clear during the year that we need to deal with this question of encryption. No longer do we require people to provide the combination to a safe, a password to a phone or fingerprint access to an area as a common means of entry to recorded material or premises. Encryption is just one more very complicated barrier to getting access to some of this material. It is fair to say that the more sophisticated we get in material which can store information online, in iCloud or some other means by which it may be accessible, there is someone else out there who is smarter and quicker developing a means by which it can be kept secure from the prying eyes of others.

Sometimes, that technology is used by people who want to conceal material that would otherwise result in them being prosecuted and sometimes it is used to communicate with others. It may be an activity that is perfectly legitimate. On the other hand, it may be illegal activity of a prohibited organisation, a terrorist group and the like. It is not uncommon for us to hear of preparations and access to information on what is otherwise known as the dark web because it is so protected by shields of encryption that that would be the only way to access that information.

In this day and age, as the Prime Minister has pointed out, it is necessary for there to be laws to essentially require the mandatory production of the encryption to enable that information to be viewed and/or identified if it relates to a criminal offence. The commonwealth, Western Australia, Queensland and Victoria already have existing legislation but with varying penalties. On the information provided by the Attorney's office, I understand that the commonwealth introduced

legislation on 13 September 2017 and that Victoria introduced a similar law back in 2015. Again, consistent with COAG meetings and, in this case, a direct commitment that they will each work to ensure that access is not impeded when there is a lawful search for material, that approach will be followed.

We have a process in this bill where, firstly, SAPOL will be given an opportunity to enable and facilitate their police officers to essentially become members of a child pornography network to enable them to capture the offenders. In fact, just today in the parliament we received our annual report of the Criminal Investigation (Covert Operations) Act 2009. So that members are familiar with this, what happens is that, when the police are undertaking criminal investigations, from time to time they will be undercover and they will need to employ all the options available to them to be able to catch criminals.

From time to time, that includes getting permission to be involved in a covert or undercover operation. As a matter of interest, 38 approvals were given last year according to the report tabled today, so it is not an often-used process and we have a means by which we can keep an eye on the utilisation of this type of thing. Similarly, from time to time in the modern world, police need to be able to, essentially, join up so that they can see what is being promoted and distributed. They can then accumulate the evidence to convict those who are offending.

It is fair to say that South Australia has had a dose of the most unseemly circumstance, I think, of child pornography with the Shannon McCoole case. This involved multiple children who were the victims of literally thousands of images of children that were recorded online. Thanks to the active work of police in Europe, they were able to link Mr McCoole, who was a resident in South Australia, with being part of a group who were trading in this disgusting commodity, and he was caught. The aspect that is quite grotesque about that case is that he was employed in the very department in this government that is supposed to be there to protect children. There, under the very nose of the child protection agency, he was working away, accumulating this material.

With regard to the police and/or the investigative officers who get this material or get this information, I want to commend those who work in this area because it is a pretty tawdry and unhappy type of employment to have to sit there and go through multiple images, sometimes most distressing for the viewer, over a sustained period to be able to collate the evidence. In some cases, they have to go through an extraordinary amount of material just to be able to identify the pieces of evidence that are going to be useful for a prosecution.

It is in many ways a thankless task, and it sometimes can take weeks and months. Certain rules have been established to protect the mental wellbeing of those who have to do this type of employment. They have to take regular breaks and it is important that they do not themselves fall victim to distress as a result of having to do this job. We thank them because it is a task that none of us would want to have to do.

If there is a chance of getting this material more quickly, without having to break codes and everything else or pay expensive investigators to get access to it, that is something that we need to pursue. In that regard, we agree with the Prime Minister. The obligation to provide access, whether it is by any of the old-style passwords, fingerprints or any other access, or whether it is in the new world, needs to be in place to find those responsible for this sort of behaviour.

The Chief Magistrate, I am told, has been consulted, as it will be her court that will be asked to grant orders for the disclosure of barriers to access. She will be the one issuing the order to direct a person or persons to provide information and encryption details. The bill also provides, importantly, the defence of reasonable excuse. This is to be available to ensure that a person, who may have not had access to the full encryption details or had forgotten them, is able to present that evidence and avoid the obligation to comply. In those circumstances, they would not be able to and would therefore be relieved of any obligation.

The drafting of this bill has raised a few concerns. It is a matter with which we will try to assist the government to make sure that we get it right, bearing in mind that other jurisdictions have done it. Victoria in particular has had it for a couple of years, so they have had some experience in implementing this type of legislation, so we are keen to have a look at some of that material. I want

to thank in this instance the advisers to the government for providing a briefing about how this is to apply.

There will also be a question about who should be the relevant industry regulator. Victoria has its own eSafety commissioner, so they have a ready-made person to oversee this process. As I understand it, there is a commonwealth eSafety commissioner. I am not sure whether they are called a commissioner, but in any event they have a person who is responsible for doing that. We do not have one. One option is that at COAG there is some agreement to utilise the services of the commonwealth commissioner. I do not know whether that is available or appropriate, but it seems we need to have some kind of process to deal with the mechanics of the operation of this.

At least in this bill, we are pleased to see that the government have gone beyond the ranks of their own personal advisers and consulted with the Chief Magistrate. The Independent Commissioner Against Corruption and Crown law advised on the draft in addition to the DPP. As I indicated before, SAPOL has made a contribution. They are the ones who sought extra powers. Again, we need to be clear about how this will be implemented and whether there needs to be any tightening of the application of this law. We will consider that between the houses, again because this is legislation that was introduced on 27 September and the briefing was only last week, when we were able to at least present it for others to consider, and we are awaiting their consideration.

On the face of it, we say this is legislation that is a necessary expansion of modern regulation to deal, in this case, with the scourge of child exploitation and are persuaded that this is necessary to minimise trauma to the investigative officers. Also, the extraordinary time frame that is required to break the code and to get access to this material is clearly a police resource that is precious enough without having to be wasted. So with the protection of a court order application, we accept that that will be necessary, and the bill will have our support.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge that earlier on we had a group of students from Wilderness School, who were the 2018 Student Representative Council, who were guests of the member for Flinders. I hope they enjoyed their time here in parliament this afternoon.

Bills

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) 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) (17:56): Again, I would like to say thank you to the deputy leader for indicating albeit conditional support for the bill—at this stage, anyway. If, in relation to this matter also, she desires to have a chat with SAPOL about what they regard as being the importance of this, I would be happy to facilitate an opportunity for that to occur.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 10 passed.

Clause 11.

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

Amendment No 1 [AG–1]—

Page 7, after line 33 [clause 11, inserted clause 74BN(1)]—After line 33 insert:

investigator means an investigator under the Independent Commissioner Against Corruption Act 2012;

Amendment No 2 [AG–1]—

Page 8, line 16 [clause 11, inserted clause 74BQ]—After 'officer' insert 'or an investigator,'

Amendment No 3 [AG–1]—

Page 8, line 22 [clause 11, inserted clause 74BR(1)]—After 'police officer' insert 'or an investigator'

Amendment No 4 [AG–1]—

Page 8, line 24 [clause 11, inserted clause 74BR(1)]—After 'police officer' insert 'or an investigator'

Amendment No 5 [AG–1]—

Page 8, line 32 [clause 11, inserted clause 74BR(1)(c)]—After 'police officer' insert 'or investigator'

Amendment No 6 [AG–1]—

Page 10, line 17 [clause 11, inserted clause 74BT(1)]—After 'police officer' insert 'or an investigator'

Amendment No 7 [AG–1]—

Page 10, line 21 [clause 11, inserted clause 74BT(1)]—After 'police officer' insert 'or investigator'

Amendment No 8 [AG–1]—

Page 10, line 25 [clause 11, inserted clause 74BT(1)(a)]—After 'officer' insert 'or investigator'

Amendment No 9 [AG–1]—

Page 10, line 36 [clause 11, inserted clause 74BT(1)(b)]—After 'police officer' insert 'or an investigator'

Amendment No 10 [AG–1]—

Page 10, line 38 [clause 11, inserted clause 74BT(1)(c)]—After 'police officer' insert 'or investigator'

Amendment No 11 [AG–1]—

Page 10, line 40 [clause 11, inserted clause 74BT(1)(c)]—After 'arrest and' insert ', subject to subsection (1a),'

Amendment No 12 [AG–1]—

Page 10, after line 41 [clause 11, inserted clause 74BT]—After inserted clause 74BT(1) insert:

(1a) On arresting a person under subsection (1)(c), an investigator must immediately deliver the person, or cause the person to be delivered, into the custody of a police officer (and the person will, for the purposes of any other law, then be taken to have been apprehended by the police officer without warrant).

Amendment No 13 [AG–1]—

Page 13, after line 11 [clause 11, inserted clause 74BX]—After line 11 insert:

(2) A person who is served with an order under this Part commits an offence if the person, without lawful authority or reasonable excuse—

(a) alters, conceals or destroys data; or

(b) causes another person to alter, conceal or destroy data,

held on a computer or data storage device in respect of which the order was made and in so doing, or in causing the other person to so do, the person intends that, or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

Maximum penalty: Imprisonment for 10 years.

(3) A person who voluntarily provides, or purports to provide, information or assistance of a kind referred to in section 74BR(1) commits an offence if the information or assistance causes data held on a computer or data storage device to be, without lawful authority or reasonable excuse, altered, concealed or destroyed, and in so doing the person intends that, or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

Maximum penalty: Imprisonment for 10 years.

Ms CHAPMAN: I would just ask the Attorney to place on the record the basis for these amendments, and obviously we will consider them between the houses.

Sitting suspended from 17:59 to 19:30.

The Hon. J.R. RAU: I think we were at the point where I was going to talk about a couple of amendments that we had on file just to explain for the record what they were about. Bear with me for a second whilst—

Ms Chapman: I have 13.

The Hon. J.R. RAU: Yes, I am speaking figuratively.

The CHAIR: A baker's dozen.

The Hon. J.R. RAU: It really is a baker's dozen of amendments. The first one is amendment No. 1. The bill provides a means for police to seek an order from a magistrate to compel a suspect or certain third parties to provide information or assistance that will allow access to encrypted or other restricted access material that is reasonably suspected to relate to criminal activities. The effect of this amendment, amendment No. 1, is to extend the availability of the procedure to allow access to encrypted or other restricted access material to investigations under the Independent Commissioner Against Corruption Act. In other words, presently, without this, they would not be able to benefit from these provisions. This has been at the request of the Hon. Bruce Lander QC.

The commissioner advises that his investigations also on occasion are unable to obtain access to encrypted material, and he noted the utility and benefit to the work of the office as a means to acquire encrypted material. He is an investigating agency. He is asking for what the police would get, so that is the explanation for that amendment.

Amendment No. 2 is consequential on amendment No. 1. Amendment No. 3 is also consequential on amendment No. 1. Amendment No. 4 is consequential on amendment No. 1. Amendment No. 5 is consequential on amendment No. 1. Amendment No. 6 is consequential on amendment No. 1. Amendment No. 7 is consequential on amendment No. 1. Amendment No. 8 is consequential, as are amendments Nos 9, 10 and 11. That then brings me to amendment No. 12, which I think we are dealing with as part of our group at the moment.

The CHAIR: Amendments Nos 1 to 13 we are doing. We thought we would do them all together, but we can be talked into doing it differently.

The Hon. J.R. RAU: For something completely different, this is also consequential, but this is to extend the procedure for access to encrypted material in the bill to ICAC. It is designed to clarify the procedure to be followed in an urgent procedure under the bill if an individual has to be arrested pending the seeking of a court order. It requires the ICAC investigator to immediately transfer or cause to be transferred the individual into the custody of a police officer.

In relation to amendment No. 13, the bill includes an offence under the new section 74BW of the Summary Offences Act with a maximum penalty of five years' imprisonment where the subject of an order to compel access fails without reasonable excuse to comply with the order. Modern computer programs are such that an individual could purport to comply with an order and provide his or her password or other means of access, but in reality it would destroy all the encrypted records, being the subject of the order.

The situation of the subject of an order to compel access to encrypted material purporting to comply with the order and providing a means of access that actually deletes the encrypted data in question goes beyond the existing offence in the bill of failing to comply with the court order. The individual is not only failing to comply with the order but is deleting the data and in so doing is in effective contempt of any such order. Any of us who have seen any of the spy movies produced in the last decade would have seen a moment in time when something very much like this has happened.

The existing offence of failing to comply with an order under section 74BW fails to reflect the additional deliberation and gravity of such a course of conduct. The amendment introduces two new

additional offences in new section 74BX. These offences have a maximum penalty of 10 years' imprisonment to reflect their gravity. The first additional offence provides that a person who is served with an order under the bill commits an offence if the person without either lawful authority or reasonable excuse alters, conceals or destroys data or causes another person to alter, conceal or destroy data in respect of which the order was made and in so doing, or in causing the other person to so do, the person intends or is recklessly indifferent to whether or not the investigation of the commission of an offence is impeded or prejudiced.

The reference to causing another person to alter, conceal or destroy data covers the situation where, for example, the person gives the police officer a password which the police officer uses and, unbeknown to the police officer, the provision of that password in fact destroys the very material the police officer is seeking to access. The second additional offence is in similar terms and it covers a situation where, for example, no order is obtained because a person voluntarily provides a password that itself has the effect of destroying the data which is the subject of the inquiry.

Ms CHAPMAN: The two extra offences to deal with the wilful destruction of data, etc., were at whose request?

The Hon. J.R. RAU: I am advised that the request came from SAPOL and that we obtained advice from the Crown to ascertain whether or not this might in fact be a problem. The advice we received was, yes, the technology associated with these machines is such that this is a contemporary issue and that whilst we are doing all this we would be prudent to address this matter as well.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendment.

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) (19:39): I move:

That this bill be now read a third time.

Mr KNOLL (Schubert) (19:39): Thank you for the indulgence of the house. I rise to make a brief (in a politician's context) contribution to the third reading of the Statutes Amendment (Child Exploitation and Encrypted Material) Bill merely to point out that this is a very serious matter and one for which there is bipartisan support from both the government and opposition to deal with this issue.

Those who seek to exploit children are wrong and they need to be punished. Anything we can do to strengthen laws in this area is extremely important. This bill does that in a number of ways around creating some new offences for creating, hosting or administering a website, encouraging another person to use a child exploitation material website and providing information to another person when it is intended that the other person will use the information to avoid apprehension for a child exploitation material offence.

Really, I wanted to say that this issue is quite personal for my family and me, having been victims of this in a form. I will not go into any specifics except to say that it does wreak havoc upon a family and upon individuals. Those effects stay around for a long time. We are very much in favour of helping to do anything we can to shut this down to the extent that we can.

We also need to be very mindful of the police and their role in this. I have spoken to a number of police officers about their ability to cope with trawling through this information as it is unlocked. It really does weigh down upon them, and the memories they take with them create lasting and long-term damage and also long-term imprinting upon their psyche.

What I really want to get to in relation to this bill is some comments in the second reading speech around the increasing use of encryption and the fact that technology is moving at such a pace that we need to be able to keep up. It seems that the criminals are always one step ahead and able to use ever-increasing encryption techniques to avoid detection.

The privacy argument is an interesting argument in the broader sphere around whether or not what we are doing here is infringing upon people's right to privacy and their civil liberties. In this case, upon reflection, what we used to talk about was coppers breaking into somebody's house with a warrant and finding their stash of physical pictures or videos or the like. The police could hold the evidence in their hands and see it. We were okay with that, even though, for instance, they were going through a house and managed to see the entire contents of the house whilst going in to search for this material. If they found it, they had the physical evidence and they went away.

What we are seeking to do here is essentially the same in an electronic context. There is no right to privacy that is being breached that would otherwise not have been breached when we searched for physical material. What we are talking about here is electronic rather than physical images. Instead of breaking down the front door, we are talking about unlocking the password. If police have the ability to do that in a physical context, they should have the ability to do that in an electronic context. We need to make sure that the protections are in place so that they only seek and use the material that they are looking for, but again, that would work the same way with a physical search warrant.

For those who suggest that this is a privacy and a civil liberties issue, all we are seeking to do is to deliver the same protections and the same access that would occur in a physical space to the electronic space. I think looking at it in that context shows that this is extremely important legislation. We on this side of the chamber are very happy to support the government in the very tough and difficult work that we have to try to stamp out this gruesome trade in our community.

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) (19:43): I just wanted to say briefly, because the member for Schubert clearly wished to say things earlier and has quite reasonably taken the opportunity to say something now, that on my behalf the clarity, brevity and rationality of the contribution from the member for Schubert is impressive. I do not want to say anything else; it might wind up on a pamphlet.

Mr Knoll: This is on camera now, too.

The Hon. J.R. RAU: Yes. But I do want to say this: I went through exactly the same thinking process that the member for Schubert has just been through for the parliament, which was initially I did approach this from a civil liberties perspective, and I did ask myself, 'Would I want somebody coming in and intruding into what are my personal affairs?'

Naturally, one has a reluctance for any intrusion into one's personal affairs, and so we should have. However, ultimately I did come to the point where I actually analysed the theme from exactly the same perspective as the member for Schubert, which was to say that, really, the only difference between this and what has been the case for centuries is that this material is actually stored in a digital form rather than a physical form.

Had the material been stored in a physical form, there has for a very long time been an opportunity for the police to come in, enter my property, if necessary break the front door down, rummage through my filing cabinet, empty my drawers, and seize and remove any material which is legitimately offensive material.

If you start from that premise and then you ask yourself, 'Why should I be in a different position if, rather than storing it in my cupboard or in my filing cabinet, I have stored it in the cloud or I have stored it in a device containing a digital memory capacity?' then the answer is obviously: how can you possibly draw that distinction? You cannot. If the offence is actually collecting this material, or storing this material, or holding this material so that you can access the material, why on earth does the mechanism by which you have accessed the material make any difference?

We have actually had a situation where we have had discrimination, perversely, in favour of new-technology criminals because they are smart enough to be trendy in the way that they collect their material. Obviously, that is not okay. I am very pleased to hear the contributions from those opposite, and yes, I did go through the same process the member for Schubert went through. Ultimately, for the reasons he articulated in his remarks, I came to exactly the same conclusion.

Bill read a third time and passed.

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (19:47): Can I just explain to the house that the reason for the late change in our anticipated sitting arrangements was to do with a very urgent matter in another place. There was an expectation or anticipation that this chamber would need to be available in order to accommodate that matter.

The DEPUTY SPEAKER: And so it is.

The Hon. J.R. RAU: And so it is, indeed. As it has turned out, that matter has met a rather final outcome elsewhere, for which those opposite will no doubt be very proud in years to come. Had we known this earlier, we would not have kept the house here. The reason for holding the house further this evening now does not exist. I can indicate to you, Madam Deputy Speaker, and to those opposite that if the last of these matters is something that we can deal with in a couple of minutes, I am very happy, given that we are here presently, to take advantage of those couple of minutes.

Ms Chapman interjecting:

The Hon. J.R. RAU: I am talking actually about—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, but I have another matter which I know the deputy leader also has, which is the Statutes Amendment (Sentencing) Bill 2017.

Ms Chapman: I am happy to do that. I am happy to do the next one after that, too.

The Hon. J.R. RAU: I cannot speak for that minister because I am not sure what their position is.

Bills

STATUTES AMENDMENT (SENTENCING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (19:49): I rise to speak as leader speaker on the Statutes Amendment (Sentencing) Bill 2017 introduced by the Attorney-General on 27 September 2017. The purpose of the bill really is to amend a number of statutes as a result of the major reform under the Sentencing Act 2017, which finally passed this parliament in July this year and which is yet to be operative. Hence, we are still struggling along with the provisions of the old but still effective—effective in the sense of still being applied—Criminal Law (Sentencing) Act 1988.

All I want to say about this is that it is disappointing that, after there had been a major reform presented to the parliament after a very significant task force and consultation in relation to a review of sentencing law in South Australia, as well as the hard work of former judge Sulan of the Supreme Court, who was asked to chair the review of sentencing law, all these months later we are finally dealing with the consequential legislation to progress this new reform. In fact, it is quite outrageous to think that we have had this massive area of reform openly touted by the government as being necessary and which was welcomed by a number of parties, yet the government is dragging the chain on its implementation.

It became clear at the briefing, which I thank officers for providing, that even the draft regulations for this bill have not been prepared. I find it completely unacceptable for a government that said that we needed to reform sentencing law, that we needed to look at intensive home

detention and that we needed to look at reform of home detention rules to be so tardy in its implementation. However, we cannot control it. If the government does not want to spend any money on these new initiatives and actually make it happen, then hopefully after March next year there will be a greater and renewed enthusiasm by a new government to make sure that happens.

I acknowledge that judge Sulan has been appointed the chair of the sentencing council, which is fantastic. I think he made a splendid contribution on the Supreme Court. He obviously made a contribution in the reform that we have in the Sentencing Act 2017. I am sure he will undertake his duties well as chair of the sentencing council, but what is the point of asking an eminent person such as judge Sulan to do all that and then not have a law that is actually going to be implemented probably until well into next year? With that, whilst there is no excuse for delay of the commencement of the operation of this legislation, I say that the government has utterly failed us again, and we can only hope that can be remedied next year. We support the bill.

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) (19:53): Again, it is a shame that we cannot get through something as routine as this without a little sadness—let's just call it that—but let's be positive. I am a glass half full sort of chap, so can I say this: I do appreciate what I anticipate to be the support of the opposition. Secondly, I agree that we all look forward to March of next year because that is when all this is going to come into full operation. We have left sufficient time for the Magistrates Court, the DPP and SAPOL to all get their systems and everything in alignment.

Yes, this has been a big job. It is not surprising when you are doing something as complex as this that you start off by building the high-level architecture of the thing and then you gradually build down to the very fine grain. You do not start with the fine grain and build up. What we are gradually doing is getting all the detail. Having set the big picture, we are now starting to fill in the fine grain, and that is as it should be.

I am very confident that, at that point in time in March when an excellent government will hopefully be continuing to serve the people of South Australia, there will be in any event a system that has been properly prepared. All the participants will have had plenty of time to work out their respective requirements. Can I say again that ultimately I interpreted what the deputy leader said as supporting the bill. I welcome that and I say thank you.

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) (19:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (VEHICLE INSPECTIONS AND SOUTH EASTERN FREEWAY OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

The DEPUTY SPEAKER: The deputy leader has risen. Is she going to be lead speaker?

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (19:56): For a change, no, but I might end up being the only one. I will commence by referring to the Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Bill to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961. This matter comes before the parliament as a result of Deputy State Coroner Anthony Schapel after the death of Mr James William Venning, tragically killed

whilst on the South Eastern Freeway, and as a result of some consultation with SAPOL, SARTA, which is the representative of the transport industry, and the TWU, the union representing drivers and the like, together with the National Heavy Vehicle Regulator.

Whilst I am sure that the shadow minister for transport will admirably outline exactly what this bill will do, how it is to operate and the aspects that we will be supporting, I just want to add a couple of things. Firstly, the area of the South Eastern Freeway descending into Adelaide, beginning at Crafers and ending at the Cross, Portrush and Glen Osmond roads intersection, is almost wholly in my electorate. It is fair to say that in the 15 years or so that I have represented most of that area—the boundaries have changed a bit—there have been substantial issues relating to transport in it.

The multiple layers of vehicles using the South Eastern Freeway have been serviced by police, MFS, CFS and ambulance services probably more often than they should have and not always as a result of trucks colliding with a pedestrian, bus or other vehicle, but largely heavy trucks. The difficulty is that although the number of incidents of collision or error of the drivers in vehicles is many times more in motor vehicles than in trucks or heavy vehicles, the fact is that the bigger the vehicle, the more often the impact of a collision or an accident is catastrophic.

That is the reality. It is a bit like saying that flying in a balloon or a glider is actually safer in terms of the number of accidents relative to that of motor vehicles and injury or death. The reality is that sometimes in these vehicles, the likely outcome of a collision, especially if you are in the smaller vessel or vehicle, is that you are the one who will be dead. The outcomes can be catastrophic.

The government's decision not to proceed with another arrester bed—which will now be called a safety ramp, I think, under the new bill—is disappointing. I have said so in the past, and I maintain that view. The fact is that we have a very steep descent into Adelaide via this piece of road. I think it is only equalled by the descent into Perth, in a major city in Australia. It is clearly dangerous if heavy vehicles are travelling at speed and at a speed that is too high to be arrested in the event of error.

In Western Australia, my understanding is that they have adopted an approach where a heavy vehicle coming into the area of descent has to be physically stopped at the top of the hill and then progress from a standing position. The effect of that, obviously, is to ensure that the vehicle is at a slow pace as it alights to go down the hill, rather than coming over the top of the hill and screaming down, and then trying to reduce the speed after that occasion. Again, I am disappointed that this has not been taken up. It has certainly been fed in.

The other thing that I am very disappointed about is that the government has insisted on progressing with the development of cycling lanes along Portrush Road, which is where the base meets this stretch of road, notwithstanding that it is still a major road for heavy transport, which takes the bulk of the heavy transport that then traverses Adelaide and usually is en route to the north-western area through Port Adelaide and the like, for obvious reasons.

The choice for the government was not to progress with that idea until they had completed the north-south corridor, when there would be some relief on Portrush Road from what is more than 10,000 trucks and heavy vehicles going down that road every day. The combination of cars, motorcycles, buses and trucks, together with cyclists encouraged along that laneway, I think is a disaster waiting to happen. I am very disappointed that the government has taken the view of progressing it at this stage, in the full knowledge that I and others have indicated that they would have our support to progress dedicated cycle lanes once we had had a chance to have an alternative route for trucks and buses. However, they have pressed ahead.

The second issue I raise is the necessity, one day, for somebody to deal with the intersection between Glen Osmond Road, Cross Road and Portrush Road, which traverses over Glen Osmond Road and what then becomes the freeway. My understanding, from Mr Rod Hook, who is a former head of the Department of Planning, Transport and Infrastructure, is that there are some reports, and some in fact early plans, to provide a grade separation at that intersection.

Quite clearly, even when the South Road development is completed, if there is to be an alternate route from the bottom of the South Eastern Freeway across to South Road, then there will need to be a safe way of taking those vehicles either on to Cross Road or down Glen Osmond Road, whatever the ultimate decision is when it is made in that regard. As I understand it, originally it was

to be Cross Road although there have been some upgrades to Glen Osmond Road and Greenhill Road, which may or may not be to facilitate heavy transport.

In any event, I am happy to be guided by the experts in that regard, but there has to be some advance in that grade separation if we are truly to have a safe escape route for vehicles that get into trouble, especially heavy vehicles, coming down the freeway. Clearly, we are not going to change the incline, as that would be a major engineering feat and would probably wreck the tunnel that has been put there at great expense. However, I make the point that somewhere along the way we are going to need either an extra arrester bed (or whatever we are going to call them now) and/or that grade separation.

Finally, can I say, while the minister is here, that one of the concerns I also have is in respect of heavy vehicles. This was brought to my attention only a few weeks ago by the horticultural people who, of course, have their trucks up the top. Some of them come down the South Eastern Freeway to deliver their produce; others cut through the back of the hills and go directly north. Where vehicles are over 4.5 tonnes there is an obligation to have a heavy vehicle licence. That is quite reasonable for obvious reasons.

What has overtaken the validity of that as a practical application is that now a number of tractors and other vehicles have grown in size and weight and are frequently over the 4.5 tonnes, which requires a person to spend up to $2,000 in the mandatory training necessary to get the certificate to then apply and pay the $17 or whatever it is to get the heavy vehicle licence. It is not through the minister's department because I think it is now over in the Premier's department—he pinched all that money some time ago–and he now has Service SA.

This is something that needs to be considered, and I would ask the transport department to at least have a look at that. Obviously we have to balance safety with these things, but it seems to me that we have small, compact tractors but they are especially loaded over the 4.5 tonnes and, frankly, should not always have to have applied the level of training and obligation just to be able to have someone drive them, frequently not even on a road such as the one we are talking about. Nevertheless, perhaps that is a matter that is due for review and it could be given some consideration. With that, I indicate that the member for Unley, our shadow minister, will now advise the parliament of our position.

Mr PISONI (Unley) (20:08): I am the lead speaker on the bill and I indicate that we support the bill. It was drafted and developed in consultation with SAPOL, the South Australian Road Transport Association, the TWU, and the National Heavy Vehicle Regulator. The group, of course, was informed by the work of the Deputy State Coroner, Anthony Schapel, with regard to the death of Mr James William Venning on the South Eastern Freeway.

The South Eastern Freeway carries a weekday average of 50,000 vehicles with over 5,000 being trucks or buses. It is the government's contention that if the road is used responsibly by well-maintained heavy vehicles in correct gear, the road is safe and therefore there should be no problems, and this bill is obviously a big stick to encourage safe behaviour on that road.

That road comes in from the South-East, and it is our link to the vast majority of Australia's population on the east coast and a major truck route. Those trucks come down the South Eastern Freeway and disperse on their way predominantly into the industrial areas to the north and the north-west of Adelaide via Cross Road, Glen Osmond Road or Portrush Road. Glen Osmond Road and right through my electorate of Unley, and at times it can be quite a ride to try to pull out of a side street onto Glen Osmond Road, particularly if you are turning right. The same applies to Portrush Road, which I believe has even more traffic than Glen Osmond Road and more of the heavier traffic.

We know that the intersection itself will be in need of a significant capital upgrade in the foreseeable future, and the member for Bragg spoke about some grade separations. We know that as freight routes get busier as we become a bigger trading nation and products are shipped from coast to coast and beyond, we will be seeing more trucks, and of course more trains, shifting freight around the country. We also know that that is the link to Mount Barker, one of the fastest growing areas in South Australia. An extraordinarily large number of the people who live in Mount Barker, one or both parents in the family, will come to the suburbs or into the city to work, so it is very much a commuter road as well, so it is very important that the road is safe.

We also need to look to the future here in South Australia and ensure that our road infrastructure can deliver our products to markets interstate and overseas. Earlier this year, the Liberal Party announced our Globe Link plan, a plan to build both a rail bypass and a freight bypass outside the area that this act affects. This project, when it is complete, will see fewer trucks and fewer risks to drivers of other vehicles because many more trucks will use that detour to head to where they are going in the north, the north-west or beyond into regional South Australia or even through to Western Australia.

There will be no need for them to cut through the suburbs. It will speed up their journey and make it much safer for those who are using all suburban roads and, because there will be a rail link as well, it will help that section of Cross Road, in particular at 7.20 any morning, when you are held up for five or six minutes as a very long freight train goes through just as the peak period of traffic is starting to develop. We know that those trains will get longer because of the federal government's program of putting in more overtaking loops in the rail between Adelaide and Melbourne. I think that 11 loops are going in, and it will mean that trains can go from 1.5 kilometres to 1.8 kilometres in length, and they will have that longer passing lane or siding that they will be able to use in order to pass an oncoming train.

That will obviously mean that those longer trains will be taking longer to get through our intersections through the suburbs. Another significant intersection affected by that, of course, is the Torrens Road intersection on the edge of the member for Adelaide's seat. I think there are about 17-odd trains a day at the moment, but we are expecting to see that grow well into the mid-twenties and higher as the freight business continues to grow throughout the nation.

The bill itself is aimed at fixing the problems that are generally caused by a small minority of drivers and truck operators with poorly maintained vehicles and bad driving habits. I would like to thank Steve Shearer from the South Australian Road Transport Association for his input not just on this bill but on all issues to do with heavy vehicle safety. He is a very strong advocate for heavy vehicle safety, and he is much more interested in the cause of accidents and how to fix them rather than in any politics or any particular side issue. He is much more interested in the wellbeing of the local contracting operators and their drivers. Of course, they are family businesses and deserve the support of a strong advocate, and I thank Steve for taking on that role.

The bill amends the Road Traffic Act 1961 to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide beginning between Crafers and the intersection of Cross Road, Portrush Road and Glen Osmond Road. Again, that intersection will certainly require some major work in coming years in order to deal with the increased traffic.

Offence 1 is based on Australian Road Rule 108, failing to descend the downward track in low gear, and offence 2 is exceeding the speed limit by 10 km/h or more. Both are punishable by an expiation fee of $992, six demerit points and escalating periods of licence disqualification or suspension of six months for a first offence, 12 months for a second and three months in addition for a third or subsequent offence. South Australia Police will be able to issue an immediate loss of licence roadside.

For safety camera detected offences, the Motor Vehicles Act 1959 will be amended to enable the Registrar of Motor Vehicles to apply for a period of licence disqualification or suspension on expiation. Heavy vehicle owners who fail to nominate the offending driver will also be subject to these penalties. For second and subsequent offences, there is no fine. Instead, in addition to six demerit points, a disqualification of licence will apply of not less than three years in addition to a maximum imprisonment of two years. Previous offences for speed or gears on the freeway will be used to determine penalties.

The penalty that the court may impose for a body corporate or conviction is a fine of not less than $25,000 and up to $50,000. The fines for bodies corporate that choose not to nominate drivers have been substantially increased to comprise expiation fees (currently sitting at just $300 for other speeding offences) and $25,000 for a speeding offence. This is to encourage bodies corporate to identify the drivers of speeding vehicles.

The Motor Vehicles Act 1959 and Road Traffic Act 1961 will be amended to allow for all heavy vehicles to be subject to periodic and frequent safety checks for high-risk heavy vehicles. I recall that in last week's SARTA newsletter there was photograph of a truck that had a temporary fix on the brakes: it was a pair of pliers. I used to know the terms of all the tools when I was an active tradie.

An honourable member: Multigrips.

Mr PISONI: Not multigrips, but the ones that actually lock shut. They have a name.

Members interjecting:

Mr PISONI: What are they?

The Hon. S.C. Mullighan: Monkey grips.

Mr PISONI: Are they monkey grips? I do not think they use them in furniture.

The Hon. T.R. Kenyon: Multigrips.

Mr PISONI: Yes, I think it could be multigrips. I think they were multigrip pliers that held the wire in place to make sure that the brakes operated. It was an extremely dangerous and risky process. Steve Shearer's commentary in the newsletter was certainly more than colourful in describing the situation and the dangers of those efforts.

Compliance frameworks for inspections will also be more robust, with penalties for breaches of the code increasing from $5,000 to $10,000. To ensure the costs in regions are consistent with metropolitan costs, a cap will be set on private inspection station fees. Country inspections have proven to be difficult in the past. I have visited a number of operators outside the metropolitan area, and it obviously can take them quite some time in order to get an inspection if their truck has been defected or they have made some modifications to get it approved. So it is good to see that we have some changes there to make that an easier process for them because the trucks are not making any money while they are in the shed. They pay the bills when they are hauling goods across the country.

A pilot heavy vehicle inspection scheme began on 1 January this year that required all heavy vehicles older than three years, and with a gross vehicle or aggregated trailer mass of 4.5 tonnes, to be inspected on a change of ownership. As of May, 600 vehicles had been inspected, with a 50 per cent failure rate, which is quite concerning.

That is some background about what the bill does and also what the Liberal Party is offering in the medium to longer term to help make Adelaide an international city and help to grow the economy in South Australia. There is a huge opportunity for South Australia in the future in selling more of what we make interstate and overseas. The growing middle class that we see in China and other countries to our north loves the quality of Australian food product, and there is no doubt that South Australia is a net exporter of food. There are many more products that we can add more value to here in South Australia and sell to our neighbours in the north.

To give you some idea of the value of the Australian brand in China, I happened to be informed the other day of someone who was planning a trip to Shanghai Disneyland and who had a look at the menus that were available at the various cafes.

The Hon. S.C. Mullighan interjecting:

Mr PISONI: No, it was not the minister—his kids are a bit young. They probably would not remember that trip. Various items were on the menu, but the thing that stood out was that the burgers were made from Australian beef. The description was 'Australian beef', emphasising the fact that it was quality beef because it was Australian beef. That is something that, as a state, we are in a prime position to export. Getting our product to market as quickly and as effectively as possible is the key to having an edge and ensuring that those who are in the food business in South Australia can make a profit, employ more South Australians, grow their businesses and help to grow the South Australian economy.

Of course, we like them to pay tax. In the business of government here, we like to ensure that services and infrastructure are provided, and we know that a strong economy delivers that

taxable income without the need to push taxes up because the more people we have participating in the economy the more people there are paying taxes, the faster the economy is growing and the more we see those taxes accumulate.

It is a win-win situation to get our infrastructure right in South Australia so we can get our products to market so we can grow one of our key areas that we are very good at in South Australia and that is niche products. I think it is fair to say that we have some terrific South Australian companies that punch well above their weight in Australia and beyond.

Of course, there was the news on the weekend about the $14 million sale of the cheese company that started off as a very small family business to an international business. It is great to see that happening in South Australia because we know that sets up a very strong future for jobs in that area. With those closing remarks, the opposition supports the bill and congratulates the minister on bringing it to the parliament.

The DEPUTY SPEAKER: If the minister speaks, he closes debate. Sorry, the member for Chaffey is on his feet.

Mr WHETSTONE (Chaffey) (20:26): I am on my feet, thank you Deputy Speaker. I would not want to spoil a good party, but I will make a short contribution.

The Hon. P. Caica: You probably will by doing that.

Mr WHETSTONE: Yes, I will, says the member for Colton. I am sure that once you have finished reading that paper, you might make a contribution as well.

The DEPUTY SPEAKER: Order! Back to your contribution.

Mr WHETSTONE: I rise to speak to the Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Bill and note support from this side in relation to the bill. The measures in the bill are designed to target drivers and owners who may put road users at risk by not having heavy vehicles maintained to roadworthy standards. I am going to touch on roadworthiness, so I am going to touch on the standards of vehicles on our roads, and I am going to talk about the standards of our roads that are not only wrecking heavy vehicles but also putting people's safety in jeopardy at every turn.

Obviously, problems are generally caused by a small minority of drivers and truck operators with poorly maintained vehicles and bad driving habits, but, in saying that, it is not just about people behaving badly and vehicles not being in a satisfactorily roadworthy state. It is about what the conditions of the roads are doing to our vehicles and their impact. In some instances, there are some very roadworthy vehicles that are being smashed by unsatisfactorily maintained roads.

We have seen a number of incidents on roads. We have seen a number of incidents with inexperienced drivers on our highways and our freeways, but it is important to note that it is the climate of the situation. If we are talking about vehicles running away down the Mount Barker Road or South Eastern Freeway, we have to ask ourselves: how did this happen? Why is it happening? In the majority of cases, is it the fault of the driver, the fault of the vehicle or is it the fault of the design that we have become so accustomed to?

As I said, the bill amends the Road Traffic Act to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide, beginning between Crafers and the intersections of Cross, Portrush and Glen Osmond roads. I am sure every person in this chamber has seen the horrific carnage that has sadly happened with runaway trucks losing brakes and trucks losing drive, in other words, slipping into neutral or not being able to select gears. Runaway trucks, brakes overheating, inexperience, and the worst thing is when it is all of the above mixed into one package. Offence No. 1 in the bill, based on Australian Road Rule 108, is failing to descend the downward track in a low gear and offence No. 2 is exceeding a set speed limit by 10 km/h or more.

I want to touch on a few issues because the great electorate of Chaffey is surrounded by heavy vehicle movements. It is surrounded by the logistical chain and the ever-increasing number of trucks that are on federal highways, state roads, arterial roads and council roads, and it is about addressing the glaringly obvious. One of the main points in the bill relating to the Riverland and the

Mallee is the fact that the Motor Vehicles Act 1959 and the Road Traffic Act 1961 will be amended to allow all heavy vehicles to be subject to periodic and frequent safety checks for high-risk heavy vehicles. Compliance frameworks for inspections will also be more robust, with penalties for breaches of the code from $5,000 to $10,000.

To ensure that costs in regions are consistent with metropolitan costs, a cap will be set on private inspection station fees. I know that some of the regional centres do have inspection stations and I know that in Renmark we have a state government inspection station. My beef with the state government inspection station is that it is open periodically; it is not open regularly. For the life of me I do not understand why we cannot look across the border into Victoria at what they are achieving there. There are accredited safety inspection stations, which are businesses that are open, in most cases, six days a week, 10 hours a day, which give operators, truck drivers and business owners, if they do have defect notices or they do need those inspections, the opportunity to do it with ease when they have to go to those points of inspection.

That is not happening in South Australia. For instance, in the Riverland if you want your truck inspected the station may only be open two, three or four days a week; there seems to be quite a variant. What it also means is that trucks are off the roads, operators are losing money and truck drivers are not earning a salary. We are losing that productivity gain. The productivity gain that I am concerned about and that every South Australian is concerned about is that when we are not achieving productivity gains we are not creating jobs, we are not adding to the state's economy and so we have loss of production. The logistical chain is broken, and particularly in the Riverland.

It is one of the regular complaints that I get from heavy vehicle operators, that we are at a disadvantage. That is why many truck operators in South Australia register their vehicles interstate; they do not register them in South Australia. When they are not registering their vehicles in South Australia, they are registering them in Victoria or Western Australia, so they are paying their registration fees into those other states. Where does the road funding go? It does not go to South Australia; it goes into the other states. That funding is there to bolster road funding, road maintenance and programs that enhance the logistical efficiencies that every transport operator is looking for.

A couple of weeks ago I sat down to dinner with a number of heavy vehicle operators and I asked them, 'As a South Australian business to operate in South Australia what would you need to register your trucks, your trailers and bring all of your business back to South Australia?' They said, 'Be competitive. Have our inspection stations open when everyone else's are open. When we go to register our trucks, be cost competitive.' I spoke to one operator who said it cost him almost $1 million a year more to run his operation in South Australia than it does in Victoria. Why do you think he is registering his trucks and has he got his operations over the border? It just beggars belief that we have not woken up to understanding what is going on.

The pilot heavy vehicle inspection scheme began on 1 January of this year. It required all heavy vehicles older than three years with a gross vehicle or aggregated trailer mass of 4½ tonnes to be inspected on a change of ownership. As of May, 600 vehicles had been inspected, with a 50 per cent failure rate. It just goes to show that the system here is not friendly when it comes to getting those vehicles back on the road.

You have to be honest; no heavy vehicle operator, truck operator or truck owner business wants their vehicles off the road. None of them wants their vehicles in an unroadworthy state. What they do want, however, is that when they fix them, when they invest the money back into that truck, that trailer, that logistical chain, they want their vehicles making money so that they can employ people, they can make money, buy more trucks and cart more freight. It makes the wheels go round. It actually helps the state's economy.

Over the years, many Riverland heavy vehicle businesses have raised concerns about the low number of open days of heavy vehicle inspection stations—that is one issue. Registration is another issue for many of these operators. As I have said, if the inspection station is not open today and it is not open tomorrow, then they have to drive to Adelaide. Again, productivity gains have ground to a halt. It really does beggar belief that we are looking to penalise or double penalise those operators that, yes, have unroadworthy vehicles or, yes, have to have inspections, but we need to

know how to accommodate them. We need to get those trucks back on the road so that we can keep people employed and keep the wheels turning so that we can get our produce and all of our logistical exercises back into a productive operation.

We talked about registering heavy vehicles interstate and the inspections that are required. Will the inspection stations in the Riverland be open more often? It is the chicken and the egg: you either have to match it with the interstate counterparts or you have to move on. If you cannot be competitive, people will continue to register their trucks interstate, they will get their inspections interstate, and South Australia will continue to miss out.

I am not saying this with any malice, but I am saying it with common sense: why can we not compete with the other states? Registration in South Australia is more expensive than it is in other states. Everyone in South Australia is trying to make a dollar. Every trucking business is running such a fine line now because it is such a cutthroat industry, so they have to look for every opportunity to make that dollar.

Obviously, increased productivity—and I did make comment today; the minister was here listening and he stormed off—is about road maintenance, it is about how we are going to create productivity gain. It is about how we are going to make our roads safer and how we are going to stop allowing our roads to have dinner plate sized potholes. Look at the Ngarkat Highway. Look at the Browns Well Highway. Some of those roads are in very poor condition. Vehicles are slowing down to between 80 and 90 km/h because the roads are that bad. They are actually doing S-bends down the road, dodging potholes. This has been ongoing for a number of years, yet ignorance seems to be bliss and we just ignore something that is out of sight, out of mind.

We talk about putting B-doubles, B-triples and road trains onto our roads. Some people are against it, but what I would say is that it is a productivity gain. It is allowing fewer trucks to be on our roads and, in turn, it creates less congestion. We have to deal with the closure of the Mallee rail. We have to deal with the closure of the Riverland rail. That means that we have extra trucks on the road now. We have trucks that are travelling in different directions for different reasons. The logistical chain is adjusting to the closure of that road, but it is putting more trucks and more pressure on our roads and putting more pressure on the state of our roads, which are already crumbling.

I mentioned today in a grieve that we are seeing some upgrades to the Kingston turn-off on the Loxton via Moorook road. We have seen that the state government has done some works on those roads, namely, shoulder upgrades. That is great, but those shoulder upgrades are already crumbling. They have been there for no more than six weeks and they are already starting to fall to bits. So we have pressure on those shoulder upgrades, and we have pressure on already existing crumbling infrastructure. What are we going to do about it?

We seem to be diverting trucks off the main federal highway—the Sturt Highway—because we have roads and bridges that need repairs. As I understand it, the Kingston Bridge between Barmera and Waikerie is in need of repair. I am led to believe that there are reports that they have been putting concrete around these pylons for a number of years. So what are we doing: are we patching and bandaiding these pieces of infrastructure on our highways? What are we actually doing? I do not want to see a temporary bypass continue to be a permanent bypass off the Sturt Highway.

Today, I talked about the road maintenance backlog. It is reported that there is almost $1 billion of regional road maintenance backlog. The longer you leave it, the worse it is going to get and the more expensive it is going to be to repair. The more expensive it is going to be to repair, the less inclined governments are to spend that money, so they will take the easy solution and reduce speed limits. Reducing speed limits is not actually making our roads any safer; it is just a bandaid approach.

I would like to see the statistics on the number of casualties that have been on the Browns Well Highway and on the Ngarkat Highway. I have actually been to visit people who have been in accidents on those highways. Are they dodging animals? Yes. Have they run off the edge of the road? Are there big drop-offs? In some instances, we have 10 to 15-centimetre drop-offs from the road onto the shoulder. I recently visited a gentleman whose rear trailer dropped off: it swung around

and pulled his truck off the road—he tipped the truck over. His medical condition is for the rest of his life. This happened for the simple reason that that road was not maintained.

Every country road user knows that the inside of the bends is where the most pressure is put on roads because cars run early into corners and wear the shoulders away. They create big drop-offs and it creates road safety issues. In this case, this truck driver bore the brunt of the result of that. I now want to touch on a couple of other issues.

We are seeing that heavy vehicles are being moved out of country towns. I will use Renmark as a great example. We have a number of truck operators who have been operating in and around Renmark. To the council's credit, they have helped these businesses get out of town and put them into an industry park that runs off the Sturt Highway to the Renmark Airport industrial site. There are three large transport companies in that precinct and there is also a citrus packing plant.

We are now seeing that we have a number of trucks—not just a small number but a large number, about 200 truck movements a day—pulling onto the Sturt Highway. The Sturt Highway is a very busy highway between Renmark and Berri, and it is proving the danger of trucks pulling out. In some instances, they are waiting between five and 10 minutes before they can pull out, so, of course, they are going to take risks to get out onto the highway. Why are we not looking at upgrading slip lanes and upgrading and amending what we currently have to make our roads safer and allow these trucks to get on and off the highway in a satisfactory way?

We have written a letter to DPTI. We wrote a letter to the minister; he responded 'Thank you, but we've got no money. We can't help you. You'll have to come back in a couple of years' time.' So what is going to happen in that couple of years' time? Does someone have to die before we actually get any action? Do we have to have serious accidents before we can actually have some money found in a pot or in the bottom drawer of a desk so that we can actually upgrade these roads? Do we have to actually upgrade our approach to the federal government so that we can actually get money?

It is up to the state government, however, to acknowledge that we have a system that is broken. The road network is in such poor condition now that it is almost that they have just said, 'Well, we're going to put a small amount of money into road maintenance, that's it.' My concern is we need some money spent on safety measures, not just road maintenance.

I turn to one of the old chestnuts—and I am sure the minister would know about the Wentworth-Renmark Road. It is an unsealed road. It is a busy road. Some heavy vehicles use it. It has got to the point now that it is a rubble road. In most points, we have actually lost the rubble; we are down to sand. It was one of the main connections between Broken Hill and heading to Adelaide. If you are coming down the Wentworth-Renmark Road, you come into the Riverland, you take Ral Ral Avenue onto the Sturt Highway and off you go. That road is in such poor condition now. When they built the Chowilla regulator SA Water used that road. They wrecked it even more than it is now. They have left. They have built the regulator, and they have gone, so the locals are now putting up with that road. It is just an absolute crime that is really happening.

In the 10 seconds that I have left I do want to just touch on the Liberals' initiative with the Globe Link proposal. It is a great initiative. It is a parallel transport network, road and rail. It is something that is going to be absolutely groundbreaking for transport and infrastructure upgrades.

Mr DULUK (Davenport) (20:46): I also rise to speak on the Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Bill 2017. As does everyone in this house, I welcome pragmatic measures to improve road safety. We are all too often faced with the tragic aftermath of road trauma for individuals, families, friends, first responders, emergency service personnel and the whole community. Anything we can do to reduce the number of accidents is certainly supported by those of us on this side of the house.

Those who read the papers know that 2017 has been a difficult year on our roads. In the first 10 months of the year, there have been 77 fatal crashes, the same number as there were for all of 2016, and road fatalities are almost on par. Let us hope that for the next 10 weeks of the year, in the lead-up to Christmas and as 2017 comes to an end, that we can all enjoy safety on the roads.

It is alarming and incredibly concerning that at a time when speed camera monitoring is at an all-time high the road toll is increasing. The evidence suggests that speed contributes to around

30 per cent of deaths on our roads. The former minister for road safety repeatedly stated that speed cameras are proven to be an effective method of reducing this road trauma. I am in no doubt that speed cameras do have a role to play, but $43 million was raised from speed cameras during the 2015-16 financial year, and I share the cynicism throughout the community that speed cameras are about revenue raising and not about road safety. That is why it was disappointing that the government opted to block the proposal for the member for Schubert's parliamentary committee, which he wanted to establish to monitor the use of speed cameras across South Australia.

I would, however, like to acknowledge the positive steps the minister has taken to finally bring bills to the house so that steps can be taken to improve the road environment and conditions of our state. As the minister noted in his second-reading speech, this bill has been informed by the work of the Deputy State Coroner's recommendations from the inquest into the death of Mr James William Venning. It would be remiss of me if I did not comment on the extreme delay in the government's response to those recommendations, and I think the member for Chaffey commented on the same.

The Deputy State Coroner delivered his findings in February 2014. That is 3½ ago that he delivered his recommendations and findings into the death of Mr Venning, and it is only today that we are debating and discussing those recommendations and those improvements for road safety on our roads. Really it just highlights where the government has been on not just this issue but on almost every other issue. It is late in responding to every inquiry, every proposal, every recommendation that every organisation has sent.

We are seeing it in this bill we are debating tonight. We saw it in the case of how the government treats people in its care, we saw it in the case of the Oakden fiasco, we saw it in the case of children in state care. This government sits on reports and is slow to act on the recommendations of key independent bodies in terms of what is best needed for South Australia because, deep down, this government has its own agenda, and its agenda does not always have the best interests of South Australians at heart.

It took the government 3½ years to finally introduce legislation responding to the key recommendations from the Deputy State Coroner in regard to the Venning investigation. That is a real concern to me: why has it taken so long for this government to finally come to the parliament with some recommendations in terms of amending legislation to improve road safety for so many South Australians?

During the 12 months to the end of June 2017, 117 people died on Australian roads from 103 crashes involving articulated trucks, and 79 died from 74 crashes involving heavy rigid trucks. Fatal crashes involving articulated trucks increased by 7.3 per cent compared with the corresponding period one year earlier. Fatal crashes involving heavy rigid trucks increased by 2.8 per cent compared with the corresponding period one year earlier as well.

When it comes to heavy vehicles on our roads we must place a premium on safety as the paramount concern. Whilst I welcome the measures introduced in this bill to improve road conditions for users, I believe we can do much more. We can move articulated trucks and heavy rigid trucks off our metropolitan roads and out of our suburbs. We can adopt the state Liberal team's Globe Link policy to remove freight trains from the Adelaide Hills and redirect freight trucks off our local roads.

I note that in the opening comments of the minister's second reading speech he felt it necessary to rule out a further bypass route. I was surprised that he felt it necessary to use the opportunity even to discuss the bypass, and I believe it is occupying a considerable amount of his and his department's time and attention. I can understand that he no doubt wishes his party had been the first to the ball to actually finally implement Globe Link, a much required policy supported by so many of my constituents, users of our heavy road vehicles, users of freight movement. South Australians, besides the monopoly players in the transport game, know that is a very important issue.

The Hon. S.C. Mullighan interjecting:

Mr DULUK: They can hear it, and they know it is the right thing to do as well, minister. You also know it is the right thing to do, and that is why your department was doing so much work on Globe Link and—

The DEPUTY SPEAKER: I draw the member for Davenport's attention to the fact that he should be speaking to me and not responding to interjections. I remind the minister that the member is entitled to be heard in silence.

The Hon. S.C. Mullighan interjecting:

The DEPUTY SPEAKER: No.

An honourable member interjecting:

The DEPUTY SPEAKER: Order! The night will grow longer if we are not on task.

Mr DULUK: Deputy Speaker, I apologise. I know that you know how important Globe Link is for the future of South Australia and the export jobs that will generate. I know that if you were a minister in this government you would see things differently at the moment, and I know that in your own patch with the Modbury Hospital you certainly have a different version to the government—

The DEPUTY SPEAKER: What does that have to do with the bill?

Mr DULUK: Deputy Speaker, when Labor came into office 15 years ago—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr DULUK: —our state was contributing almost 7 per cent of the nation's exports—

Mr Whetstone: It was 7½.

Mr DULUK: Thank you, member for Chaffey; 7½ per cent. Today, our share is 4.6 per cent. If we had retained our 2002 share, South Australia would be exporting approximately $7 billion more a year. Exporters estimate that every $100,000 of export value is equivalent to one full-time job.

Right now, we have the highest youth unemployment in the nation, and for consecutive months, up until recent times, the highest unemployment in the nation. I would have thought this government would want to do everything to support export jobs and jobs for South Australians. On that basis, exports would be supporting an additional 70,000 jobs in our economy if South Australia had retained its 2002 share of the nation's export trade.

Beyond the economic benefits of Globe Link, there is the opportunity to significantly improve our road environment for all road users. Heavy freight vehicles have no place in our suburbs, and if we were to design a modern Adelaide today we would not be having a road infrastructure network that sees cars going down the South Eastern Freeway, down Portrush Road, affecting constituents like those I have here tonight, Teri and Benoit, who live on Portrush Road and who put up with the daily inconvenience of B-doubles going down their road. Of course, more importantly, we would not see the policy of a 30-year government plan to ultimately see B-doubles and heavy vehicles going down Cross Road, affecting my community through Mitcham and the Mitcham Hills.

The national land freight task is expected to grow by 86 per cent between 2011 and 2031, with much of that expected to be handled by road freight. The minister confirmed earlier this year that the state Labor government's long-term plan for freight movement in South Australia, as I said before, includes directing more heavy freight trucks along Cross Road. That means more heavy freight trucks on our metropolitan roads, more heavy freight trucks passing our schools, and more heavy freight trucks into our suburbs.

It is a shame the member for Ashford is not with us at the moment, but I wonder what Jayne Stinson, the Labor candidate for Badcoe, thinks about B-doubles going through her electorate. I know that the Liberal candidate for Badcoe, Lachlan Clyne, is dead against B-doubles going through his community. When he is out there doorknocking every weekend, together with the member for Unley, he talks about it to his community, and freight going down Cross Road is a real concern in his community, as it is in mine, as it is in the member for Elder's community. My constituents do not want to see Labor's long-term, 30-year vision for freight movement through metropolitan Adelaide.

The state Liberal team is committed to improving the lives of South Australians by delivering safer roads and better traffic conditions. Globe Link will develop a road freight carriageway running

parallel to the new northern rail bypass. It will provide transport companies with unprecedented speed and efficiency in the movement of road freight in our state. It will provide freight trucks with unfettered access to and from Port Adelaide and the sorting yards north of the city, bypassing 36 traffic signals. The first light encountered after leaving Victoria would be in the heart of the Port, under a Liberal proposal.

Globe Link will connect the South Eastern Freeway with the Sturt Highway and the Northern Expressway as well as the proposed Northern Connector, enabling a 110 km/h link from Murray Bridge to Port Adelaide. Globe Link will increase productivity and reduce the costs associated with the transportation of road freight in South Australia and, importantly, it will keep large freight trucks off our suburban roads, making the commute for every South Australians more bearable. It will improve the quality of life for all South Australians.

Political persuasions should not affect judgement on delivering the best infrastructure and the safest roads in our state. Whilst I do support this bill, much more must be done to improve road conditions in our state. We need to see a better way. We need to see a different alternative from this tired old Labor government that lacks vision, energy and any urgency to deliver the changes that South Australia needs.

Mr PEDERICK (Hammond) (20:57): I rise to speak to the Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Bill. The first thing I would like to mention is the fact that we pick on one major road. Yes, it is a road that I have driven down in its various guises before the new sections came through, with the tunnelling and the gradient that does not have a flat spot in it for that seven kilometres coming down from the South Eastern Freeway. In the old days, with Devil's Elbow, it flattened out around Eagle on the Hill. I would have come down that road many tens of thousands of times during my life.

I understand that we are trying to sort out the issues with trucks coming down the bottom of the hill, and some of those have been small six or eight-tonne trucks, and, yes, some have been B-doubles, and I will venture into a bit more of that in a moment. The thing that interests me is that we are making this legislation supposedly around one road.

Will that mean that the next thing we will have is a bill for trucks on Accommodation Hill at Truro? Does that mean that wherever we have a steep descent, we will have a separate piece of legislation? My understanding is that this will have an ongoing effect on the whole state in terms of the vehicle inspection scheme and also vehicles that are to be inspected upon their sale. I am a little bit intrigued about the title, and I am trying to understand what it is trying to fix.

This bill amends the Motor Vehicles Act 1959 and the Road Traffic Act 1961. It has been informed by the work of Deputy State Coroner Anthony Schapel, especially in regard to the death of Mr James William Venning, and I will speak more about that shortly. It has been developed in consultation with the South Australian Police, the South Australian Road Traffic Association, the Transport Workers Union and the National Heavy Vehicle Regulator.

The measures in this bill are designed to target drivers and owners who may put road users at risk by not having heavy vehicles maintained to roadworthy standards. I note that, if you have vehicles on mass management, they are already under a strict regime. As to the B-doubles, again I think it is approximately three tonnes extra on their pay loads because they go into a heavy compliance scheme already as far as managing the cleanliness of their trucks, managing the fact that they do not have oil leaks, but also managing mechanicals all the way through.

On a weekday, the South Eastern Freeway carries on average 50,000 vehicles, with over 5,000 being trucks or buses. Living at Coomandook, many have come past me on the Melbourne-Adelaide run, which I believe is the fourth busiest highway in the country. It is the government's contention that, if the road is used responsibly by well-maintained heavy vehicles in the correct gear, the road is safe and there should be no problems. Problems, as identified by the industry, are generally caused by a small minority of drivers and truck operators who have poorly maintained vehicles and sometimes poor driving habits as well.

The bill amends the Road Traffic Act 1961 to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide, beginning between Crafters and the intersection of Cross, Portrush and Glen Osmond roads. Offence 1 is based on

Australian Road Rule 108 of failing to descend the downward track in low gear, and offence 2 is exceeding the set speed limit by 10 km/h or more. Both these are punishable by an expiation fee of $992, six demerit points and escalating periods of licence disqualification/suspension: six months for a first offence, 12 months for a second and three months in addition for a third or subsequent offence. SAPOL will be able to issue an immediate loss of licence roadside.

In regard to safety camera/speed camera detected offences, the Motor Vehicles Act 1959 will be amended to enable the Registrar of Motor Vehicles to apply for a period of licence disqualification or suspension on expiation. Heavy vehicle owners who fail to nominate an offending driver will also be subject to these penalties. For second or subsequent offences, there is not a fine; instead, in addition to six demerit points, disqualification for no less than three years in addition to a maximum imprisonment of two years, so the penalties are substantial. Previous offences for speed or gears on the freeway will be used to determine penalties.

The penalty that a court may impose on a body corporate on conviction is a fine of no less than $25,000 up to $50,000. The fines for bodies corporate that choose not to nominate drivers have been substantially increased to comprise expiation fees, currently just $300 for other speeding offences and $25,000 for a speeding offence. This is to encourage bodies corporate to identify the drivers of speeding vehicles.

The Motor Vehicles Act 1959 and the Road Traffic Act 1961 will be amended to allow all heavy vehicles to be subject to periodic and frequent safety checks for high-risk heavy vehicles. I will talk about that because there would be a lot of heavy vehicles that do not even come down the South Eastern Freeway, yet this bill will impact trucks right across the state. I wonder whether any thought has been given to that. I am not saying that they should not be compliant, but I can tell you, as someone who has lived with the Dukes Highway dissecting their property for the whole of their life, I know that if they want to defect brand-new trucks being driven from Melbourne to Adelaide, they will. They will pull them in at Monteith near Murray Bridge, they will go over them and they will defect them—brand-new trucks.

The Hon. P. Caica interjecting:

Mr PEDERICK: Well, you've got to wonder. Yes, it's a defect. You will get a chance if you want to speak. You just have to wonder what is going on there.

The Hon. P. Caica: I'm wondering what you're doing.

Mr PEDERICK: Well, you can speak in a minute. Compliance frameworks for inspections will also be more robust, with penalties for breaches of the code from $5,000 to $10,000. To ensure that the costs in the regions are consistent with metropolitan costs, a cap will be set on private inspection station fees. A pilot heavy vehicle inspection scheme began on 1 January this year, requiring all heavy vehicles older than three years and with a gross vehicle or aggregated trailer mass of 4½ tonnes or more (a pretty small truck) to be inspected on a change of ownership. As of May, 600 vehicles have been inspected, and it is noted that there was a 50 per cent failure rate.

There have been some high-profile accidents. There are 800,000 movements descending into Adelaide per year. SARTA and the TWU are both supportive of the more stringent controls in regard to penalties for offenders. In relation to this bill, I want to talk about part of the human side of why this bill came about. I note that smaller trucks have taken lives coming down to the intersection of Cross Road, Glen Osmond Road and Portrush Road, but I want to talk about James William Venning, a constituent from Pinnaroo.

Yes, the wrong thing happened while he was in control of a B-double and, allegedly, he hit the wall. I have seen the video footage from the *Today Tonight* shorts showing that he hit the wall at Glen Osmond doing 145 km/h. That killed him, a 42 year old from Pinnaroo, a great football club man. They have a sign on the edge of the oval at Pinnaroo acknowledging James William Venning, or Storky as he was known, for his contribution to the club both as a coach and a supporter. Yes, he did the wrong thing and he paid for it dearly, but he did not take anyone else out, which may have been a bit of luck.

I will make some comment about that. Counsel assisting the coroner, Rosie Thewlis, said that Mr Venning was travelling along the South Eastern Freeway when he turned left into Cross Road

and the semitrailer (I believe it was a B-double) tipped on its side and hit the wall. He died from blunt head trauma, and no-one else was injured in the collision. He was travelling above the speed limit of 60 km/h as he travelled on the freeway below the Heysen Tunnels. I know that the inquest looked at whether the correct gear was selected and whether the truck suffered a brake malfunction.

Giving evidence, Brevet Sergeant Fred Bakker from SAPOL's Major Crash Investigation Unit said that Mr Venning held an appropriate truck licence but, as the sergeant said and as I know, Mr Venning usually drove via the Riverland on the route from Pinnaroo to Virginia, so he came around the top road, the Sturt Highway. The sergeant said that it seemed that Mr Venning had not done the run down the South Eastern Freeway before. On the day that James made the fatal trip, there were bushfires in Loxton, and it appeared that the company Mr Venning worked for erred on the side of caution in relation to road closures.

According to the police, a fellow truck driver on the freeway noticed smoke coming from the back of Mr Venning's truck as he left the Heysen Tunnels. Another witness described his truck as having the brake lights constantly on. As I said, there was a calculation that he was doing up to 145 km/h at the time he hit the wall at Glen Osmond. A speed camera at the Mount Osmond turn-off captured the truck driving at 104.6 km/h in the 60 km/h zone. He could have taken one of the arrester beds, but for some reason he did not. There is other commentary about other accidents that have happened down that length of the road.

I only brought a dozen loads down the old route when it went through Eagle on the Hill, back in 1992-93 bringing grain into Adelaide and, yes, you do have to select the right gear, absolutely. When you were in an old R-model Mack, it was fourth gear and you just took it gently down the hill. The old Macks had something called a dynatard; they did not have a jake brake. You would have been better off throwing your foot out the side and using that as a brake because the dynatard brake was basically useless. You did depend on your gears, and that is essentially what happened. If you did try to go down there even one gear higher, you ran the risk of losing your brakes and they would start smoking. I do understand about being in the right gear. From what I understand, the trucks now with the automatic gearbox, drivers can manage that for coming down the hill as well.

What this emphasises is our Globe Link policy. I know it has been discussed here earlier tonight with other members. We want to put a diversion from Monarto around the back of the Hills—perhaps come in around Two Wells and dodge all the hills, dodge all that risk—along with a railway line and a potential airport at Monarto in my electorate. It is a big plan, a big vision from this side of the house, and it could cost $9 billion or $10 billion over time, but at least it is forward thinking and not pushing everything—

The Hon. P. Caica: Which no-one agrees with.

Mr PEDERICK: You can speak in a minute, if you want. You will have 20 minutes if you want to have a go.

The DEPUTY SPEAKER: Order! I am going to protect the member for Hammond.

The Hon. P. Caica interjecting:

The DEPUTY SPEAKER: I am going to protect the member for Hammond. Member for Colton, that means you are not allowed to speak.

Mr PEDERICK: Chuck him out. Thank you, Madam Independent Deputy Speaker. I always appreciate your protection; I am only a little guy. This will take freight off the road. I have talked to plenty of freight operators who want to divert around there. We need this vision, and not just for road freight. We need it to get rail freight out of the Hills. I note the minister today talked about supposedly hundreds of kilometres of road freight upgrades throughout the state. He needs to get out and look at what has happened to those Mallee roads where we have no grain freight on rail anymore because the rubble is coming through the bitumen.

We have road train access out there now, bringing grain in from Pinnaroo, and those roads are getting torn up, torn to pieces with the extra freight that could well and truly go on rail. That is a poor decision that is going to cost consecutive governments millions and millions of dollars over time into the future instead of getting that track at least up to a reasonable standard so that we can run trains out of the Mallee, and better than the 25 km/h that they used to run. They had to run at night

because they could not even run in the heat in the end, because of the lack of maintenance, out to Pinnaroo and through to Karoonda and Loxton. Lots of money will be needed. It will run into hundreds of millions over time for these roads that have had trucks put back on them. We have had a good look at what can be done to get freight around Adelaide and coming to the north, by rail, road and air.

Finally, I want to talk about the inspection regime. I hope the minister addresses this in his speech because, as I said at the start of my contribution, this is about the South Eastern Freeway, but there will be plenty of trucks that operate to the north of the city and to the north of the state, even out to the east of the state and to the South-East, that will never come down the hill into Adelaide. I can understand that we want road safety, but this will be a blanket across all those trucks, and obviously there will be a lot of interstate registered trucks coming across, as they do, on one of the busiest freight routes in the country, between Melbourne and Adelaide. I acknowledge that for a nine-hour, one-way run, it is more efficient than rail for those distances.

While we are supporting this bill, I acknowledge that there will be some compliance costs that are going to have to be borne by industry and that will be passed on to consumers. There is absolutely no justification for seeing innocent people die at the bottom of the freeway, but there are a few cowboys in the industry who spoil it for everyone. They spoil it for everyone and what happens is that you have more legislation, more compliance and more regulation. Some of these trucks are just little trucks that cruise up to Mount Barker and back, and they might be six or eight-tonners or they might be septic pump trucks, or they might be concrete trucks.

We saw one the other day that had vice grips holding his brakes together, and that is not good enough. It is absolutely not good enough. People traverse that road. When I am in Adelaide I am always going through that intersection of Cross Road, Glen Osmond Road and Portrush Road. People should be able to know that they can go through that intersection in whatever lane and not be killed or injured.

I also note that most of the truck drivers—and when I say most, 99.9 per cent of them—do the right thing: they hang in the left lane until they get near the bottom and then they slowly want to edge out if they are heading up Portrush Road and they have to go across two lanes. It is also about education for car drivers coming into the city so that they can understand why the trucks have to pull out of the left-hand lane and get into the right-hand lane and why they want to go up Portrush Road—because that is the truck route at the moment. It causes some confusion and some angst.

That is another reason why, on our side of the house, we pursue the Globe Link policy to get freight out of the Hills. It will not get it all; some of it will go in direct, but we can divert one heck of a lot of freight around that intersection and away from that long seven-kilometre slope and keep some more people alive.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (21:17): I thank those members who have risen to speak on this important bill. It has been interesting for me, as the one who has brought this bill to the house, to listen to some of the contributions that have been made, particularly this evening, from those opposite about the bill. I have to say that, at least for the first 13 minutes of it, I was quite glad and quite moved that the member Hammond was the first and, so far, the only one to jump straight to the heart of the purpose of this bill. That is, of course, the horrendous accident and fatality that was caused to a member of the regional community, Mr Venning.

That fatal incident was the subject of a Coroner's inquiry into the circumstances of that accident. We heard from the member for Hammond in some detail something that we need to pause and reflect upon and remember every time there is an accident on our roads, particularly a casualty crash or one which causes a fatality, and that is what the real cost of these incidents can be. It can be an impact on an individual, an impact on a family, an impact on broader loved ones and particularly for those people who come from regional communities, the impact on a regional community.

This accident happened at a time when we seemed to have a spate of serious accidents on this part of the South Eastern Freeway. Certainly, since this particular accident the government was very quick to improve conditions on the road itself, as well as make sure that we kept a close ear for any recommendations that the Coroner might have made so that we could further improve safety on

the South Eastern Freeway, particularly for heavy vehicles and, importantly, also for those people sharing the South Eastern Freeway with those heavy vehicles.

Those measures undertaken by the government are referred to in the Coroner's report, making further recommendations for the government to follow up. At best, I am bemused; at worst, I am extremely disappointed by some of the petty and unnecessary politicking by some of those speakers opposite attempting to reflect poorly on South Australian police, on people who work for the Department of Planning, Transport and Infrastructure, let alone members of the government who worked assiduously and swiftly to make sure that we took those measures necessary to reduce the risk of these sorts of incidents recurring on this particular road.

It is an important piece of road. It carries a relatively high volume of traffic, both light vehicles and also heavy vehicles. It is a critical freight route and we know it is a critical freight route if for no other reason than it was recognition of its role as a freight route that attracted the significant amount of money—hundreds of millions of dollars—from the then federal Keating government to build the Heysen Tunnels, to straighten out that section of road which included such features that we have always been familiar with, like Devil's Elbow, like Eagle on the Hill, to provide a better road surface and to reduce the risk of both light and heavy vehicles coming to grief traversing this descent.

It is important that it attracted those funds because it is an important freight route, not because it is the only route through but because it is the most direct route through to market for the vast majority of heavy vehicles. It was then and it continues to be now. It is flabbergasting, really, that the opposition continues to pretend that the vast majority of heavy vehicle volumes do not need to use the South Eastern Freeway, that they do not need to access greater metropolitan Adelaide, whether it is the southern suburbs, the CBD or inner suburbs, or the northern suburbs. We know, from traffic data collected by the Department of Planning, Transport and Infrastructure, that on average more than 80 per cent of heavy vehicles using that descent down the South Eastern Freeway have business picking up or dropping off in metropolitan Adelaide.

They can come up with their ill-conceived, pie in the sky attempts to sandbag safe Liberal seats against the threat of Nick Xenophon, embodied in the policy of Globe Link, all they want, but it will not change the freight task for greater metropolitan Adelaide. I will speak about Globe Link in some detail in a few moments and, moreover, speak more directly about how, after nearly 16 years and after election after election after election, we have a Liberal Party that refuses to put up a transport policy to the electorate, let alone commitments about improving transport networks or infrastructure in their local electorates or in South Australia, that is suddenly, with the threat of a third independent political party breathing down the necks of a coterie of hitherto safe Liberal seats, goaded into action.

Not only are they goaded into action but they think, 'I wonder what project we could come up with which might provide some false dawn of hope to those long-suffering constituents who put up with MPs who refuse to work their electorates, to listen to their communities, to act in their best interests,' and are surprised that those constituents think, 'There must be a better way. We probably won't get a Labor member elected in these safe Liberal electorates, but we should look somewhere else.' They think, 'Well, let's vote for that third force. Let's vote for somebody like Nick Xenophon.'

When they are faced with that threat they think, 'Let's ignore all the contemporary evidence which has ever been produced by transport consultants on this particular matter. Let's ignore the detailed GHD study which was commissioned by the federal government in 2010,' which said that a freight bypass is not economically viable, that it did not justify the investment that would be required to deliver it and that it had a negative cost benefit ratio, which in effect means that whatever dollars you spend on it are net detractors from the state's economy.

Extraordinarily, this particular investment promised by the Liberal Party would actually dampen economic growth in South Australia rather than boost it. What an alarming and appalling attempt at public policy development by the Liberal Party. You can see why they do not do it very often—because when they dip their toe in the water they get themselves so dreadfully burnt.

Before I come back to the ins and outs of their failure on transport policy, I want to address some of the comments that have been made, first of all, by the member for Bragg. The member for Bragg holds herself, of course, as the voice of the opposition in this chamber or, if not the opposition,

at least the voice of herself. It brings her great pleasure to hear her voice drone on ad nauseam in this chamber without adding much to the proceedings of this place. She deeply regrets that the government would not proceed with a third arrester bed.

This matter was thoroughly investigated by the government. The findings of those investigations were made public and available for all to see. Despite all the effort that could be put to this task to establish whether a third arrester bed was possible and where it could be located, we established that it could not be within the current road design or, if one were to be provided, we would essentially have to move half a mountain, demolish the Mira Monte housing development and try to place one there. As the deputy leader, the member for Bragg, said, she has been proud to represent that downward track of the South Eastern Freeway for nearly all her time in parliament. I cannot imagine that that would be acceptable to her or that it would be acceptable to those constituents. So let's put that first furphy from the deputy leader to bed.

Secondly, she says that in Western Australia trucks must stop before they begin descending an equivalent type descent into the metropolitan area in Perth and because they do it so should we. This matter, of course, was investigated as well, and the problem we have with the descent is that if you stopped all trucks—bearing in mind that we have many thousands of movements of heavy vehicles per week, both trucks and buses—to pull them over, even into the left-hand most lane of what is, just after Crafers heading towards Adelaide, a three-lane road, you would cause traffic congestion in the peak times that would serve to bank traffic up back to Bridgewater. I cannot imagine that that would be acceptable to those constituents in the seats that are soon to be represented by members of the Nick Xenophon team.

She also said that she was disappointed that Portrush Road was still a designated freight route. How remarkable that she should make such a comment knowing full well that under the Globe Link plan, and knowing full well that more than four out of five trucks will still need to enter the metropolitan area, will still need to make use of the designated freight route of Portrush Road, that she should say that Portrush Road should not accommodate them. I wonder how the deputy leader and the member for Davenport reconcile their conflicting positions about not wanting trucks on Portrush Road to service metropolitan Adelaide, yet the member for Davenport says that we do not want trucks on Cross Road servicing the metropolitan area of Adelaide.

Where are these trucks meant to go? It seems the poor member for Unley is going to have to suffer that burden. They are all going to head down Glen Osmond Road instead. I cannot imagine that the member for Unley is going to be too chuffed about that, nor will his constituents be and nor will businesses be, particularly those that rely on either public transport services to pick up and drop off along the length of Glen Osmond Road or those businesses particularly in the Adelaide half of Glen Osmond Road that require kerbside parking, at least in their view, to support their businesses.

Of course, the deputy leader has always had strange views about Portrush Road. She tried to campaign against me and the government for wanting to install cyclist protection measures on Portrush Road in 2014. She made the extraordinary claims that installing bike lanes to try to provide safe space for cyclists on Portrush Road would be to their detriment. She tried to claim that providing those sorts of facilities would only encourage cyclists to use Portrush Road, rather than divert them to other roads. Which other roads, we are not sure because, as usual with the opposition, when it comes to a position on transport, the position is not particularly well thought through.

She also alleges that she has been told by her close friend, Rod Hook, that there is developed work for the grade separation of the Cross Road/Glen Osmond Road/Portrush Road intersection. Indeed, I assume that if the claim were true—which of course, it is not—the opposition would be in a position to commit to it at an election and, of course, like so many other areas of transport policy we do not hear a commitment from the opposition about a grade separation of this particular intersection, and I wonder what the impacts of that would be. Which would go? Would it be the residential development at Mira Monte? Would it be, perhaps, the Catholic landholding a little further around the corner on Cross Road? Would it be the residence on the other side of that intersection? Would it, indeed, be the petrol station?

Of course, none of those concerns or considerations has been entered into, and perhaps it is for those reasons—the sheer lack of thought that has been put into this by the opposition, or

perhaps because transport policy is just a bit hard for them—that we have not heard anything further from them. If, indeed, she did believe that there were well-developed plans into such an intersection treatment, I am stunned that the member for Unley has not taken the opportunity to FOI them. Lord knows, there are a few things that the member for Unley has not FOI'd, and I am surprised to hear that this is not amongst them.

Lastly, the member for Bragg complained about the onerous costs of obtaining a heavy vehicle licence and suggested that perhaps life would be easier for South Australians if we did not have to go through the rigmarole of getting a truck licence, if we did not have to pay those costs necessary to get a truck licence. Is she honestly suggesting that those people who are put in charge of heavy vehicles of more than 4.5 tonnes should not be adequately trained to handle them, should not be made aware of their obligations under the law above and beyond what they are for the rest of us who are licensed to drive light vehicles, or should not be made aware of, for example, the obligations and requirement pertaining to places such as the South Eastern Freeway—some of which were not followed in some of those horrendous accidents on the South Eastern Freeway—such as Australian Road Rule 108, the requirement to keep in a low gear?

In the opposition's haste to make petty political points about this bill not only do they embarrass themselves but I think they shake the confidence of the South Australian community and the trucking industry in terms of being a credible alternative, if they should happen to fall into government, when it comes to the interests of the heavy vehicle industry and the safety of the South Australian community.

Of course, after the deputy leader concluded her comments we did have the member for Unley who I must say, to be fair, similar to the member for Hammond, really did make an attempt to grasp the heart of this bill, and that is making sure that we do reform laws to send the right message as well as, where necessary and where proven, the right punishments to those members of the heavy vehicle industry who do not do the right thing in traversing the South Eastern Freeway. But after he did that, of course, he was first to start attempting to enlighten us about the merits of their doomed plan, which we now hear from the member for Hammond will cost $10 billion—that is $10,000 million—in an effort to sandbag three safe Liberal seats in the Adelaide Hills from Nick Xenophon.

The $10 billion plan will provide such benefits as—and I quote the member for Unley—the ability to extend trains from 1,500 metres to 1,800 metres. Well, it might come as some news to the member for Unley in his pursuit of greater productivity on the rail freight network that, after that GHD report was released, which identified a prohibitive cost to provide a rail freight bypass around metropolitan Adelaide, the then federal government, under the stewardship of what most Australians would regard as perhaps the best transport minister this country has seen in the last generation, Anthony Albanese, provided a joint funding proposal of $440 million to grade separate the passenger rail movements from freight rail movements at both the Goodwood junction, southern end of the city, and the Torrens junction, northern end of the city.

The Goodwood junction works were undertaken from 2010 and successfully delivered in 2013, and indeed the Torrens junction works are in their final weeks at the moment. It is those works, based on the GHD study of 2010, that enable freight trains servicing South Australia to be increased from 1,500 metres to 1,800 metres and not the inclusion of 11 passing loops, as referred to by the member for Unley. The evidence base for how to improve freight movements across metropolitan Adelaide was established in that GHD report.

The federal government and the state Labor government acted on that report. They invested nearly half a billion dollars into improving freight productivity on that line, futureproofing it for increases in rail freight into the years to come, ensuring that not only could we run 1,800-metre long trains into Adelaide from Melbourne and out again to Perth and vice versa but that, in doing so, by grade separating the freight line from the passenger line, those freight trains would no longer need to give way to those passenger train movements. That would mean that at junctions, like at Goodwood and also at Torrens and particularly, as the member for Unley mentioned, with the Torrens Road level crossing, those freight trains will not be slowing down and holding up vehicle traffic for five to six minutes.

They will be moving through much more quickly and delivering productivity to boot and that really is a good example of how somebody should address infrastructure and transport policy initiatives: establish an evidence base, examine the options for improvements, work out what the costs are and, when funding is available, fund them, and that is exactly what has happened here.

This false hope, or, as Paul Armanas from the Leader of the Opposition's office would say, this cruel hoax that is being visited on the public of South Australia, particularly those members living in the Adelaide Hills, that the Liberal Opposition is going to spend $10,000 million, according to the member for Hammond, on establishing a freight rail bypass around the Adelaide Hills quite simply will never happen. It will never happen.

We know that the freight rail bypass does not stack up, and we certainly know from all airport operators across Australia who have taken the time to comment on this that the airport does not stack up either. There is the assertion from the Leader of the Opposition that it works at the Toowoomba Airport, which is a privately operated airport that runs freight only. What did the owner and operator of the Toowoomba Airport say? 'We run passenger services. We rely on passenger services in order to make the freight services stack up.'

The fact that not even a Google search was done within the Liberal Party to try to establish what the facts were in this case is appalling and a disturbing insight into how they might approach policy development should they ever occupy the Treasury benches. More troublingly, we had to listen to 20 minutes of diatribe from the member for Chaffey. It is a burden that all 46 of us must bear, but it is not solely a burden. I recognise that in this parliament it is important to have people like the member for Chaffey. They reflect so well on the rest of us and make us look so much better, particularly when we listen to contributions like his.

Not only did he sit through question time today when I answered a question talking about regional road funding, outlining what the commitment to regional road funding is from the state Labor government, how it has increased, why it has increased and the roads it has been spending on but he immediately stands up during the grievance debate afterwards and says, 'I wonder what the state Labor government is doing on regional road funding? If only they would spend more money on regional road funding.'

Extraordinarily, he continued to make the case that he makes on his own in the Liberal Party to reduce the ability for higher productivity vehicles to operate on regional roads. How extraordinary for a regional member of the Liberal Party to make the case against B-doubles, against road trains, against high productivity vehicles; to consign farmers and livestock operators in his electorate to having to use smaller trucks and to place the burden on regional communities that he purports to represent of having a high number of truck movements across regional roads. It is just extraordinary.

But, then again, this is the same member for Chaffey who spoke proudly of his position on the state budget, voting against the state bank tax without realising the number of branches that have been closed in the last 24 months by the big four banks in his own electorate. It was news to him. Apparently he does not walk down the main streets of the towns within his own electorate. Apparently he has not noticed the vacant shops and the vacant holes in the walls where those banking facilities are no longer provided by the big four.

The member for Chaffey's approach to constituent representation is to maybe rock up once every two weeks to a party room meeting, see what everyone else is saying, walk into the chamber, say those sorts of things and ignore the impact on your own electorate. What a dreadful model of public representation he purports to deliver. He also made the spurious claims that people are registering their trucks interstate, not because of costs but because of the other arrangements by which we regulate vehicles. Well, yes, it is true that South Australia and most of the other states around Australia have signed up to the National Heavy Vehicle Regulator and to the model of national heavy vehicle regulation.

A couple of states have not. In fact, I should say a territory has not, the Northern Territory, and Western Australia has not. They do that for their own reasons. They are concerned, of course, that most of their freight task is conducted across vast distances and they are concerned about some of the improvements to regulation which the rest of the nation has made in an effort to not just improve productivity but to improve safety.

Things like making sure the rollout of electronic work diaries occurs so that we can better monitor the amount of driving that a particular driver does within 24 hours are really important. It is really important to make sure that we do not have overtired truck drivers steering what can be up to 52.5 tonnes of heavy vehicle down what sometimes can be only six to seven metres of road width, amongst light vehicles and amongst regional communities. It is desperately important that we keep those communities safe and that we continue lifting the bar to make sure that we are taking those measures to reduce the risk of heavy vehicle accidents on our roads.

While many people like to say that there have been hundreds of accidents across Australia involving heavy vehicles that have caused casualties or fatalities, it is important to remember that, although it is not the majority in number, there are a number that have been caused by heavy vehicles. Often, heavy vehicle drivers are subject to those same failings that we see for light-vehicle drivers—the rest of us—whether it is inattention, whether it is drowsiness. Making sure that truck operators are registered in a state that has signed up to national heavy vehicle regulation will ensure that we can continue reducing the risk of these accidents occurring.

I have to say the contribution that I thought was perhaps the most disappointing was the one from the member for Davenport. He did bring an audience into this chamber. Unlike the member for Schubert, he did not button his jacket, so we know that he was not being filmed by the leader's office, but he did try to put it on. We know when he puts it on because his voice rises in volume and assumes a timbre which is akin to the federal member for Sturt's. In fact, the two to the ear are almost indecipherable when they raise their voices—the member for Davenport and the federal member for Sturt. If you closed your eyes, it would be like hearing Christopher Pyne here in this chamber.

Mr PEDERICK: Point of order: I do not think we need to have all this reflection on state members and federal members.

The DEPUTY SPEAKER: Probably not. I am going to listen to the minister as he wraps up.

Mr PEDERICK: He might get back to road transport.

The DEPUTY SPEAKER: Thank you. Minister.

The Hon. S.C. MULLIGHAN: Thank you, Deputy Speaker. If it would please the member for Hammond, perhaps I can redirect my comments back to the substance of their contributions, such as their doomed to failure Liberal policy of Globe Link. It was a shame that the member for Davenport, in attempting to impress his dinner guests, spent the vast majority of his time attempting to prop up the campaign of the mayor of Unley, Lachlan Clyne, who is contesting one of the state seats. If we want to talk about whether things are on topic and whether members are addressing the substance of the bill, I am not quite sure what the fortunes or misfortunes of the Mayor of Unley have to do with the benefit of the public and for *Hansard*.

But the contribution from the member for Davenport included that chestnut that he does not believe that trucks servicing metropolitan Adelaide should use Cross Road. I draw members' attention back to the fact that only moments earlier the member for Bragg said that she did not believe that heavy vehicles should be using the designated freight route of Portrush Road. Where does that leave the South Australian Liberal Party? Again, we are back to Glen Osmond Road, are we not?

I know that in grasping at straws to try to make his case for investment in Globe Link—the $10,000 million policy, as the member for Hammond said earlier; the $10 billion that the Liberal Party is committing to this and diverting away from South Road upgrades—it is important for the member for Davenport. Not only has he been usurped by the member for Waite, not only has he been found sleeping at the wheel as the member for Waite successfully campaigned for and achieved $3.5 million for the upgrade of the Blackwood roundabout, but he is desperate to try to mislead his constituents into thinking that this policy will be to delivered by the Liberal government. Of course, it will not be.

On no assessment will this be found to be a good investment. On no assessment will this be found to deliver freight productivity benefits that would justify the cost of delivering them. On no assessment will the airport stack up, and on no assessment will the heavy vehicle movements demonstrate that metropolitan Adelaide and the goods that it requires to be delivered to it or taken from it can survive by having that freight volume around.

Of course, those regional members should know that a gazetted B-double heavy vehicle bypass has long existed around metropolitan Adelaide. A diversion from Tailem Bend via Mannum across to the Sturt Highway provides exactly the same bypass opportunity already at no further cost and at benefit, if they believe it to exist, that they tried to deliver for Globe Link. The fact that they do not even know the roads in their own electorates and what vehicles can use them is gobsmacking.

Mr Pederick interjecting:

The Hon. S.C. MULLIGHAN: Of course, the member for Hammond interjects with a comment about ferries. Which political party committed to replacing all the timber-hulled ferries?

Mr Pederick interjecting:

The DEPUTY SPEAKER: Order, member for Hammond!

The Hon. S.C. MULLIGHAN: Which political party was the one that committed to replacing the last of the timber-hulled ferries with steel ferries? It was not the Liberal Party. It was not the conservative MPs who represent regional electorates. I did. This party did. It is the Labor Party that consistently looks after the regions.

Mr Pederick interjecting:

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

The Hon. S.C. MULLIGHAN: Shockingly, it seems as if this Liberal Party thinks that South Australia finishes at Gepps Cross, which I find absolutely stunning. They forget their roots.

Mr PEDERICK: Point of order: I think I have heard enough.

The Hon. S.C. Mullighan: Which standing order?

Mr PEDERICK: Debate, 98. The minister is not responsible for Liberal policy. If he is so ingrained with it, let him get on board with us.

The DEPUTY SPEAKER: Minister.

The Hon. S.C. MULLIGHAN: Thank you, Deputy Speaker. I am stunned to hear that during the debate of legislation I should not be afforded the opportunity to debate legislation. That is incredible. I thought we had a parliamentary democracy which provided the opportunity for debate, but apparently the member for Hammond does not understand why he is here.

The DEPUTY SPEAKER: Could we move on?

The Hon. S.C. MULLIGHAN: Yes, I am happy to move on. Across all the contributions from those opposite, there was the assertion that the government had not moved to improve safety on the South Eastern Freeway after these fatal accidents, particularly those that occurred in the lead-up to and including 2014. For the benefit of those members opposite, I might just run through those measures that the government undertook to improve road safety on the South Eastern Freeway.

First, restrictions were placed on heavy vehicles and buses on the freeway descent from Crafers. The speed limits for heavy vehicles and buses were cut to 60 km/h, and they were restricted to the left lane only from Crafers to near the Measdays Bridge, where, of course, many of the heavy vehicles need to divert into right-hand lanes in order to turn right. An education campaign was undertaken to ensure that heavy vehicle drivers knew the requirement to use a low gear on the descent, rather than using the primary brake. The campaign included posting brochures regarding Australian Road Rule 108 to all South Australian heavy vehicle licence holders, truck and bus owners, freight companies and industry representatives.

Information on Australian Road Rule 108, which provides for that requirement, as I said, also appears on the website at mylicence.sa.gov.au. In addition, 170,000 information brochures on the requirement to use the low gear were sent throughout the country to all heavy vehicle licence holders and registered heavy vehicle owners, truck driver associations and road authorities. Since late August 2015, the *Heavy Vehicle Driver's Handbook* has been available online to download for free. Ring-bound copies were also made available at Service SA centres. The first 5,000 copies were free,

with some being made available to heavy vehicle training providers as part of their heavy vehicle licence training package.

The government has also taken active steps to promote the use of the two downward track safety ramps. Indeed, part of the concern from the heavy vehicle industry, as well as from driver representatives from the Transport Workers Union, was that drivers who were encountering the South Eastern Freeway descent for the first time may not be familiar with the term 'arrester beds'. While it may seem a small measure to most people in here, changing the name from 'arrester bed' to 'safety ramp' was deemed to make it much clearer to drivers, as they were heading down the descent, what opportunities there were for them to divert from the descent to keep their truck away from the rest of vehicle traffic if they found themselves in some form of trouble.

A 10-minute safety information and training video was developed in conjunction with industry, educators and SA Ambulance to demonstrate how to safely descend the South Eastern Freeway in accordance with Australian Road Rule 108. The video can still be viewed on YouTube and accessed from the Department of Planning, Transport and Infrastructure website. It raises awareness of the locations and benefits of using safety ramps. Of course, there was some media coverage at the time about whether people were avoiding using safety ramps, even if they thought they were in a situation where their truck was running out of control.

There was a concern from some driver representatives that perhaps some truck operators would not look too kindly on those drivers who ran a heavy vehicle into a safety ramp, basically bogging that heavy vehicle in the deep bed of gravel and causing some great expense to have it extracted by a heavy vehicle tow truck or similar. So one of the other measures the government introduced was to agree up-front—and publicised this very widely—to meet the cost of extracting heavy vehicles from safety ramps, should they be used.

Sitting extended beyond 22:00 on motion of Hon. S.C. Mullighan.

The Hon. S.C. MULLIGHAN: Some of the other measures we progressed after these accidents included reviewing the driver training for heavy vehicle licence holders, which I know the member for Bragg said was unnecessary and unduly burdensome on those people who wanted to move machinery around the state but which we think is important to make sure that people are appropriately trained.

Of course, that leads to this bill. This bill is the latest initiative giving effect to the South Australian government's response to the recommendations made by Deputy State Coroner Schapel on 12 January 2015 following the fatal accident in January 2014. These offences and penalties are consistent with the spirit of the Deputy State Coroner's recommendations made on that date in January 2015 and with the in-principle support provided by the state government in its responses to the Deputy State Coroner's recommendations, which were tabled in parliament for all members of parliament to avail themselves of, firstly on 15 March 2015 and then an addendum on 23 September 2015. The bill has been specifically informed by three of the deputy coroner's recommendations from the inquest into the death of Mr James William Venning.

In response to recommendations 1 and 2, the bill amends the Road Traffic Act 1961 to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide between Crafers and the intersection across Portrush and Glen Osmond roads. The first, based on Australian Road Rule 108, is failing to descend the downward track in low gear. The second is exceeding the set speed limit by 10 km/h or more, which, as we discussed earlier, has been reduced by the government to 60 km/h for heavy vehicles and buses.

These offences will be punishable by an expiation fee of $992, six demerit points and escalating periods of licence disqualification or suspension: six months for a first offence, 12 months for a second and three years for a third or subsequent offence. The bill will empower South Australian police to issue an immediate loss of licence with an expiation notice roadside. For safety camera detected offences, the Motor Vehicles Act 1959 will be amended to enable the Registrar of Motor Vehicles to apply a period of licence disqualification or suspension on expiation. For the purposes of determining the appropriate period of disqualification or suspension following an expiation, all previous South Eastern Freeway offences, regardless of whether it was a low gear or speed offence, will be taken into account.

Heavy vehicle owners who fail to nominate an offending driver will also be subject to these penalties. This is perhaps one of the most critical elements of this bill—that is, making sure that there is a greatly increased corporate fee for those heavy vehicle operators who fail to nominate the offending driver. Should a driver or owner be convicted by a court of either of these offences, they face, for a first offence, a maximum fine of $5,000, six demerit points and licence disqualification for not less than 12 months. I am sure you would agree, Deputy Speaker, that the gravity of these penalties is far in excess and beyond what we would do for equivalent offences in relation to those in light vehicles or indeed in relation to those in heavy vehicles in other areas.

For a second and subsequent offence there is no fine. Instead, in addition to six demerit points, there is licence disqualification for no less than three years, in addition to a maximum penalty of two years of imprisonment. For the purpose of determining the appropriate penalty, a court will be able to count any previous convictions for a South Eastern Freeway offence regardless of whether it was a low gear or speed offence. The penalties that a court may impose on a body corporate on conviction is a fine of no less than $25,000 and up to $50,000. The penalty for bodies corporate that choose not to nominate drivers have also been substantially increased, to a sum comprising the expiation fee of $25,000 for a speeding offence on the South Eastern Freeway descent. The increase from the current penalty of $300 to $25,000 will increase the responsibility for a body corporate to identify the driver of a speeding vehicle.

The response to the deputy coroner's 14th recommendation will be that all heavy vehicles be the subject of a periodic and frequent inspection regime. The bill amends the Motor Vehicles Act and the Road Traffic Act to ensure the prescribed classes of vehicles may be subject to an inspection. It is important at this point to discuss the inspection regime currently in operation, and which is being introduced here in South Australia.

The feedback we are getting from heavy vehicle drivers and truck operators is that those static heavy vehicle inspection stations are easily avoided by heavy vehicle operators. For decades now heavy vehicle drivers have communicated with one another by CB radio or similar, in cab, and when the inspection station was open the word would go out on the radio and there would be a temporary diversion of heavy vehicles around that inspection station, particular by those drivers who suspected their vehicles might be in an unroadworthy state.

Of course, that has led us to two things. The first is not putting all our resources into the basket of opening static inspection stations, which are well known by industry, but instead moving to random, risk-based inspection practices by both transport department officers and, in particular, by the SA Police heavy vehicle inspection division. The second, and as I alluded to here in this bill, is the establishment of a mandatory inspection regime for heavy vehicles.

This is something for which I was perhaps not expecting strong support from industry, but I have been pleasantly surprised by its response in supporting this wholeheartedly. They are very keen to make sure they chase down those operators in the industry who have unroadworthy vehicles, because those operators are giving the whole industry a bad name. Those operators are causing this government and national regulators to continually dial up the wick, to increase requirements and to increase penalties across the whole industry, even though it is only a small number of people who are doing the wrong thing.

The introduction of this mandatory inspection regime did start where we were being advised by the National Transport Commission that we had the greatest problem with unroadworthy trucks on South Australian roads. That was the rigid heavy vehicle fleet. That, of course, is gradually being extended to vehicles in different classes and in different risk categories.

I should say that agencies like the National Transport Commission and the National Heavy Vehicle Regulator did push back against this government's plan to introduce this mandatory inspection regime. They believed that policy development in this area should be left to them. The dreadful Cootes Transport incident—where a petrol tanker ran out of control causing a heavy vehicle collision in which, I think, five people died, some years before the accident which was the subject of the Coroner's inquiry in which these recommendations are based—caused New South Wales to act very quickly to pull all that transport company's vehicles off the road and to demand, at a national

level amongst the forum of transport ministers, that we ensure we have inspection regimes which target vehicles as soon as practicable.

As much as it might be from a public policy development perspective perhaps more in keeping with the expectations of policy bodies like the NTC to wait for them to establish a risk-based inspection regime, the demands of the public in New South Wales and South Australia will not wait. That is why we have moved, similar to how New South Wales has moved, to introduce this mandatory inspection regime.

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

The DEPUTY SPEAKER: Is there a special reason you are doing that?

Mr DULUK: I would like everyone to hear this wonderful contribution.

The Hon. S.C. MULLIGHAN: Obduracy, I think, is the answer you are looking for, Deputy Speaker.

Mr DULUK: I call your attention to the state of the house, Deputy Speaker.

The DEPUTY SPEAKER: I have counted them. Ring the bells.

A quorum having been formed:

The DEPUTY SPEAKER: Minister.

The Hon. S.C. MULLIGHAN: Thank you, Deputy Speaker. Where was I? Perhaps I will start again.

The DEPUTY SPEAKER: Maybe not.

The Hon. S.C. MULLIGHAN: Maybe not? Okay. The bill provides for a more robust compliance framework for inspections by raising penalty levels for a breach of the code of practice from $5,000 to $10,000 and providing for additional offences. The amendment to the Road Traffic Act enables an authorised officer to give directions over the phone to a vehicle operator at a private inspection facility where an authorised officer may not be present if the vehicle presents a critical risk.

These provisions are grounded in hard evidence gathered from the pilot heavy vehicle inspection scheme that commenced on 1 January 2017, which requires heavy vehicles three years of age and older with a gross vehicle mass or aggregated trailer mass of 4.5 tonnes or more to be inspected upon change of ownership. As of May 2017—and I think the member for Hammond got this bit right—approximately 600 vehicles were inspected, evidencing a consistently high failure rate at an average of 50 per cent, a frightening statistic that this bill aims to remedy.

I feel like I have barely touched the sides of some of the matters that need to be addressed in bringing this bill before the house. Nonetheless, I submit myself to the entreaties of the member for Newland, and I am prepared to move that this bill now be read a second time.

Bill read a second time.

Third Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (22:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

INDUSTRY ADVOCATE BILL

Final Stages

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

No. 1. Clause 3, page 3, after line 16 [clause 3, definition of *procurement operations*, (a)]—After subparagraph (ii) insert:

(iii) the delivery of a service by a third party on behalf of the authority; or

No. 2. Clause 3, page 3, line 22 [clause 3, definition of *procurement operations*]—Delete 'operations excluded from this definition by the regulations;' and substitute:

—

(e) the provision of funding to a third party by the authority that, in accordance with Treasurer's instructions, is classified as a grant; or

(f) operations excluded from this definition by the regulations;

No. 3. Clause 3, page 3, after line 37—Insert:

Treasurer's instructions means instructions issued by the Treasurer under Part 4 of the *Public Finance and Audit Act 1987*.

Consideration in committee.

The Hon. S.C. MULLIGHAN: I move:

That the amendments be agreed to.

I will agree to these amendments. I know they have been a matter of substantial controversy in the other place.

Motion carried.

At 22:10 the house adjourned until Wednesday 18 October 2017 at 11:00.